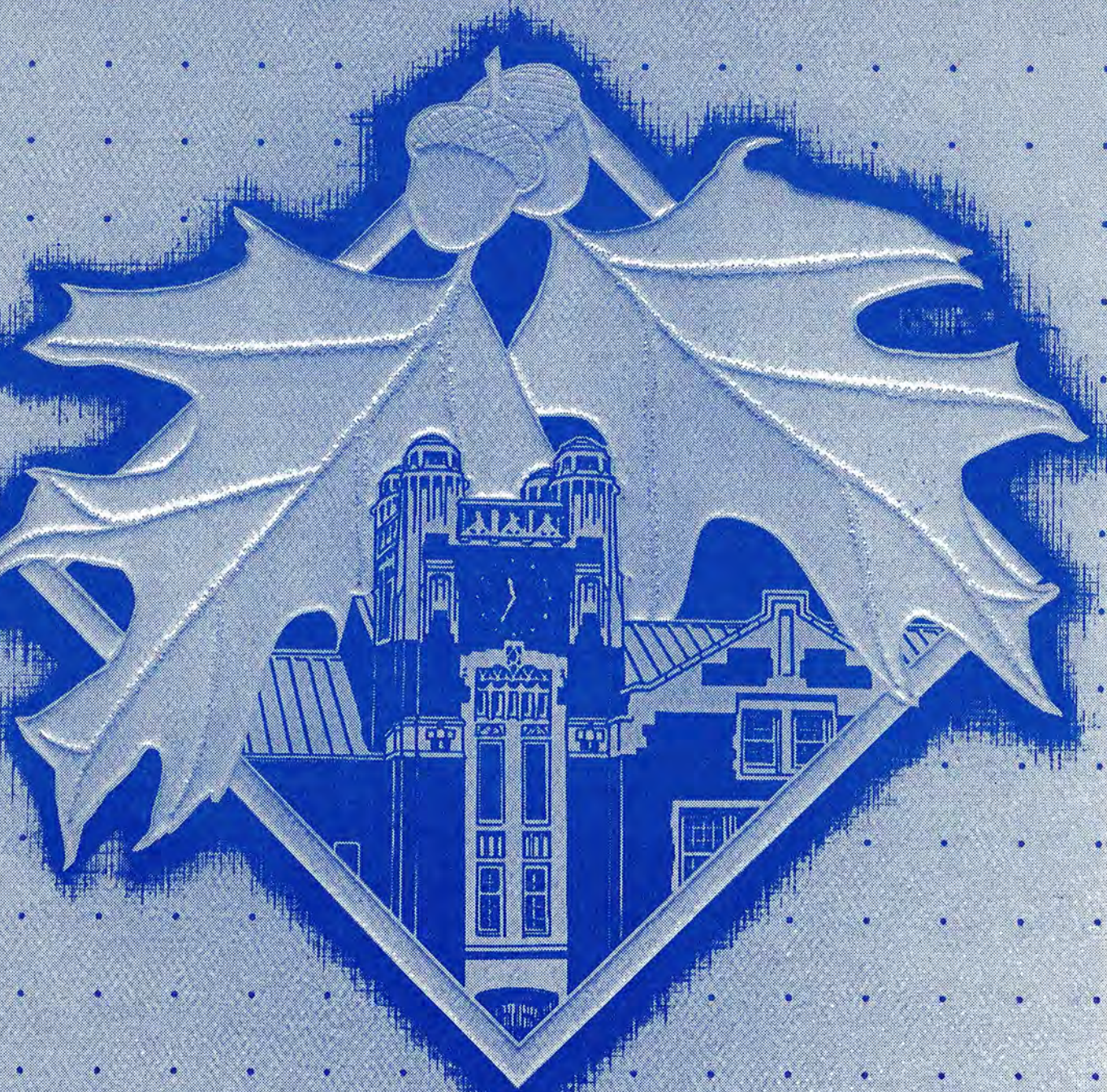


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The Office of the Dean of Students issues *Geneseo Update* in conjunction with the Division of Student and Campus Life. “Update” informs students of the most current information on mandated state and federal policies and regulations, as well as policies and regulations unique to Geneseo. It is the responsibility of each student to become familiar with the College’s policies. In addition to this publication, the on-line *Undergraduate Bulletin 2023-2024*, the on-line *Guide to Graduate Studies*, and the on-line *Geneseo Student Handbook* are important resources with which all undergraduate and graduate students should become acquainted.

Contained within this publication are portions of the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” summary, information mandated by the Drug-Free Schools and Communities Act of 1989, information on the bias-related crime prevention law, and numerous student life policies and procedures, including the amended Student Code of Conduct, the SUNY Geneseo Policy on Alcohol and Illicit Drugs, the SUNY Geneseo Hazing Policy, the SUNY Geneseo Academic Dishonesty Policy, SUNY Geneseo policies on sexual misconduct, as well as Title IX policies and procedures, New York State Sex Offense Information, and Geneseo’s implementation of SUNY policy on felony convictions. As there is some confusion of state law versus College policy, also included are the updated state marijuana laws. It is important to note that even though state law allows for marijuana to be consumed in New York, federal law prevents all consumption of cannabis, including medicinal use, on college campuses (including Geneseo).

A summary of SUNY Geneseo’s Safety and Security Policy, as well as criminal offenses reported to campus authorities or local police agencies, arrests and conduct actions or conduct referrals for liquor, drug and weapons violations, are compiled and available for all students. University Police’s “SUNY Geneseo Crime and Campus Safety – Your Right to Know” brochure is also replicated in full. This report includes statistics for the previous three calendar years concerning reported crimes that occurred in the residence halls; on campus; in certain off-campus buildings or property owned or controlled by SUNY Geneseo; and on public property within, or immediately adjacent to and accessible from, the campus.

In terms of personal privacy, there is certain directory information which the College may release to others without the student’s permission: the student’s name, local address, electronic mail (e-mail) address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, photographs and the most recent previous educational agency or institution attended by the student. However, a student may prevent the release of such information by writing the Dean of Students before the first Friday of each semester. A ‘disclosure hold’ in place at the time of a student’s departure (graduation, withdrawal, etc.) will remain in effect unless the student by written request seeks its removal. Also, the College may refuse to release such information if a request seems improper, e.g., for commercial exploitation.

We hope that you will find this publication a useful resource tool. The information contained within is considered to be illustrative rather than exhaustive. All information is current at the time of its printing, but is subject to change without prior notice. Such changes may apply to students currently enrolled, as well as prospective students.

Visit the on-line Student Handbook at

<http://handbook.geneseo.edu>

with links to key information, including  
any changes to policies since this publication.

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## Student and Campus Life

### POLICIES AND PROCEDURES

#### Student Code of Conduct

##### Article I – Introduction

SUNY Geneseo is distinguished by one overriding purpose: to achieve excellence in higher education. The College realizes this through a spirit of cooperation and collaboration among all members of the community. In particular, Geneseo values:

- Learning: embracing high expectations for intellectual inquiry, critical thinking, scholarly exploration, and personal growth.
- Creativity: Empowering a spirit of innovation that inspires intellectual curiosity, self-expression, and problem-solving.
- Belonging: Welcoming a diverse campus community that supports and celebrates different identities, promotes equity and inclusion, and respects the ideas and contributions of each individual.
- Civic Engagement: Encouraging active participation grounded in self-reflection, empathy, and an ethical commitment to the common good of our local and global communities.
- Sustainability: Building a culture of well-being that integrates and applies principles of environmental, social, and economic stewardship informed by an understanding of the past and our obligations to the future.

Individual honesty and integrity, respect of oneself and others, concern for the physical well-being of oneself and others, and concern for the community are fundamental to the development of self-awareness and interpersonal competence that characterizes a liberally educated person.

SUNY Geneseo has formulated a student code of conduct on behavioral standards and expectations, which is consistent with its mission as an educational institution. These regulations and the procedures for their enforcement described herein apply to all student conduct and behavior.

The specific regulations described below should not be viewed as a comprehensive code of desirable conduct; rather they describe the minimum standards of behavior expected of Geneseo students in order to facilitate the fulfillment of the basic mission of the values of the college.

This student code of conduct is based on the principle that each student must accept responsibility for their own behavior.

SUNY Geneseo publishes and makes available to all students its regulations and its procedures for enforcing them (via this document and on the internet). Students are expected to become familiar

with the regulations of SUNY Geneseo and act to accordingly. A summary of SUNY Geneseo's Safety and Security Policy, as well as criminal offenses reported to campus authorities or local police agencies, arrests and conduct actions or conduct referrals for liquor, drug and weapons violations, are compiled and available for all students. The most recent version of the Annual Security and Fire Safety Report can be found at [University Police](#).

##### Article II – Definitions

When used in this Student Code of Conduct:

1. The terms "College," "institution," and "SUNY Geneseo" mean the State University of New York College at Geneseo.
2. The term "student" includes all persons taking a course or courses at SUNY Geneseo, either full- or part-time, pursuing undergraduate or graduate studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with SUNY Geneseo or who have been notified of their acceptance for admission are considered "students", as are persons who are living in SUNY Geneseo residence halls, although not enrolled. This Student Code of Conduct applies to all locations of the college.
3. The term "faculty member" means any person hired by the College to conduct classroom or teaching activities or who is otherwise considered by the College to be a member of its faculty.
4. The term "College official" includes any person employed by the College, performing assigned administrative or professional responsibilities.
5. The term "member of the College community" includes any person who is a student, faculty member, administrative staff, or person employed by the College. The Dean of Students shall determine a person's status in a particular incident.
6. The term "College premises" includes all land, buildings, facilities, and other property in possession of or owned, used, or controlled by the College as well as including adjacent streets and sidewalks.
7. The term "organization" means any organization officially sponsored or recognized by the College.
8. The term "Student Conduct Board Committee" means a body of at least fifteen (15) members from which Student Conduct Board members are chosen. The President of the College appoints the members with the recommendation from the Dean of Students or their designee. The pool of Student Conduct Board Committee consists of at least five (5) faculty members, five (5) administrative staff members and five (5) student members. Appointments are for the period of one year.
9. The term "Student Conduct Board" means a group of three (3) voting members (1 administrative staff, 1 faculty, and 1 student) drawn from the Student Conduct Board Committee by the Dean of Students or their designee to hear a case of alleged

- student misconduct. In cases where there are allegations of violating the “SUNY Geneseo Sexual Violence Response Policy,” the Student Conduct Board shall consist of three faculty or administrative staff members. (If a case falls under the jurisdiction of the “Title IX Grievance Policy”, the hearing procedures will be dictated by the policies and procedures outlined in that separate policy.) In all other cases, the Student Conduct Board shall consist of 1 administrative staff member, 1 faculty member, and 1 student member. The Dean of Students or their designee serves as a nonvoting chairperson and procedural officer. The Student Conduct Board is charged with determining whether a student has violated the Student Code of Conduct and to levy sanctions when a rules violation has been committed. (College Council Approved Dec. 9, 2022)
10. The term “presenter” means a College faculty member or College official appointed by the Dean of Students or their designee to present College misconduct cases to the Student Conduct Board. The presenter does not represent any one party involved but rather offers the basic information on the case at hand. This may be the non-voting member and procedural officer.
  11. The term “Student Conduct Advisor” means a College faculty or administrative staff who assists the accused student or complainant in a Student Conduct Board review. The Dean of Students or their designee maintains the list of available Student Conduct Advisors. The conduct advisor may accompany the accused student to any Board review or pre-review meeting. The conduct advisor is chosen by the accused or complainant and may address the Student Conduct Board within a limited focus as determined by the presenter.
  12. The term “Student Conduct Administrator” means a College official authorized by the Dean of Students or their designee on a case-by-case basis to determine whether students have violated the Student Code of Conduct and to impose sanctions upon students found to have violated the Student Code of Conduct.
  13. The term “Appellate Administrator/Appellate Board” means any person or persons authorized by the Dean of Students or their designee to consider an appeal from a Student Conduct Board’s determination and/or sanctions, or from the determination and/or sanction(s) imposed by a Student Conduct Administrator. In cases where there are allegations of violating the “SUNY Geneseo Sexual Violence Response Policy”, the Appellate Board shall consist of three (3) faculty or administrative staff members. (If a case falls under the jurisdiction of the “Title IX Grievance Policy”, the appeal procedures will be dictated by the policies and procedures outlined in that separate policy.) In all other cases, the Appellate Board shall consist of 1 administrative staff member, 1 faculty member, and 1 student member. Appellate Board members should not have served on the Student Conduct Board for the initial hearing, should not present a conflict of interest, and should be properly trained in appeals procedures. (College Council Approved Dec. 9, 2022)
  14. The Dean of Students is the person designated by the College President to be responsible for the administration of the Student Code of Conduct.
  15. The term “policy” means the written regulations of the College as found in, but not limited to, the Student Code of Conduct, Residence Life License, the Geneseo Handbook, Update, and the Graduate/Undergraduate Bulletin.
  16. The term “cheating” includes, but is not limited to: 1) use of any unauthorized assistance in taking quizzes, tests, or examinations; 2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying-out other assignments; 3) the acquisition, without permission, of tests or other academic material belonging to a member of the College faculty and/or administrative staff; and/or engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.
  17. The term “plagiarism” includes but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the intentional use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.
  18. The term “hazing” is defined as any act, explicit or implicit, committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization or team and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of the student, regardless of the person's willingness to participate. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. (As approved by College Council Feb. 17, 2012)
  19. The term “complainant” means any person who submits a charge alleging that a student violated this Student Code of Conduct. When a student believes that they have been a victim of another student’s misconduct, the student who believes they have been a victim will have the same rights under this Student Code of Conduct as are provided to the complainant, even if another member of the College community submitted the charge.
  20. The term “accused student” means any student accused of violating this Student Code of Conduct.

### **Article III – Student Conduct Authority**

1. The Dean of Students or their designee shall determine the Student Conduct Administrator or Appellate Administrator, or the composition of the Student Conduct Board or Appellate Board, and determine who shall be authorized to hear each matter.
2. The Dean of Students or their designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of the Student Conduct Board reviews that are consistent with provisions of the student Code of Conduct. The Dean of Students or their designee is further authorized to modify those policies and procedural rules as long as the modifications are consistent with provisions of the Student Code of Conduct.
3. Decisions made by a Student Conduct Board and/or Student Conduct Administrator/Board shall be final, pending the outlined appeal process.

### **Article IV - Proscribed Conduct**

#### **A. Jurisdiction of the Student Code of Conduct**

The SUNY Geneseo Student Code of Conduct shall apply to conduct that occurs on College premises; at College sponsored activities, and to off-campus conduct that adversely affects the College community and/or the pursuit of its objectives. Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if the conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from the College while a conduct matter is pending. The Dean of Students or their designee shall decide whether the Student Code of Conduct shall be applied to conduct occurring off campus, on a case-by-case basis, in their sole discretion applying the standard articulated above.

It is the obligation of every student to notify the Dean of Students office or Office of Student Conduct and Community Standards of any felony or misdemeanor arrests occurring at any time after the time of application through the actual awarding of a degree or separation from the institution, regardless of geographic location of the arrest or specific crime alleged.

Students have no more than 5 business days from arrest and/or release from custody to notify the College of their arrest. Failure to do so may result in conduct charges by the College. The College may review the facts underlying the arrest to determine if there is a concomitant Code of Conduct policy violation.

The provisions of this code apply regardless of the media/form of communication.

#### **B. General Conduct Rules and Regulations**

The following is a list of examples of the types of behaviors that are antithetical to the values Geneseo has identified as essential elements of excellence in higher education. It is published to provide fair notice of the types of conduct that may result in disciplinary action. Note that engaging in speech or expression protected by the First Amendment is not a violation of College policy. This list is not all-inclusive.

1. Physical abuse or verbal abuse resulting in intimidation or coercion of another person or group of persons including acts such as killing, assaulting, battering, stalking, sexually assaulting, or sexually harassing another person, dating or domestic violence, or any other conduct which threatens or endangers the physical safety or welfare of any person. (Approved Oct. 16, 2020)
2. Deliberate or reckless endangerment, to self or others; tampering with safety alarms or equipment; setting unauthorized fires; violation of specific safety regulations; failure to render reasonable cooperation in any emergency.
3. Possession, use, or storing on campus of firearms (including but not limited to compressed air guns, air soft guns, pellet, or BB guns), dangerous weapons, dangerous chemicals, martial arts weapons (excluding those used by recognized student organizations and that have modified for use for practice, approved by the University Police Department, registered with College Union and Activities, and stored securely at an approved on-campus location), explosive devices of any description, knives (excluding standard kitchen knives or folding pocket knives), or fireworks.
4. Obstruction or disruption of regular College activities, including teaching, research, administration, campus services, student conduct proceedings, and organized events; deliberate interference with the free speech, expression or movement of members of the College community, including guests or visitors engaged in permissible use of College facilities; refusal to identify oneself when requested or to obey any other lawful instruction from a College official or faculty member to discontinue or modify any action which is deemed disruptive.
5. Dishonesty, including (but not limited to) provision of false information, alteration or misuse of documents, records, or instruments of identification, plagiarism, cheating or other forms of academic dishonesty, impersonation, misrepresentation, or fraud. Causing, making, or circulating a false report or warning of a fire, explosion, crime or other catastrophe.
6. Obscene behavior, offenses against public order, public sensibilities and the right to privacy, which include but is not limited to disorderly conduct, harassment, criminal nuisance and public lewdness.
7. Damage, abuse, or unauthorized use, or attempted or actual theft of personal, public, or College

- property, unauthorized entrance to college facilities, possession of stolen property, and littering.
8. Illegal use, sale, distribution, manufacturing, or possession of alcohol, intoxicants, or drugs (including but not limited to controlled substances and prescription medication). Participation of a student in any incident, accident, or personal injury that is related to the use by that student of alcohol, intoxicants, or drugs.
  9. Use or possession of open containers of alcoholic beverages on campus, other than at approved locations and events or in accordance with the SUNY Geneseo Policy on Alcohol and Illicit Drugs is prohibited. Containers of alcoholic beverages found on campus, which are not in compliance with approved college policies, will be confiscated and/or destroyed by a University Police officer.
  10. Hazing, for the purpose of pledging, initiation, admission to, holding office, affiliation with, or as a condition for continued membership in, any group or organization in discordance with the College's Hazing Policy. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts, they are violations of this rule.
  11. Gambling on-campus or at College sponsored student activities.
  12. Theft or abuse of computer resources, including but not limited to:
    - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
    - b. Unauthorized transfer of a file.
    - c. Unauthorized use of another individual's identification and password.
    - d. Use of computing facilities to interfere with the work of another student, faculty member or College official.
    - e. Use of computing facilities to send obscene or harassing messages.
    - f. Use of computing facilities to interfere with normal operation of the College's computing system.
    - g. Illegal use including but not limited to downloading or use of file sharing programs with regard to copyrighted materials.
    - h. Any other violation of the College's computer use policy.
  13. Any unauthorized use of electronic or other device to surreptitiously make an audio, video, photographic, web cast or digital record of any person while on College property without prior knowledge or without effective consent, except as permitted by law, when such a recording is likely to cause injury or distress. This includes but is not limited to surreptitiously taking pictures of another person in a location that violates the standard of reasonable expectation of privacy.
  14. Failure to comply with the lawful directions of any college official, staff member, or student employee who is acting in performance of duties of position, and/or failure to identify oneself to these persons when requested to do so. Emergency orders may supersede some written regulations. Students who receive directives which they consider unreasonable, although not illegal, must obey them at the time and may bring a formal complaint against the issuing staff members by writing to the Vice President for Student and Campus Life.
  15. Abuse of the conduct system, including but not limited to:
    - a. Failure to obey the summons of a conduct body or College official.
    - b. Falsification, distortion, or misrepresentation of information before a conduct body.
    - c. Disruption or interference with the orderly proceedings of a student conduct proceeding.
    - d. Institution of a conduct proceeding knowingly without cause.
    - e. Attempting to discourage an individual's proper participation in, or use of, the conduct system.
    - f. Attempting to influence the impartiality of a member of a conduct body prior to, and/or during the course of, the conduct proceeding.
    - g. Harassment (verbal or physical) and/or intimidation of a member of a conduct body, witness, or complainant prior to, during and/or after a conduct proceeding.
    - h. Failure to comply with the sanction(s) imposed under the Student Code of Conduct.
    - i. Influencing or attempting to influence another person to commit an abuse of the student conduct system.
  16. Violating any local, state or federal law if such action has serious impact on the College community.
  17. Violating any College policy, rule or regulation published in hard copy or available electronically on the College website.
  18. Deliberate incitement of others to commit any of the acts prohibited above; involvement as an accessory to any of the prohibited acts by providing assistance or encouragement to others engaged in them or by failure to separate oneself clearly from another individual or a group in which others are so engaged when there is sufficient time and opportunity to do so.
  19. Harassment, which may include any of the following:
    - a. Unwelcome conduct directed against a person that is so severe or pervasive that it interferes with an individual's employment, academic performance or participation in working or learning programs or activities, and creates a working or academic environment that a reasonable person would find intimidating or hostile;
    - b. Threatening or intimidating behavior, which would cause a reasonable person to become fearful;



- c. Engaging in a course of conduct or repeatedly committing acts directed at another person, which would seriously annoy a reasonable person; and
- d. Physically restraining or detaining another person

### **C. Violation of Law and College Policies**

Geneseo conduct proceedings may be instituted against a student charged with violation of a law, which is also a violation of the Student Code of Conduct. Proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Dean of Students or their designee.

Geneseo students, as members of the College community are expected to act with respect for the safety, personal rights and property of individuals and groups outside the College, as well as respect the proper authority of local, state, and federal officers and officials. Please note that off campus conduct is specifically covered by this code. It is covered if it is of a serious nature affecting the interests of the College community and violates College standards of conduct as set forth herein. Loss of privileges, specified conduct requirements, or separation from the College may be imposed on any student whose conduct on or off campus adversely affects the academic community, particularly as it shows failure to accept responsibility for the welfare of other persons.

A College conduct proceeding is not a trial; any attempt to make it similar would seriously impair its educational function, which requires open discussion rather than adversarial debate. The College is committed to providing due process to all students involved in the College conduct proceedings.

### **Article V – Conduct Procedures**

1. Any member of the College community may file a complaint against any student for misconduct. A complaint shall be prepared in writing and directed to the Dean of Students or their designee. Any complaint should be submitted as soon as possible and no later than six months after the event takes place. The Dean of Students may waive the six-month limitation when a late submission is reasonable.
2. The Dean of Students or their designee may conduct an investigation to determine if the charges have merit and/or they can be disposed of administratively by mutual consent of all parties involved, including the Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings.
3. The Dean of Students or their designee will review the results of the investigation to determine the severity of the charges. A case will then be designated as Level I or Level II based on the severity of the charges and/or conduct history. Level I cases are those in which the resultant action is expected to be less than suspension and

are adjudicated by a Student Conduct Administrator. Level II cases are more severe cases where suspension or dismissal from the College is a possible outcome. A Student Conduct Board hears Level II cases.

4. All charges shall be presented to the accused student in written form within five (5) business days of receipt of a written complaint. The written charges will outline the specific rule(s), regulation(s), or law(s) violated. Written notice also includes a brief description of the incident and, when possible, the date, time, and location where the alleged infraction occurred, and direct students to a copy of the Conduct Procedures. Maximum time limits for notification may be extended at the discretion of the Dean of Students. For Level I cases, a review shall be scheduled in not fewer than 24 hours and not more than ten (10) business days after the student has been notified. For Level II cases, a review shall be scheduled in not fewer than five (5) business days and not more than ten (10) business days after the student has been notified. Maximum time limits for scheduling of a review may be extended at the discretion of the Dean of Students. In sexual and interpersonal violence cases, charges shall be presented to both the reporting individual and the respondent.
5. In Level II cases, the complainant and the accused student, or the reporter and the respondent in sexual and interpersonal violence cases, are given the opportunity to meet with the Dean of Students or their designee prior to the convening of the Student Conduct Board to discuss the board procedures.
6. The College allows students accused of violating the Student Code of Conduct, and complainants in sexual and interpersonal violence cases, to have the benefit of counsel or a conduct advisor at all Level II conduct proceedings and in those cases where a student is facing coexistent criminal and intramural charges stemming from the same incident. Counsel or the conduct advisor's role shall be passive and it is limited to advising the student as to whether the student should or should not answer questions. Counsel or the conduct advisor is not allowed to question members of the conduct board or witnesses, or conduct a traditional defense. Should counsel or the conduct advisor attempt to participate beyond this defined role, the chairperson and procedural officer may disqualify counsel or the conduct advisor from further participation in the proceeding and direct their removal from the room.
7. Conduct proceedings shall be conducted by a conduct body according to the following guidelines:
  - a. Proceedings shall be conducted in private.
  - b. In Level I proceedings, persons in attendance shall be limited to the accused student and the conduct administrator.

- c. In Level II proceedings, persons in attendance shall be limited to: the complainant, the accused student, the conduct board, witnesses (for the duration of their statement), and counsel and/or the conduct advisor as described above. In Level II cases only, participants may also include the complainant (or a representative of the College if the College is the complainant), and counsel or conduct advisor of both the accused student and the complainant.
- d. In student conduct proceedings involving sexual and interpersonal violence, the campus will allow both parties to review available materials and documents held by the campus in accordance with college policy. Parties can also present available materials and documents as appropriate under campus policies.
- e. The complainant and the accused shall have the privilege of presenting witnesses, subject to the right of questioning by the conduct board, the complainant, and the accused. Any question asked by the complainant or the accused to a witness, the accused, or the complainant must be directed to the chairperson of the Conduct Board, who will then ask the question. This method is used to preserve the educational tone of the review and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Conduct Board.
- f. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a conduct board at the discretion of the chairperson or conduct administrator.
- g. All procedural questions are subject to the final decision of the chairperson of the conduct board or the conduct administrator.
- h. At the conclusion of the review, the conduct board or conduct administrator shall determine (by majority vote if the conduct body consists of more than one person) whether the student has violated each section of the Student Code of Conduct, which the student is charged with violating.
- i. The conduct body's determination shall be made on the basis of whether it is more likely than not that the accused student violated the Student Code of Conduct (preponderance of evidence).
- j. Upon determination of whether the accused student or respondent has violated any section of the Student Code of Conduct, which the student is charged with violating, a written notice of outcome will be sent to the student. In cases involving sexual and interpersonal violence, both the reporter and the respondent will be simultaneously informed in writing of the outcome, essential findings, and sanctions

within 10 business days of the review. Maximum time limits for notification may be extended at the discretion of the Dean of Students.

- k. Depending on the circumstances, in cases involving more than one student, the conduct body will hear each case either separately or as part of a group. For issues of group or organizational misconduct refer to the procedures outlined in "Conduct Procedures for Recognized Student Groups." (amendment approved October 1, 2021)
- l. A member of a conduct body who is unable to be impartial shall disqualify themselves. If the accused student challenges the impartiality of a conduct board member, a final determination as to the ability to serve on the conduct board will be made by the Dean of Students or their designee.
- m. There shall be a single verbatim recording made of all Level II (Student Conduct Board) proceedings. Deliberations shall not be recorded. This recording shall be the property of the College.
- n. If an accused student, with notice, does not appear before a Student Conduct Board, the information in support of the charges shall be presented and considered even if the accused student is not present. No student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a conduct body.
- o. The Student Conduct Board, for good cause, may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the review by providing separate facilities, by using a visual screen, and/or permitting participation by telephone, videotape, or other means, where and as determined by the Dean of Students or their designee.
- p. A student charged with any violation of this Student Code of Conduct may choose to waive, in writing, any of the rights and/or procedures provided to them under the Student Code of Conduct. When a student waives their right to a conduct procedure, the conduct body will be convened to review the case and determine appropriate sanctions. The decisions of the body will be binding, pending the normal appeal process.

#### **Article VI – Sanctions**

The following sanctions (multiple sanctions may be utilized for a single violation) may be imposed upon any student found to have violated the Student Code of Conduct. A student's past conduct record shall be considered in the determination of appropriate sanctions. The following is not an exhaustive list of sanctions.

Written Warning - A notice in writing to the student that the student is violating or has violated College regulations and is cautioned that there will be further consequences if the Code of Conduct is violated again.

Conduct Probation - A written reprimand for violation of specified College regulations in effect for a designed period of time, during which there is a probability of a more severe conduct sanction if there is any further violation of the Code of Conduct. Maximum term of Conduct Probation is one academic year (posted to end of semester of the term of the probation – i.e. December 31 or May 31).

Deferred Suspension – A period of time of observation in which a suspension is placed on hold. During this time the student remains enrolled with the understanding that any subsequent violation of the Student Code of Conduct could result in suspension or dismissal. Deferred Suspension is imposed for a specific period of time (no more than one academic year (posted to end of semester of the term of the suspension – i.e. December 31 or May 31)).

College Suspension - Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. The maximum term, which may be imposed (per adjudication), is one (1) calendar year (posted to end of semester of the term of the suspension – i.e.: December 31 or May 31).

The following actions may be applied in conjunction with Conduct Probation, Deferred Suspension and Suspension:

- Loss of Privileges - Denial of specified privileges for a designated period of time.
- Restitution - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Discretionary Sanctions - Work assignments, service to the College or other related discretionary assignments.
- Deferred Removal from College Residence Halls - Notice to a student that if there is subsequent violation of the Student Code of Conduct, the privilege of living in College residence halls will be terminated immediately with no refund.
- Residence Hall Suspension - Separation of the student from the residence halls for definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. No refund of housing charges.
- Residence Hall Dismissal - Permanent separation of the student from College residence halls. No refund of housing charges.
- Withholding a degree – Geneseo may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student

Code of Conduct, including the completion of any sanction imposed.

Revocation of admission – Admission to Geneseo may be revoked for fraud, misrepresentation, or other violation of Geneseo standards. (amendment approved October 1, 2021)

Conditional Discharge - Dismissal of charges on conditions established by a conduct board or conduct administrator.

College Dismissal (expulsion) - Permanent separation of the student from the College.

Other than dismissal, revocation or withholding of a degree, hazing or other serious violations which lead to the death or serious physical injury of another student (as defined previously), or crimes of violence, including but not limited to sexual violence, conduct sanctions shall not be made part of the student's permanent academic record, but shall become part of the student conduct record maintained by the Dean of Students Office.

For students found responsible for hazing, sexual assault, and other serious offenses that may have resulted in the death or severe injury of another person, or crimes of violence, including but not limited to sexual violence as it is defined in the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and who were subsequently suspended or dismissed from the College as a result of their conduct, a notation (either suspended after a finding of responsibility for a code of conduct violation, or dismissed after a finding of responsibility for a code of conduct violation) will be made on the student's Geneseo academic transcript. Students may appeal to the Dean of Students for the removal of such suspension notation provided that such notations shall not be removed prior to one year after the conclusion of the suspension, while notations for dismissal shall not be removed. Further, students found responsible for such violations shall not receive credit for the semester in which the suspension or dismissal occurred, and will be liable for all tuition and fees for that semester.

For students who withdraw from Geneseo prior to conduct charges being issued, and decline to complete the conduct process, Geneseo will make a notation on the transcript that the student “withdrew with conduct charges pending.”

#### **Article VII - Interim Suspension**

In certain circumstances, the President or their designee may impose a College or residence hall suspension prior to a Student Conduct review or Administrative Resolution with the Dean of Students or designee. (Approved Oct. 16, 2020)

1. Interim suspension may be imposed only if a student poses a direct threat:



- a. to ensure the safety and well being of members of the College community;
- b. to the student's own physical or emotional safety and well-being; or
- c. of disruption of, or interference with, the normal operations of the College.

By direct threat it is meant that, in the view of the College, there is a high probability of substantial harm.

2. During the interim suspension, the student shall be denied access to the residence halls and/or to College premises (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the College official effecting the suspension may determine to be appropriate.

If suspended in this manner, the student is entitled to an interview with the Vice President for Student and Campus Life or their designee, within five (5) business days from the effective date of the interim suspension in order to discuss the following issues only:

- a. the reliability of the information concerning the student's conduct, including the matter of their identity; and
- b. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the College campus poses a substantial threat to themselves or to others or the stability and continuance of normal College functions; and
- c. to outline the process through which the student's actions will be adjudicated through the Student Conduct Process or to establish the conditions under which a student may return to campus.

If an interim suspension is enacted as a result of a report of sexual and interpersonal violence, the respondent and the reporting individual are entitled to an interview with the Vice President for Student and Campus Life to review the items listed above.

#### **Article VIII - Notification of Parents**

The College is committed to a goal of student maturity and self-direction. The College also recognizes that some students have developed these qualities to a greater extent than others. In some cases, where a student has shown a pattern of irresponsible behavior and has not responded to College assistance or resources, parents may be notified. When a student is suspended, parents may be notified in order to provide parental assistance. All parental notification shall comply with the provisions of the Family Educational Rights and Privacy Act. Students are urged to discuss all conduct violations with their parents or guardians.

#### **Article IX - Release of Information**

Student conduct information is considered confidential and is governed by the College Records Policy, as well as federal and state law. When the news media or others seek information about conduct action, the policy employed to protect individual privacy is as follows:

1. To the question of whether a particular form of misconduct has occurred, the College will reply to the effect that such an incident of misconduct either was or was not reported (not proven).
2. To the question of whether a particular student was reportedly involved in misconduct, the College will not reply without the student's permission.
3. To the question of whether action has been taken, the College will reply to the effect that a student conduct review has been or will be or will not be held, without comment on the result of that review, only if the anonymity of all students involved can be maintained.
4. To the question of whether a specified action resulted from the review, the College may respond to the effect that it did or did not result, but only if the anonymity of all students involved can be maintained.
5. In the event that a public statement about student conduct action is incorrect or incomplete, the College may give any details considered necessary for an accurate report if it can do so without compromising any students' privacy rights.

#### **Article X – Appeals**

A decision or sanction reached by the Student Conduct Board or a conduct administrator may be appealed. A student's written appeal must be received in the Dean of Students Office within five (5) business days of receipt of written notification of the decision. Signed and dated appeals shall be delivered in person, via US Mail, via fax, or from a student's Geneseo email account.

Generally, the Dean of Students will serve as the Appellate Administrator in Level I cases, and an Appellate Board hears appeals in Level II cases. In cases where the Dean of Students is the Conduct Administrator for the Level I case, or is unable to hear the Level I appeal, the Vice President for Student and Campus Life or their designee will serve as the Appellate Administrator. All appeals of sexual assault or interpersonal violence cases shall be heard by an Appellate Board.

In cases of sexual and interpersonal violence, including sexual harassment, the accused/respondent and the reporting individual may both file a written appeal following a conduct administrator/board's written notice of outcome. If only one of the parties submits an appeal, the non-requesting party will receive notice of the appeal and may submit either their own appeal or a written response to the requesting party's appeal within five (5) business days

of receipt of notification, which the Appellate Board/Administrator will consider together.

When a student appeals a conduct decision, any action based on that decision shall be suspended until the appeal process is completed.

Written petitions of appeal must be based upon the circumstances listed below. The decision of the Appellate Administrator/Appellate Board is final and binding.

In cases involving appeals of violations of the Student Code of Conduct by accused students, review of the sanction by the Appellate Administrator/Appellate Board may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the Appellate Administrator/Appellate Board may, upon review of the case, decrease, but not increase, the sanctions imposed by the Conduct Administrator or Student Conduct Board. The Appellate Administrator/Appellate Board may also remand the case for a new review.

In cases involving appeals of violations of the Student Code of Conduct by reporting individuals in sexual and interpersonal violence cases, review of the sanction by the Appellate Board may not result in less severe sanction(s) for the accused student. Instead, following an appeal, the Appellate Board may, upon review of the case, increase, but not decrease, the sanctions imposed by the Student Conduct Board. The Appellate Board may also remand the case for a new review.

When both the accused and the complainant appeal in sexual and interpersonal violence cases, the Appellate Board, upon review of the case, may increase, decrease, or maintain sanctions, as appropriate, or remand the case for a new review.

Except as required to explain new evidence, an appeal shall be limited to review of the verbatim record of the initial review (in Level II cases – Student Conduct Board) and supporting documents for one or more of the following purposes:

1. Incorrect conclusion as to the extent of wrongdoing.
2. Failure of a conduct board/administrative officer to follow College procedural policy.
3. Extremely and unfairly punitive or lenient sanction(s). (In this case, it is necessary to distinguish between severe or mild action, which does not constitute grounds for appeal, and extremely punitive or lenient action, i.e., out of all proportion to the misconduct, which occurred.)
4. An appeal may be based on the unfairness of the rule, which was violated, in which case a decision on the appeal is made after the rule itself is reviewed by appropriate College personnel.
5. To consider new evidence, sufficient to alter a decision, or other relevant facts not brought out in

the original hearing, because the person appealing did not know such evidence and/or facts at the time of the original hearing.

#### **Article XI – Interpretation and Revision**

A question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students or their designee for final determination. The Student Code of Conduct shall be reviewed every two years under the direction of the Dean of Students.

#### **Article XII – Authorization**

The Education Law of the State of New York (Section 356) establishes College Council for each unit of the State University of New York with the power to make regulations governing the behavior and conduct of students at each respective campus. This Student Code of Conduct has been reviewed and approved by the College Council of SUNY Geneseo.

#### **Article XIII – Public Order**

In addition to the Student Code of Conduct, there is a separate set of conduct regulations entitled the Rules for the Maintenance of Public Order on College Campuses. These rules are implemented in compliance with section 6430 of the Education Law and comprise Part 535 of Title 8 of NYCRR. The College reserves the right to decide on which set of conduct regulations to use in reviewing an allegation of violation.

College Council Approval: October 7, 2011

Transcript Notation amendment Approved by Cabinet: October 2, 2015

Appellate Board amendment Approved by Cabinet November 10, 2015

Conduct proceedings review of materials amendment Approved by Cabinet November 10, 2015

Code 4 of General Conduct Rules and Regulations amendment Approved by Cabinet: June 27, 2017

Arrest self-reporting; interim suspension, transcript notations, and appeal adjustments for sexual misconduct; and adjustment to release of information, College Council Approval: October 12, 2018, Amended, August, 2019.

First amendment, Code 1 & 19, prior withdrawal, and interim suspension amendments College Council approved Oct. 16, 2020

Article V, 7k and Article VI Revocation of Admission amended and College Council approved Oct. 1, 2021.

Definitions 9 and 13 amended and approved by College Council December 9, 2022

## **Sexual and Interpersonal Violence Policies and Procedures**

The State University of New York and SUNY Geneseo are committed to providing options, support and assistance to victims/survivors of sexual assault, domestic violence, dating violence, gender discrimination, sexual harassment, and/or stalking to ensure that they can continue to participate in SUNY Geneseo-wide and campus programs, activities, and employment.

Anyone who experiences these types crimes and/or 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.

SUNY Geneseo encourages disclosing and/or reporting acts of sexual and interpersonal violence because this behavior is particularly harmful to the reporting person and creates a hostile learning environment. Therefore, the college encourages reporting incidents of sex discrimination, including sexual and interpersonal violence so that the college can respond and maintain a safe learning environment through both prevention education and vigorous pursuit of a resolution to such a report.

In accordance with SUNY policies on sexual violence, Article 129 of the Education Law and the Violence Against Women Act, SUNY Geneseo will adhere to the following policies, procedures, and definitions in cases of sexual misconduct. Sexual misconduct cases include dating violence, domestic violence, sexual violence, sexual exploitation, stalking, and sexual harassment that fall outside the scope of the College's Title IX Grievance policy.

For allegations that meet geographic scope and definition of sexual harassment under Title IX of the Education Amendments of 1972 regulations issued by the U.S. Department of Education on May 19, 2020, Geneseo's Title IX Grievance policy and procedures will apply.

### **Sexual Misconduct Policies Outside of Title IX**

#### **Definitions**

“Accused” shall mean a person accused of a violation, who has not yet entered the student conduct process.

“Advisor” is any individual who provides the accused or victim/survivor with support and guidance.

“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. 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. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. 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. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

“Amnesty”: Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases states that 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. SUNY Geneseo 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. SUNY Geneseo strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to campus 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 SUNY Geneseo officials or law enforcement will not be subject to SUNY Geneseo's student code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

“Annual Security & Fire Safety Report” (ASR) requires colleges and universities that participate in federal financial aid programs to report annual statistics on crime, including sexual assault and rape, on or near the campus and during study abroad programs, and to develop and disseminate prevention policies.

“Article 129-A (New York State Education Law)” requires all New York State public colleges to



maintain policies related to specific provisions of this Article. General provisions include the advisory committee on campus security, sexual assault, domestic violence and stalking prevention information, campus crime reporting and statistics, investigation of violent felony offenses, bias related crime prevention information, prohibition on the marketing of credit cards, and notification of fire safety standards and measures in all college-owned or college-operated housing.

“Article 129-B (Enough is Enough)” requires all colleges in New York State to adopt a set of comprehensive procedures and guidelines to address sexual violence, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement.

“Bystander intervention (Green Dot)” shall mean a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies. Bystander intervention (Green Dot) is when a bystander’s safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene. Green Dot encourages bystanders to use the 3 D’s (delegate, direct, or distract) when intervening.

“Campus Climate Survey” is administered bi-annually to all students and employees (per NYS Education Law 129-B – [Campus Climate Assessment Policy](#)). The purpose of the survey is to better understand Geneseo’s campus climate as it relates to sexual and interpersonal violence and to make informed decisions when it comes to providing a safe educational environment. An executive summary of the results of the survey are posted on the [Title IX website](#).

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or “The Clery Act” is a federal statute (20 U.S.C. §1092(f)) that requires colleges and universities that participate in federal financial aid programs to keep and disclose statistics about crime on or near their campuses. Compliance is monitored by the U.S. Department of Education.

“College” means State University of New York at Geneseo or Geneseo.

“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, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers (Student Health & Counseling staff) are examples of institution employees who may

offer confidentiality. Our community partners, RESTORE and Chances & Changes, are also confidential resources.

“Dating violence” is any violent act or acts committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of a social relationship of a romantic or intimate nature with the victim is determined based on the reporting party’s statement, the length of the relationship, the type of relationship, and frequency of interaction between the persons involved in the relationship.

“Domestic violence” is a felony or misdemeanor crime of violence committed by any of the following individuals: current or former spouse or intimate partner of the victim; or a person with whom the victim shares a child in common; or a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

“Incapacitation” occurs when an individual lacks the ability to fully, knowingly choose to participate in sexual activity. Incapacitation includes impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or if an individual otherwise cannot consent.

“Institution” shall mean any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York.

“Preponderance of the evidence” is the standard of proof in sexual and interpersonal violence cases, which asks whether it is “more likely than not” that the violence occurred. If the evidence presented meets this standard, then the accused should be found responsible.

“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. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the Institution.

“Reporting individual” shall encompass 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 disclosure or a report of a sexual assault or an act of interpersonal violence.

“Respondent” shall mean a person accused of a violation, who has entered the student conduct process.

“Responsible employee” is an employee with the authority to redress sexual and interpersonal violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. If a responsible employee is aware of sexual violence, then the college is considered on notice of that sexual violence.

“Retaliation” is 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.

“SaVE Act”: The SaVE Act is an acronym for the Campus Sexual Violence Act provision of the 2013 reauthorized Violence Against Women Reauthorization Act (VAWA). The SaVE Act provision, Section 304, requires colleges and universities to report domestic violence, dating violence, and stalking beyond the crime categories the Clery Act already mandates; adopt certain student conduct procedures, such as for notifying victims of their rights; and adopt training protocols and policies to address and prevent campus sexual violence.

“Sexual act” means: 1) contact between the penis and the vulva or the penis and the anus, 2) contact involving the penis occurs upon penetration, however slight; 3) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; 4) 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 5) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 17 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

“Sexual assault/violence” is physical sexual act perpetrated against a person’s will or where a person is incapable of giving consent. Such acts include, but are not limited to, rape, sexual battery, and sexual coercion.

“Sexual contact” means 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.

“Sex discrimination/gender discrimination” includes all forms of: sexual harassment, sexual assault, and sexual violence by employees, students, or third parties against employees, students, or third parties. Students, College employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the College campus and whether or not the incidents occur during working hours. Title IX prohibits all acts of sex discrimination, including sexual harassment and sexual assault/violence.

“Sexual exploitation” occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy;
- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism; knowingly transmitting an STI or HIV to another student;
- exposing one’s genitals in non-consensual circumstances;
- inducing another to expose their genitals; and
- sexually-based stalking and/or bullying may also be forms of sexual exploitation.

“Sexual harassment” is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the university’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

“Stalking” means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for their safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic

means, with such person(s) in a manner likely to intimidate, annoy, or alarm them.

“Student Code of Conduct” shall mean the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated or has an on-going relationship in the college.

“Title IX” of the Education Amendments of 1972 is a comprehensive federal law that protects people from discrimination based on sex in education programs or activities, which receive Federal financial assistance. The law prohibits discrimination on the basis of sex in any federally funded education program or activity. Colleges must promptly respond to complaints of sexual harassment and sexual violence in a way that limits its effects and prevents its recurrence.

“Title IX Coordinator” shall mean the Title IX Coordinator and/or his or her designee or designees. The Title IX Coordinator provides ongoing training, consultation, and technical assistance on Title IX (and related laws) for all students and employees.

“Title IX Investigators” assist the Title IX Coordinator in investigating reports of gender discrimination, sexual harassment, sexual assault/violence, stalking, dating violence and domestic violence.

“Title IX Investigation” refers to the activities related to an institutional conduct complaint, including but not limited to fact-finding investigations, formal or informal meetings, preparation of materials for student conduct board hearings and appeals.

“Victim/survivor” means a person who suffers personal, physical, or psychological injury. These policies use “reporting individual” as encompassing the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings for a report of a violation.

“Violence Against Women Act” (“VAWA”). As required by The Violence Against Women Act, colleges and universities are required 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.

## **Students’ Sexual and Interpersonal Violence Bill of Rights**

The State University of New York and SUNY Geneseo 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 SUNY Geneseo-wide and campus programs, activities, and employment. All victims/survivors of these actions, 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 behavior 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 the experience and participate in the judicial or conduct process and/or criminal justice process free from outside pressures from SUNY Geneseo;
- 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 or victim/survivor is at fault when this experience occurred, or should have acted in a different manner to avoid such experience;
- 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; and
- exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College.



### Options in Brief:

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- receive resources, such as counseling and medical attention;
- confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, visit <https://www.geneseo.edu/titleix>)
- make a report to:
  - an employee with the authority to address complaints including:
  - the Title IX Coordinator, 585-245-5023, Doty Hall 303
  - the Student Conduct Office, 585-245-5714, MacVittie College Union 354
  - the Office of Human Resources, 585-245-5616, Doty Hall 318
- Make a report to law enforcement:
  - University Police Department, 245-5222, Schrader Hall 19
  - local law enforcement agencies in Geneseo:
    - Geneseo Police Department, 585-243-2420, 119 Main Street, Geneseo, NY 14454
    - Livingston County Sheriff's Police Department, 585-243-7100, 4 Court Street, and/or
    - NYS Police Troop E Geneseo, 585-658-9480, 5831 Groveland Station Road, Route 63, Mt. Morris, NY 14510
    - Contact Family Court or Civil Court
    - Speak with the District Attorney's Office, (585) 243-7020

Copies of this Bill of Rights shall be distributed annually to students, made available on the College's website, and posted in each campus residence hall, dining hall, and college union and shall include links or information to access the Sexual Violence Response Policy and the Options for Confidentially Disclosing Sexual Violence.

### Sexual and Interpersonal Violence Response Policy

In accordance with the Students' Bill of Rights, reporting individuals shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below:

#### Reporting

To report *confidentially* the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services (more information on confidential report is available in the Options for Confidentially Disclosing Sexual Violence Policy)

- Anonymously via an internet or telephone anonymous reporting system: [http://www.geneseo.edu/police/silent\\_witness](http://www.geneseo.edu/police/silent_witness)
- Student Health Services, 585-245-5736
- Counseling Services, 585-245-5716

To disclose *confidentially* the incident and obtain services from the New York State, New York City or county hotlines:

<http://www.opdv.ny.gov/help/dvhotlines.html>.

Additional disclosure and assistance options are catalogued by the [Office for the Prevention of Domestic Violence](#) and presented in several languages (or by calling 1-800-942-6906), and assistance can also be obtained through:

- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
- Legal Momentum: <https://www.legalmomentum.org/>
- Call Chances & Changes (dating/domestic violence services) 1-888-252-9360
- Call RESTORE (sexual assault services) 1-800-527-1757
- [NYSCASA](#)
- NYSCADV: <http://www.nyscadv.org/>;
- Pandora's Project: <https://pandavs.org/>
- Gay Alliance of Genesee Valley, 585-244-8640, [www.gavalliance.org](http://www.gavalliance.org)
- RAINN: <https://www.rainn.org/get-help>; and /or
- Safe Horizons: <http://www.safehorizon.org/>.

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/survivors are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.

To disclose the incident to the following college officials who can offer *privacy* and can provide information about remedies, accommodations, evidence preservation, and how to obtain support services. These officials will also provide the information contained in the Students' Bill of Rights, including the right to choose when and where to report, to be protected by SUNY Geneseo from retaliation, and to receive assistance and resources from college officials. 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 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:

Title IX Coordinator  
303 Doty Hall  
585-245-5023 (office)  
585-443-6458 (24/7 cell)  
[titleix@geneseo.edu](mailto:titleix@geneseo.edu)

Dean of Students  
354 MacVittie College Union  
585-245-5706  
[deanstu@geneseo.edu](mailto:deanstu@geneseo.edu)

Associate Vice President for Human Resources  
318 Doty Hall  
585-245-5616  
[hr@geneseo.edu](mailto:hr@geneseo.edu)

Assistant Dean of Students for Student Conduct & Community Standards  
354 MacVittie College Union  
585-245-5714  
[conduct@geneseo.edu](mailto:conduct@geneseo.edu)

University Police  
19 Schrader Hall  
585-245-5222  
[police@geneseo.edu](mailto:police@geneseo.edu)

To file a criminal complaint with the University Police and/or with state or local law enforcement and/or the state police:

- SUNY Geneseo's University Police Department, 585-245-5222, 19 Schrader Hall
- Geneseo Police Department, 585-243-2320, 119 Main Street, Geneseo, NY 14454
- Livingston County Sheriff's Office, 585-243-7100, Court Street, Geneseo, NY 14454
- NYS Police Troop E Geneseo Station, 585-658-9480, 5831 Groveland Station Road, Route 63, Mt Morris, NY 14510 or the
- NYS Police 24-hour hotline (1-844-845-7269) to report sexual assault or an act of interpersonal violence

To receive assistance from the Title IX Coordinator, (o: 585-245-5023; 24/7 cell: 585-443-6458) Doty Hall, Rm. 303 in initiating legal proceedings in family court or civil court.

To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Coordinator for information and assistance. Reports will be investigated in accordance with SUNY Geneseo policy. If the reporting individual wishes to keep the identity private, they may **call** the Title IX Coordinator (o: 585-245-5023; 24/7 cell: 585-443-6458) anonymously to discuss the situation and available options.

When the accused (respondent) is an employee, the reporting individual may also report the incident to the SUNY Geneseo Office of Human Resources (318 Doty Hall; 585-245-5616) or may request that one of the above referenced confidential or private employees assist in reporting to Employee Relations or 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, college officials will, at the request of the victim/survivor, 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.

You may withdraw your complaint or involvement from SUNY Geneseo's process at any time.

The college shall ensure that, at a minimum, 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 University Police, local law enforcement, and/or State Police or choose not to report; to report the incident to SUNY Geneseo; to be protected by SUNY Geneseo from retaliation for reporting an incident; and to receive assistance and resources from SUNY Geneseo."*

The Title IX Coordinator will conduct a timely review of all complaints of sexual assault, interpersonal violence, sexual harassment, and gender discrimination.

#### **Resources:**

##### **A. To obtain effective intervention services.**

- Counseling Services, Lauderdale, 585-245-5716. There is no charge to a student when seeking assistance at Counseling Services.
- Student Health Services, Lauderdale, 585-245-5736. There are fees associated with testing a student for STIs. The charges for the tests are set at a reasonable cost. Charges for the tests can be charged to Student Accounts and would be listed as lab work on the bill or the charge can be billed to the student's personal insurance. Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available. Student can also receive services and testing information from Livingston County Reproductive Health – available at Student Health and Counseling.
- Employees are encouraged to use their health care provider or contact Geneseo's EAP (Employee Assistance Program) for more information on available services call 585-245-5740 or visit the website <https://www.geneseo.edu/eap> or the NYS EAP Hotline at 1-800-822-0244.

- *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/survivors for health care and counseling services, including emergency funds. More information may be found by calling 1-800-247-8035. Options are explained [on the NYS website](#).
- To best preserve evidence, the reporting individual 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.

#### **Interim Measures and Accommodations**

- A. When the accused/respondent is a student, to have the college issue a “No Contact Order,” consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused/respondent and a reporting individual observe each other in a public place, it is the responsibility of the accused/respondent to leave the area immediately and without directly contacting the reporting individual. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a No Contact Order, consistent with SUNY Geneseo’s policy. Parties may submit evidence in support of their request.
- B. To have assistance from University Police or the Title IX Coordinator in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- C. To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with the Title IX Coordinator or University Police who can explain the order and answer questions about it, including information from the Order about the accused/respondent’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- D. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension. Contact the Title IX Coordinator, at 585-245-5023 or [titleix@geneseo.edu](mailto:titleix@geneseo.edu) for assistance.
- E. To have assistance from University Police in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the

jurisdiction of University Police or, if outside of the jurisdiction to call on and assist local law enforcement in effecting an arrest for violating such an order.

- F. When the accused/respondent is a student and presents a continuing threat to the health and safety of the community, to have the accused/respondent subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension by contacting the Vice President for Student and Campus Life at 585-245-5618. The Title IX Coordinator can also assist with this request.
- G. When the accused/respondent 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, to subject the accused/respondent to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and SUNY Geneseo’s policies and rules.
- H. When the accused/respondent is not a member of the college community, to have assistance from University Police or the Title IX Coordinator in obtaining a persona non grata letter, subject to legal requirements and college policy.
- I. To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order 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:

Title IX Coordinator  
Doty Hall, Rm. 303  
585-245-5023 (office)  
[titleix@geneseo.edu](mailto:titleix@geneseo.edu)

#### **Student Conduct Process:**

1. To request that student conduct charges be filed against the accused/respondent. Conduct proceedings are governed by the procedures set forth in the SUNY Geneseo handbook, <https://www.geneseo.edu/handbook>, as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.
2. Throughout conduct proceedings, the accused/respondent and the reporting individual will have:
  1. the same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the 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](#);



2. 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 and interpersonal violence, the effects of trauma, impartiality, the rights of the accused/respondent, including the right to a presumption that the accused/respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking;
3. 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;
4. the right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused/respondent individual 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;
5. the right to have a 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 except when law enforcement specifically requests and justifies a longer delay;
6. the right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by SUNY Geneseo);
7. the right to present evidence and statements at a hearing, where appropriate;
8. the right to a range of options for providing statements via alternative arrangements, including telephone/videoconferencing or having with a room partition;
9. the right to exclude prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis or treatment from admittance in college conduct stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the conduct process and that determines a conduct sanction(s);
10. 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;
11. the right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions;
12. the right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanctions, and the rationale for the decision and any sanction(s);
13. the right to written or electronic notice about the sanction(s) that may be imposed on the accused/respondent based upon the outcome of the conduct proceeding. Students who are found responsible for sexual assault will be suspended (with possibly additional requirements) or dismissed. Students found in violation of dating violence, domestic violence, sexual harassment or stalking will be either placed on disciplinary probation, placed on deferred suspension, suspended or dismissed. Students that are placed on disciplinary probation, deferred suspension or suspended may be sanctioned intervention services, restrictions from accessing college or community buildings, and educational programs. For more information, review the [Student Code of Conduct](#). Details of sanctions are outlined in the [Geneseo’s Annual Fire and Security Report](#);
14. access to at least one level of appeal of a determination before the Dean of Students or Appellate Board, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest;
15. the right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained in the Student Conduct office for at least five years;
16. the right to choose whether to disclose or discuss the outcome of a conduct hearing; and
17. 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.

### **Options for Confidentially Disclosing Sexual Violence**

The State University of New York and SUNY Geneseo are committed to getting you the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk with someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality applies to different resources that may be available to you.

### Privileged and Confidential Resources

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as a health and/or safety emergency. At SUNY Geneseo, this includes:

- Counseling Services: 585-245-5716, Lauderdale Health Center, <https://www.geneseo.edu/health/counseling/services/home>
- Physicians, licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship:
- Health Services: 585-245-5736, Lauderdale Health Center, <https://www.geneseo.edu/health>

Off-campus options to disclose sexual violence *confidentially* include (note that these outside options do not provide any confidential information to the campus):

- Off-campus community partners:
  - RESTORE (sexual assault specialist), Doty Hall, Rm. 303, 800-527-1757, <https://restoresas.org>. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
  - Chances & Changes (dating/domestic violence & stalking specialist), Doty 303C, 585-245-6492, <http://chancesandchanges.org/>. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
- Local Sexual Assault Nurse Examiner (SANE) hospitals and programs:
  - Strong Memorial Hospital, 585-275-4551
  - Wyoming County Community Hospital, 585-786-8890
- Off-campus healthcare providers:
  - Strong Memorial Hospital, 585-275-4551
  - Wyoming County Community Hospital, 585-786-8890
  - Noyes Urgent Care (Geneseo), 585-243-9395

Medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More

information may be found by calling 1-800-247-8035. Options are explained [on the NYS website](#).

Even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to themselves or others and the mandatory reporting of child abuse.

### Non-Professional Counselors and Advisors

Non-professional counselors and advisors can also assist you without sharing information that could identify you. At SUNY Geneseo, this includes: Health Services, 585-245-5736, Lauderdale Health Center, <https://www.geneseo.edu/health>.

These individuals will report the nature, date, time, and general location of an incident to SUNY Geneseo's Title IX Coordinator, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

### Privacy versus Confidentiality

Even SUNY Geneseo offices and employees who cannot guarantee *confidentiality* will maintain your *privacy* to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible under the law for tracking patterns and spotting systemic issues. SUNY Geneseo will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### Requesting Confidentiality: How SUNY Geneseo Will Weigh the Request and Respond

If you disclose an incident to a SUNY Geneseo employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality or do not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures is the Title IX Coordinator (585-245-5023) or the Dean of Students (585-245-5706). We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored unless the SUNY Geneseo's failure to act does not adequately mitigate the risk of harm to you or other members of the SUNY Geneseo community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual (respondent). If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, SUNY Geneseo will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- whether the accused has a history of violent behavior or is a repeat offender;
- whether the incident represents escalation, such as a situation that previously involved sustained stalking,
- the increased risk that the accused will commit additional acts of violence;
- whether the accused used a weapon or force;
- whether the reporting individual is a minor; and
- whether we possess other means to obtain evidence and whether the report reveals a pattern of perpetration at a given location or by a particular group.

If SUNY Geneseo determines that it must move forward with an investigation, the reporting individual will be notified and SUNY Geneseo will take immediate action as necessary to protect and assist them.

#### **Public Awareness/Advocacy Events**

If you disclose a situation through a public awareness event such as "*Take Back the Night*," candlelight vigils, protests, student organization or other event or forum, or other public event, SUNY Geneseo is not obligated to begin an investigation. SUNY Geneseo may use the information you provide to inform the need for additional education and prevention efforts.

#### **Anonymous Disclosure**

- Silent Witness Form, [https://www.geneseo.edu/police/silent\\_witness](https://www.geneseo.edu/police/silent_witness)
- RESTORE (sexual assault), 800-527-1757
- Chances & Changes (dating/domestic violence and stalking), 888-252-9360

#### **Institutional Crime Reporting**

Reports of certain crimes occurring in certain geographic locations will be included in the SUNY Geneseo's Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting

individual or victim/survivor. Contact the Title IX Coordinator, (585-245-5023) for more information.

SUNY Geneseo is obligated to issue timely warnings of Clery Act crimes occurring within relevant geography that represent a serious or continuing threat to students and employees (subject to exceptions when potentially compromising law enforcement efforts and when the warning itself could potentially identify the reporting individual or victim/survivor). A reporting individual will never be identified in a timely warning.

The Family Education Rights and Privacy Act (FERPA) allows institutions to share information with parents/families when (1) there is a health or safety emergency, or (2) when the student is a dependent on either parents/families' prior year federal income tax return. Generally, SUNY Geneseo will not share information about a report of sexual violence with parents/families without the permission of the reporting individual.

#### **Reporting aggregate data to New York State Education Department (NYSED):**

1. SUNY Geneseo shall annually report to the department the following information about reports of domestic violence, dating violence, stalking and sexual assault:

- a. The number of such incidents that were reported to the Title IX Coordinator;
- b. Of those incidents in paragraph a of this subdivision, the number of reporting individuals who sought action through the SUNY Geneseo's conduct process;
- c. Of those reporting individuals in paragraph b of this subdivision, the number of cases processed through the SUNY Geneseo's conduct process;
- d. Of those cases in paragraph c of this subdivision, the number of respondents who were found responsible through the SUNY Geneseo's conduct process;
- e. Of those cases in paragraph c of this subdivision, the number of respondents who were found not responsible through the SUNY Geneseo's conduct process;
- f. A description of the final sanctions imposed by SUNY Geneseo for each incident for which a respondent was found responsible, as provided in paragraph d of this subdivision, through the conduct process;
- g. The number of cases in the SUNY Geneseo's conduct process that were closed prior to a final determination after the respondent withdrew from the College and declined to complete the disciplinary process; and
- h. The number of cases in the SUNY Geneseo's conduct process that were closed because the complaint was withdrawn by the reporting individual prior to a final determination.

2. The department shall create a reporting mechanism for institutions to efficiently and uniformly provide the information outlined in subdivision one of this section.

### **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. SUNY Geneseo 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. SUNY Geneseo strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to the Title IX Coordinator. 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 SUNY Geneseo officials or law enforcement will not be subject to a code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

### **Policy on How Parties Can Review the Case File/Evidence**

SUNY Geneseo ensures that every student be afforded the following rights. Throughout proceedings involving such an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate SUNY Geneseo's Code of Conduct, the right to review and present available evidence in the case file, or otherwise in the possession or control of the College, and relevant to the conduct case, consistent with college policies and procedures.

### **Policy Review of Interim Measures and Accommodations**

1. When the accused (respondent) is a student, to have the college issue a "No Contact Order," meaning that continuing to contact the reporting individual is a violation of college policy subject to additional conduct charges; if the accused (respondent) and the reporting individual observe each other in a public place, it is the responsibility of the accused (respondent) to leave the area immediately and without directly contacting the reporting individual. Both the accused (respondent) and the reporting individual may request a prompt review of the need for and the terms of a No Contact Order, this request should

be submitted to the Title IX Coordinator or Dean of Students.

2. To have assistance from the University Police Department, NYS Police or the Title IX Coordinator in initiating legal proceedings in family court or civil court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
3. To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with the police or the Title IX Coordinator who can explain the order and answer questions about it, including information from the Order about the accused (respondent)'s responsibility to stay away from the reporting individual; that burden does not rest on the reporting individual.
4. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension. Contact the Title IX Coordinator, (585-245-5023) or law enforcement for assistance.
5. To have assistance from the University Police Department in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of University Police, if outside of the jurisdiction to call on and assist local law enforcement in effecting an arrest for violating such an order.
6. When the accused/respondent is a student and presents a continuing threat to the health and safety of the community, to have the accused/respondent subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension by contacting the Dean of Students (585-245-5706) or the Vice President for Student and Campus Life (585-245-5618).
7. When the accused/respondent 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, to subject the accused/respondent to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and SUNY Geneseo's policies and rules.
8. When the accused/respondent is not a member of the college community, to have assistance from University Police or the Title IX Coordinator in obtaining a persona non grata letter, subject to legal requirements and college policy.
9. To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. While victims/survivors may request accommodations through any of the offices referenced in this



policy, the Title IX Coordinator's office (Doty Hall Rm, 303, 585-245-5023, c: 585-443-6458) will serve as the point of contact to assist with these measures.

### **Transcript Notations Policy**

Generally, conduct actions are not noted on academic transcripts. For students found responsible for hazing, sexual assault, and other serious offenses that may have resulted in the death or severe injury of another person, or crimes of violence, including but not limited to sexual violence as it is defined in the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and who were subsequently suspended or dismissed from the College as a result of their conduct, a notation (either suspended after a finding of responsibility for a code of conduct violation, or dismissed after a finding of responsibility for a code of conduct violation) will be made on the student's Geneseo academic transcript. Students may appeal to the Dean of Students for the removal of such suspension notation provided that such notations shall not be removed prior to one year after the conclusion of the suspension, while notations for dismissal shall not be removed. Further, students found responsible for such violations shall not receive credit for the semester in which the suspension or dismissal occurred, and will be liable for all tuition and fees for that semester.

### **Sexual Harassment Policy**

Sexual harassment is a form of sex discrimination which is unlawful in the workplace under Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law. Under Title IX of the Educational Amendments of 1972, sexual harassment also is prohibited in the provision of educational services and protects students and employees from sexual harassment.

Sexual harassment is prohibited and will not be tolerated at SUNY Geneseo (the College). The College has implemented measures to address and prevent sexual harassment and is taking additional affirmative steps to increase awareness of, and sensitivity to, all forms of sexual harassment in order to maintain a workplace and learning environment free of its harmful effects. SUNY Geneseo will provide annual mandatory training to all employees, in order to provide pertinent definitions, reporting options, grievance procedures, and strategies for prevention.

Sexual harassment is a form of workplace discrimination and employee misconduct, as well as a form of discrimination in the academic setting, and all employees and students are entitled to work and learn in a campus environment that prevents sexual harassment. All employees and students have a legal

right to a workplace and a campus free from sexual harassment, and employees and students can enforce this right by filing a complaint internally with the College, or with a government agency, or in court under federal or state anti-discrimination laws, as detailed in the [University's Discrimination and Sexual Harassment Complaint Procedure](#).

In accordance with applicable law, sexual harassment is generally described as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic benefit; or
- Submission to or rejection of the conduct is used as the basis for an employment or academic decision affecting the person rejecting or submitting to the conduct; or
- The conduct has the purpose or effect of unreasonably interfering with an affected person's work or academic performance, or creating an intimidating, hostile or offensive work or learning environment.

Sexual harassment can include physical touching, verbal comments, non-verbal conduct such as leering or inappropriate written or electronic communications, or a combination of these things. Examples of sexual harassment may include, but are not limited to:

- Seeking sexual favors or a sexual relationship in return for the promise of a favorable grade or academic opportunity;
- Conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or
- Intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, and other forms of sexually offensive conduct by individuals in positions of authority, co-workers or student peers, that unreasonably interferes with the ability of a person to perform their employment or academic responsibilities.
- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against, or poking another person's body;
  - Sexual assault and rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning a target's job performance evaluation, a promotion or other job benefits or detriments, or an educational benefit or detriment;

- Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on computers or cell phones and sharing such displays while in the workplace or classroom.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, and gender identity (including transgender and gender non-binary), such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform their employment or academic duties;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

Such behavior can constitute sexual harassment regardless of the self-identified or perceived sex, gender identity, gender expression, or sexual orientation of any of the persons involved. Sexual harassment is considered a form of employee and student misconduct which may lead to disciplinary action. Further, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Employees and students who believe they have been subjected to sexual harassment may use the [University's Discrimination and Sexual Harassment Complaint Procedure](#) for more details on how to have their allegations reviewed, including a link to a [complaint form](#).

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure, is unlawful, is strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about or provides information regarding unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Adverse action includes being

discharged, disciplined, discriminated against, or otherwise subject to adverse action because the individual reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Participants who experience retaliation should contact the campus Chief Diversity Officer, and may file a complaint pursuant to these procedures.

The College shall take the necessary steps to ensure that this Sexual Harassment Response and Prevention Policy Statement is distributed, implemented, and enforced in accordance with our respective policies.

#### **Procedure**

- A. Report of alleged incidents of sexual harassment are appropriately addressed through the [SUNY Discrimination and Sexual Harassment Complaint Procedure](#) and through the [Student Code of Conduct](#) process. Complaints can be submitted to Human Resources, Office of Diversity and Equity, the Dean of Students, and the Title IX Coordinator.
- B. Should disciplinary/conduct action be found necessary, the appropriate procedures in current collective bargaining agreements or student conduct regulations will be followed.
- C. Use of the complaint procedure internally does not deprive any complainant of the right to pursue the complaint with University Police or an outside enforcement agency. See the SUNY Discrimination and Sexual Harassment Complaint Procedure for a listing of outside enforcement agencies.
- D. The deadline for filing a complaint is consistent with the timeframes outlined in the SUNY Discrimination and Sexual Harassment Complaint Procedure. Employees who wish to discuss the grievance procedure in more detail may contact The Office of Diversity and Equity, Title IX Coordinator, or the Office of Human Resources. Students who wish to discuss the complaint procedure in more detail may contact the Title IX Coordinator or the Dean of Students.

A person who knowingly and/or intentionally files a false complaint under this policy may be subject to disciplinary/conduct action.

### **Sexual Misconduct Policy**

Sexual misconduct is the term used by the College to encompass non-consensual sexual behavior, including sexual assault, nonconsensual sexual contact, non-consensual sexual intercourse, and sexual exploitation. These are all forms of unwanted actual or attempted sexual activity and are violations of the College's Student Code of Conduct.

Sexual assault is defined as a physical sexual act or acts committed against a person's will and consent, or when a person is incapable of giving active affirmative consent, incapable of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. \* Sexual assault includes what is commonly known as "rape," whether forcible or non-forcible, including what is commonly called "date rape" and "acquaintance rape," fondling, statutory rape, and incest. For statutory rape, the age of consent in New York State is 17 years old. Sexual assault can be committed by anyone, regardless of sex, sexual orientation, gender identity or gender expression. Nothing contained in this definition shall be construed to limit or conflict with the sex offenses enumerated in Article 130 of the New York State Penal Law, which shall be the guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.

Affirmative consent is a knowing, and voluntary and mutual decision among all participants to engage in sexual activity. Affirmative consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in 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.

Affirmative 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. Affirmative consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Affirmative consent may be initially given but withdrawn at any time. Affirmative 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. Affirmative consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When affirmative consent is withdrawn or cannot be given,

sexual activity must stop. Affirmative consent may be withdrawn at any time 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.

Non-consensual sexual contact means the deliberate touching of another person's intimate body parts, however slight, with any body part or object, by any person that is without active affirmative consent and/or by physical force, violence, threat of violence, intimidation, or coercion. Using force, violence, threat, intimidation or coercion to cause a person to touch their own or another person's intimate body parts is also considered non-consensual sexual contact.

Non-consensual sexual intercourse means any sexual penetration, however slight, with any body part or object by a person upon another person that is without active affirmative consent and/or by force. Intercourse includes: vaginal penetration, anal penetration, and oral sex (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact. Sexual exploitation means taking non-consensual sexual advantage of another person, and includes causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over that person; prostituting another person; recording, photographing, or transmitting identifiable images of private sexual activity and/or intimate body parts of another person; allowing third parties to observe the sexual acts of others without the actors' active affirmative consent; engaging in voyeurism; and/or knowingly or recklessly exposing another person to significant risk of sexually transmitted infection. Incapacitation means the physical and/or mental inability to make informed, rational judgments about participating in sexual activity. Persons who are not merely under the influence of drugs or alcohol but incapacitated as a result of the consumption of alcohol or other drugs, persons who are unconscious, asleep or otherwise physically helpless, and persons under the legal age of consent (17) can never give active affirmative consent. Persons who do not have the capacity to understand the act, its nature, and possible consequences of the act can never give active affirmative consent.

\* For more information on sexual harassment, see the College's sexual harassment policy.

Approved by College Council  
December 22, 2011

Revisions Recommended by SUNY Working Group  
on Sexual Violence Prevention and Approved by  
SUNY Geneseo College Council March 25, 2015  
Revised July 23, 2015

### **Student Onboarding and Ongoing Education**

The State University of New York and its State-operated and community colleges believe that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, SUNY campuses will continue to educate all new and current students using a variety of best practices aimed at educating the entire college community in a way that decreases violence and maintaining a culture where sexual assault and acts of violence are not tolerated.

All new first-year and transfer students will, during the course of their onboarding to a SUNY State-operated or community college, receive training on the following topics, using a method and manner appropriate to the institutional culture of each campus:

- The institution prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution.
- Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- The role of the Title IX Coordinator, University Police Department, and other relevant offices that address violence prevention and response.
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact.
- The Students' Bill of Rights and Sexual Violence Response Policy, including:
- How to report sexual violence and other crimes confidentially, and/or to college officials, campus law enforcement and security, and local law enforcement.
- How to obtain services and support.
- Bystander Intervention and the importance of taking action, when one can safely do so, to prevent violence.
- The protections of the Amnesty in Sexual and Interpersonal Violence Cases.
- Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
- Consequences and sanctions for individuals who commit these crimes.

The onboarding process is not limited to a single day of orientation, but recognizes that students enroll at

different times at different SUNY campuses and gives campuses the flexibility to best educate students at a time and manner that can most effectively bring these points to light. SUNY will conduct these trainings for all new students, whether first-year or transfer, undergraduate, graduate, or professional. Each campus shall use multiple methods to educate students about sexual violence prevention. Each SUNY institution will also share information on sexual violence prevention with parents of enrolling students.

Students at SUNY State-operated and community college campuses shall be offered general and specialized training in sexual violence prevention. Each institution will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population. Further, institutions will, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees of the campus, leaders and officers of registered/ recognized student organizations, online and distance education students. Institutions will also provide specific training to members of groups identified as likely to engage in high-risk behavior.

Beginning in the 2015-2016 academic year, SUNY State-operated and community colleges will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

Methods of training and educating students may include, but are not limited to:

- President's welcome messaging;
- Peer theater and peer educational programs;
- Online training;
- Social media outreach;
- First-year seminars and transitional courses;
- Course syllabi;
- Faculty teach-ins;
- Institution-wide reading programs;
- Posters, bulletin boards, and other targeted print and email materials;
- Programming surrounding large recurring campus events;
- Partnering with neighboring SUNY and non-SUNY colleges to offer training and education; Partnering with State and local community organizations that provide outreach, support, crisis intervention, counseling and other resources to victims/survivors of crimes to offer training and education. Partnerships can also be used to educate community organizations about the resources and remedies available on campus for students and employees seeking services; and

- Outreach and partnering with local business those attract students to advertise and educate about these policies.

Each SUNY campus must report back to the Chancellor on or before March 31, 2015 on their plan to comply with this policy. Each institution must engage in a regular assessment of their programming and policies to determine effectiveness. The institution may either assess its own programming or conduct a review of other campus programming and published studies to adapt its programming to ensure effectiveness and relevance to students.

Approved by Cabinet, July 2015

### **Campus Climate Assessment Policy**

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. Beginning in the 2015-2016 academic year, each State University of New York State-operated and community college will conduct a uniform climate survey that ascertains student experience with and knowledge of reporting and college adjudicatory processes for sexual harassment, including sexual violence, and other related crimes.

The survey will address at least the following:

- Student and employee knowledge about:
  - the Title IX Coordinator's role;
  - campus policies and procedures addressing sexual assault;
  - how and where to report sexual violence as a victim/survivor or witness;
  - the availability of resources on and off campus, such as counseling, health, academic assistance;
  - the prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years);
  - bystander attitudes and behavior;
  - whether victims/survivors reported to the SUNY Geneseo and/or police, and reasons why they did or did not report;
  - the general awareness of the difference, if any, between the institution's policies and the penal law; and
  - the general awareness of the definition of affirmative consent.

Every institution shall take steps to ensure that answers remain anonymous and that no individual is identified. Results will be published on the campus website providing no personally identifiable information will be shared.

Beginning in the spring semester of 2015, the Chancellor or designee will convene a group of

scholars and practitioners to review methods of assessing campus climate, specific questions asked in past surveys, relevant data on responses and response rates, issues and problems encountered in survey implementation, and lessons learned from past surveys. The Chancellor or designee will gather this data and seek to develop a standardized survey, with the advice of relevant members of the SUNY community and knowledgeable outside entities, that uses established measurement tools, to be implemented every two years by all SUNY State-operated and community colleges beginning in the 2015-2016 academic year. This policy may be changed by the Chancellor or designee should federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

Approved by Cabinet January 27, 2015

Revised July 23, 2015

*Title IX updated October 2019*

### **Sexual Misconduct Policies Within Title IX**

#### **Scope**

This policy outlines the procedures for reporting, investigating, and adjudicating allegations of discrimination under Title IX of the Educational Amendments of 1972 at SUNY Geneseo and applies to all faculty, staff, and students at the College.

#### **Policy Statement**

#### **What is the purpose of the Title IX Grievance Policy?**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.



See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, SUNY Geneseo will implement the following Title IX Grievance Policy, effective August 14, 2020.

### **How does the Title IX Grievance Policy impact other campus disciplinary policies?**

In recent years, “Title IX” cases have become a shorthand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, SUNY Geneseo must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. **Only** incidents falling within the Final Rule’s definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

SUNY Geneseo remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has a Student Code of Conduct, as well as additional employment policies that establish acceptable professional behaviors and norms, and a separate [Sexual Violence Response Policy](#) that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses. *[Note: Any Sexual Misconduct Policy that runs parallel to the Title IX Grievance Policy, such as a policy implementing New York Education Law 129-B or other state laws or policies, can only fully govern how the institution responds to violations falling outside their Title IX jurisdiction]*

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the SUNY Geneseo Sexual Assault and Interpersonal Violence Policies and Procedures. For employees, this includes, but is not limited to, application of the Sexual Violence Response Policy as well as procedures and processes provided for in various collective bargaining agreements, as may be applicable.

The procedural elements established in the Title IX Grievance Policy under the Final Rule have no effect on and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation

except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section II.

## **II. The Title IX Grievance Policy**

### **General Rules of Application**

#### **Effective Date**

The Title IX Grievance Policy will apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

#### **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, then this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the SUNY Geneseo Sexual Assault and Interpersonal Violence Policies and Procedures.

#### **Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution’s policy or process may contact the U.S. Department of Education’s Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>.

### **Definitions**

#### **Covered Sexual Harassment**

For the purposes of this Title IX Grievance Policy, “covered sexual harassment” includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);

2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York domestic or family violence laws or 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 New York State.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the SUNY Geneseo Student Code of Conduct or applicable employment policies.

### **Complainant**

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

### **Consent**

For the purposes of this Title IX Grievance Policy, "consent" means: 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.

- 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.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time. 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.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

### **Education Program or Activity**

For the purposes of this Title IX Grievance Policy, SUNY Geneseo "education program or activity" includes:

- Any on-campus premises
- Any off-campus premises that SUNY Geneseo has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of SUNY Geneseo's programs and activities over which SUNY Geneseo has substantial control.

### **Employee**

Any faculty member at SUNY Geneseo or staff employed by the College or a College-related Organization and its subcontractors who are issued College identification cards.

### **Formal Complaint**

For the purposes of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within SUNY Geneseo's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

### **Relevant evidence and questions**

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent 34 C.F.R §106.45(6)(i)
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege. Legally recognized privileges include but are not limited to attorney-client privilege, physician-patient privilege, and spousal (marital) privilege.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).
- The results of tests or investigative techniques that are deemed by the Title IX coordinator (in consultation with legal counsel) to lack scientific or evidentiary merit or which are likely to cause damage (including harassment) to any party or the College community.

### **Respondent**

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

### **Privacy vs. Confidentiality**

Consistent with Student Code of Conduct or applicable employee policy, references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean SUNY Geneseo offices and employees who will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as required or allowed by law, necessary to investigate and/or seek a resolution and/or to notify the Title IX Coordinator or designee, for the purpose of tracking patterns and spotting systemic issues. SUNY Geneseo will limit the disclosure as much as practicable, even

if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Disability Accommodations**

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process. The Title IX Coordinator will consult with the Office of Accessibility Services and legal counsel in order to engage in the interactive process and provide accommodations as appropriate. The college will not affirmatively provide disability accommodations unless requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

### **Making a Report Regarding Covered Sexual Harassment to the Institution**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.

#### [Title IX Online Reporting Form](#)

Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address listed for the Title IX Coordinator.

### **Confidential Disclosure**

The following resources will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Office of the Dean of Students
- Office of Human Resources & Payroll Services
- Title IX Office
- University Police

The following resources may provide confidentiality: Counseling Services: 585-245-5716, Lauderdale Health Center,

[https://www.geneseo.edu/health/counseling\\_services\\_home](https://www.geneseo.edu/health/counseling_services_home)

Physicians, licensed medical professionals or supervised interns when they are engaged in a physician/patient relationship: Health Services: 585-245-5736, Lauderdale Health Center, <https://www.geneseo.edu/health>

College advocate from RESTORE: (800) 527-1747 (24/7 hotline)

College advocate from Chances & Changes: (888) 252-9360 (24/7 hotline)

### **Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from SUNY Geneseo regardless of whether they desire to file a complaint, as appropriate. Supportive measures are non-disciplinary and non-punitive.

As appropriate, supportive measures may include, but not be limited to:

- Counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (No Contact Orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

See 85 Fed. Reg. 30401.

### **Emergency Removal**

SUNY Geneseo retains the authority to remove a respondent from SUNY Geneseo's program or activity on an emergency basis, where SUNY Geneseo (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If SUNY Geneseo determines such removal is necessary, as established in the Final Rule, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

### **Complaints Involving Employees as Respondents**

SUNY Geneseo retains the authority to suspend or place a non-student employee respondent on alternate assignment during the Title IX Grievance Process, consistent with the applicable collective bargaining agreement and/or employment policies.

### **Alternative Resolution Options**

Administrative Resolutions may be offered as a path to resolve allegations of Title IX-covered misconduct. Generally speaking, this resolution option is less time intensive than a live hearing, while still affording students an opportunity to actively participate in a process led by the College for the resolution of the complaint(s). Administrative Resolutions are to be utilized at the discretion of the College and may not be an appropriate method to resolve all cases of alleged misconduct.

Should the participating parties agree to utilize an offered Administrative Resolution option, the College will work with the participating parties to determine agreed-upon outcomes that are in compliance with applicable State and/or Federal law and policy. Administrative Reviews may require the Respondent to claim responsibility for violating College policy. All participating parties will be provided a written agreement, and once signed, the terms of the agreement are final and no appeals will be considered.

Alternative means of Resolution will not be available in matters involving students and employees.

## **The Title IX Grievance Process**

### **Filing a Formal Complaint**

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than 180 business days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator or their designee, a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of SUNY Geneseo, including as an employee. For complainants who do not meet these criteria, the College will utilize the SUNY Geneseo [Sexual Violence Response Policies and Procedures](#).

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator or their designee, may determine a Formal Complaint is necessary. SUNY Geneseo will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

### **Multi-Party Situations**

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of

covered sexual harassment arise out of the same facts or circumstances.

#### **Truthfulness**

All individuals in the reporting and resolution processes have the responsibility to be truthful with the information they share at all stages of the process. A report of a violation under this Policy is not considered a bad faith report merely because the evidence does not ultimately support the allegation. Individuals are prohibited from knowingly making a false report, filing a false Formal Complaint, or making misrepresentations. If an investigation results in a finding that a person has willfully filed a bad faith report, filed a false Formal Complaint or made misrepresentations as part of the reporting or resolution process, the person may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant policies and collective bargaining agreements in the case of employees.

#### **Determining Jurisdiction**

The Title IX Coordinator or their designee will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in the college's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, SUNY Geneseo will investigate the allegations according to the Title IX Grievance Process.

#### **Allegations Potentially Falling Under Two Policies:**

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and prohibited conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

#### **Mandatory Dismissal**

If any one of these elements are not met, the Title IX Coordinator or their designee will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal in writing or electronically to the college's Chief Diversity Officer, who serves as the supervisor of the Title IX Coordinator, within five (5) business days of the determination.

#### **Discretionary Dismissal**

The Title IX Coordinator or their designee may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by SUNY Geneseo; or,
- If specific circumstances prevent SUNY Geneseo from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Each party may appeal this dismissal in writing or electronically to the college's Chief Diversity Officer, who serves as the supervisor of the Title IX Coordinator, within five (5) business days of the determination.

#### **Notice of Dismissal**

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties by their institutional email accounts if they are a student or employee, and by other reasonable means. It is the responsibility of parties to maintain and regularly check their email accounts.

#### **Notice of Removal**

Upon dismissal of the formal complaint, for the purposes of Title IX, SUNY Geneseo retains discretion to utilize the Student Code of Conduct or an appropriate employment policy to determine if a violation has occurred. If so, SUNY Geneseo will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

#### **Notice of Allegations**

The Title IX Coordinator or their designee will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, but no more than five (5) days after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither. The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.



The Title IX Coordinator or their designee may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

#### **Contents of Notice**

The Title IX Coordinator or their designee is responsible for providing the Notice of Allegations to the parties. The Notice of Allegations will be sent to both parties at the same time and include the following:

- Notice of the institution's Title IX Grievance Process and a hyperlink to a copy of the process, including any informal resolution process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment and concomitant prohibited conduct; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. §106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. §106.45(b)(5)(vi);

#### **Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before

any initial interview regarding those additional charges.

#### **Advisor of Choice and Participation of Advisor of Choice**

SUNY Geneseo will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

SUNY Geneseo has a long-standing practice of requiring the parties to participate in the process directly and not through an advocate or representative. Individuals participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice does not take an active role as an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of SUNY Geneseo.

SUNY Geneseo will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors of Choice act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

SUNY Geneseo's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and SUNY Geneseo cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. SUNY Geneseo will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by SUNY Geneseo.

#### **Notice of Meetings and Interviews**

SUNY Geneseo will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

#### **Delays**

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Dean of Students, or designee) provided that the requestor provides reasonable notice, a legitimate explanation for the delay, and the delay does not overly inconvenience other parties. The Title IX Coordinator, Dean of Student, or designee may temporarily delay the commencement of an investigation or adjudication should the matter

interfere with a concurrent law enforcement proceeding and/or related employee proceeding.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator, Dean of Students, or designee, shall have sole judgment to grant further pauses in the Process.

## **Investigation**

### **General Rules of Investigations**

The Title IX Coordinator, or designee, will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

SUNY Geneseo and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from SUNY Geneseo and does not indicate responsibility.

SUNY Geneseo cannot access, consider, or disclose medical records without a signed waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. SUNY Geneseo will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations, respectively) as described below.

### **Investigative Report**

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, will and provide that Report to the parties at least ten (10) business days prior the hearing in an electronic format for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

### **Inclusion of Evidence Not Directly Related to the Allegations:**

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

### **Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020). The College will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format. SUNY Geneseo is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their designated extension request.

SUNY Geneseo will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

SUNY Geneseo will provide the parties five (5) business days after the initial inspection and review

of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) business days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses will be disclosed to the parties. See, 85 Fed. Reg. 30026, 30307 (May 19, 2020).

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

## **Hearing**

### **General Rules of Hearings**

SUNY Geneseo will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at SUNY Geneseo's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through videoconferencing. This technology will enable participants simultaneously to see and hear each other. At its discretion, SUNY Geneseo may delay or adjourn a hearing based on technological difficulties not within a party's control.

All proceedings will be recorded through an audio recording. That recording will be made available to the parties for inspection and review.

### **Continuances or Granting Extensions**

SUNY Geneseo may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is/are needed to complete a hearing. If so, SUNY Geneseo will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

### **Newly-discovered Evidence**

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The hearing body will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the hearing body answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

### **Participants in the live hearing**

Live hearings are not public, and the only individuals permitted to attend the hearing are as follows:

#### *Administrative Hearing Officer*

- The Administrative Hearing Officer will serve as a non-voting position responsible for opening and establishing the rules and expectations for the hearing.
- The Administrative Hearing Officer is responsible for answering any procedural related questions raised by the parties, advisors of choice, or decision-makers.
- In matters involving employees, the Vice President for Finance and Administration will designate an individual to serve in this capacity. In matters involving students, the Vice President for Student & Campus Life will designate an individual to serve. In matters involving both an employee and a student, the case will be referred to the Vice President for Finance and Administration to designate an Administrative Hearing Officer.
- In Title IX related matters, the Administrative Hearing Officer, in consultation with the hearing body, will be responsible for writing the Determination Regarding Responsibility (see below).

#### *Advisor of choice*

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.

- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appear at the hearing, SUNY Geneseo will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).
- Advisors shall be subject to the institution's Rules of Decorum, and may be removed upon violation of those Rules.

#### *Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).
- SUNY Geneseo will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. See 34 C.F.R. §106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker may rely on any prior statements made by that party in reaching a determination regarding responsibility, but may assign lower weight to statements that have not been subject to cross examination.
- The hearing body cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).
- The parties shall be subject to the institution's Rules of Decorum.

#### *The Decision-maker*

- The hearing body will consist of a panel of three decision-makers.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or

perceived conflicts of interest or bias at the commencement of the live hearing.

#### *Witnesses*

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- Witnesses shall be subject to the institution's Rules of Decorum.

#### **Hearing Procedures**

- For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:
  - The Administrative Hearing Officer will open and establish rules and expectations for the hearing;
  - The Parties will each be given the opportunity to provide opening statements;
  - The hearing body will ask questions of the Parties and Witnesses;
  - Parties will be given the opportunity for live cross-examination after the decision maker(s) conduct their initial round of questioning; during the Parties' cross-examination, the hearing body will have the authority to pause cross-examination at any time for the purposes of asking their own follow up questions; and any time necessary in order to enforce the established Rules of Decorum.
  - Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the hearing body. A Party's waiver of cross-examination does not eliminate the ability of the hearing body to use statements made by the Party.

#### **Live Cross-Examination Procedure**

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the hearing body will determine if the question is relevant. See Model Relevance Policy. Cross-examination questions that are duplicative of those already asked, including by the hearing body, may be deemed irrelevant if they have been asked and answered.

#### **Review of Recording**

The audio recording of the hearing will be available for review by the parties within two business days, unless there are any extenuating circumstances. Copies of the audio recording of the hearing will not be provided to parties or advisors of choice.

## **Determination Regarding Responsibility**

### **Standard of Proof**

SUNY Geneseo uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Policy occurred.

### **General Considerations for Evaluating Testimony and Evidence**

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

SUNY Geneseo allows parties to call "expert witnesses" for direct and cross examination. While the expert witness will be allowed to testify and be cross-examined, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that SUNY Geneseo allow parties to call character witnesses to testify. While the character witnesses will be allowed to testify and be cross-examined, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness. The parties may elect to submit a written statement by any identified character in lieu of their live testimony.

SUNY Geneseo will accept and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be cross-examined, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the hearing body may draw an adverse inference as to that party or witness' credibility.

### **Components of the Determination Regarding Responsibility**

The written Determination Regarding Responsibility, finalized by the Administrative Hearing Officer in consultation with the voting hearing body, will be issued simultaneously to all parties through their institutional email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of this policy and/or the Student Code of Conduct, if any, the respondent has or has not violated.
5. For each allegation:
  - a. A statement of, and rationale for, a determination regarding responsibility;
  - b. A statement of, and rationale for, any disciplinary sanctions SUNY Geneseo imposes on the respondent; and
  - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to SUNY Geneseo's education program or activity will be provided by SUNY Geneseo to the complainant; and
6. SUNY Geneseo's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").



### **Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by SUNY Geneseo within ten (10) business days of the completion of the hearing.

### **Finality**

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

### **Appeals**

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow SUNY Geneseo’s own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- Incorrect conclusion as to the extent of the wrongdoing.
- Extremely and unfairly punitive or lenient sanction(s). (In this case, it is necessary to distinguish between severe or mild action, which does not constitute grounds for appeal, and extremely punitive or lenient action, i.e., out of all proportion to the misconduct, which occurred.)
- An appeal may be based on the unfairness of the rule, which was violated, in which case a decision on the appeal is made after the rule itself is reviewed by appropriate College personnel.

The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, SUNY Geneseo will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals will be decided by a three-person Appellate Board, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision-maker in the same matter.

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

### **Retaliation**

SUNY Geneseo will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.  
<https://www.geneseo.edu/handbook/amenesty-sexual-and-interpersonal-violence-cases>

Complaints alleging retaliation may be filed through the Title IX Office by submitting a Title IX Incident Report:  
[https://cm.maxient.com/reportingform.php?SUNYGeneseo&layout\\_id=2](https://cm.maxient.com/reportingform.php?SUNYGeneseo&layout_id=2)

### **Disability Accommodations**

This policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the

Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX grievance process that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even where the parties may be receiving accommodations in other institutional programs and activities.

#### **Effective Date**

This policy will become effective on August 14, 2020, and will only apply to formal complaints of incidents of sexual harassment that occurred on or after August 14, 2020.

#### **Frequency of Review and Update**

This policy will be reviewed for updates annually.

#### **Absence from Class Due to Illness or Emergency**

Students should notify the Dean of Students Office as soon as possible (College Union 354, 585-245-5706) if, by virtue of illness or personal emergency:

- they will be delayed from returning to school at the start of a semester;
- they will be absent from class for an extended period of time during a semester;
- they will be unable to take final exams and/or otherwise prevented from completing the semester.

The Dean of Students attempts to facilitate communication between students and their faculty when students must be absent from classes for extended periods. Notices sent to faculty provide reasons for absences given by the students, parents, or perhaps a friend. The Dean does not routinely verify the information provided in these notices, and faculty may require later documentation of the medical problem, emergency, or unusual situation which prevented the student's attendance.

In notifying faculty of student absences, the Dean employs the following procedures:

- A. The Dean of Students after being informed of the problem will send notice of absence to instructors when a student has been absent for at least one week and has not been able to contact faculty due to reasons beyond the student's control.
- B. The Dean of Students will notify faculty of emergencies (usually medical) which prevent a student from attending classes at the beginning of a semester or participating in final examinations at the end of a semester. Students in the latter situation may receive Incomplete grades at the discretion of the instructor.
- C. Faculty should state their positions on student absences from class in the course outlines provided to students at the beginning of each semester. As noted above, faculty may wish to receive verification from the student of the reasons for a

student's absence. The faculty member is responsible for deciding what absences are legitimate.

- D. For all illness or emergencies, whether for brief or extended periods of time, students should contact faculty directly, particularly if they will be likely to miss exams or major assignments. At their discretion faculty may request documentation of excuses for missing assignments and may use the documentation (or lack thereof) in determining whether to make accommodations on students' behalf. Such documentation may consist of a statement from a doctor or other health care professional, a report from the College's Health and Counseling Center, an obituary notice, etc.

#### **Academic Dishonesty Policy and Procedures**

Academic dishonesty includes cheating, knowingly providing false information, plagiarizing, and any other form of academic misrepresentation. Should incidents of academic dishonesty occur, the following procedures will be followed:

- I. A faculty member suspecting dishonesty will confer with the student so accused, within a reasonable time after the alleged offense has been discovered.
  - A. If the student denies responsibility and the faculty member is convinced that the student is not responsible, the matter is dropped.
  - B. If the faculty member is convinced that the apparently unethical behavior was unintentional, the faculty member will help the student understand what was done wrong and how to avoid doing so in the future. Unintentional violations should be reported by the faculty member in accordance with Section III below.
  - C. If the student admits the act of dishonesty, the penalty will be an "E" on that assignment/test, a final grade of "E" for the course, or other appropriate penalty as determined by the faculty member depending on the severity of the infraction and the significance of the assignment. When an "E" is levied on an individual assignment/test, the faculty member may require the student to complete additional work in order to continue in the course. Violations should be reported by the faculty member in accordance with Section III below. If the faculty member believes that the dishonesty is severe enough to warrant suspension or dismissal from the College, he or she should refer the case to the Student Conduct Board.

If the student wishes to appeal the severity of the grade assigned by the faculty member, the student will follow the procedures stated in the College academic policy for appeal of grades.
  - D. If the student denies responsibility and the faculty member is not convinced that the

student is not responsible, the case is referred, with supporting documentation, to the Student Conduct Board for action. The faculty member will delay assigning a grade for the course or the assignment until the Student Conduct Board makes a determination of responsibility or no responsibility and takes appropriate College conduct action. Appeal of the conduct action is explained in the College Conduct Procedures. The faculty member will assign a grade after considering the findings of the Board.

If the student wishes to appeal the severity of the grade assigned by the faculty member, the student will follow the procedures stated in the College academic policy for appeal of grades.

- E. A student suspected of academic dishonesty may not withdraw from the course until the charges have been resolved. A student who receives an "E" in the course for academic dishonesty cannot obtain a "W" for that course.
- II. The Student Conduct Board will be convened to hear cases of academic dishonesty when any of the following occurs:
- A. The student denies responsibility and the faculty member is not convinced that the student is not responsible.
  - B. The faculty member is not convinced that the admitted violation was unintentional.
  - C. The faculty member believes that the violation is severe enough to warrant suspension or dismissal from the College.
  - D. The student has been involved in a previously documented incident of academic dishonesty.
- III. Whenever academic dishonesty occurs, a faculty member will provide the department chairperson, the dean of the college, and the student with a written report of the violation, any penalty imposed and the counseling provided by the faculty member. In order to ensure that a pattern of misconduct is not established, the Dean of Academic Planning and Advising will notify the Dean of Students who will place a copy of the faculty member's statement in the academic dishonesty file in the Dean of Students Office. This statement will be destroyed no later than three months after the student's graduation. Decisions of the Student Conduct Board will be placed in the student's personnel file. Materials placed in the academic dishonesty file may not be released to outside agencies. Contents of the student's personnel file may be released only as stipulated in the College Records Policy.
- IV. If a student witnesses an act of academic dishonesty, she or he should report it to the faculty member of the course involved. That faculty member will handle the matter according to the steps as outlined above.

- V. For the purpose of this policy, plagiarism shall be considered to be deliberate representation of someone else's words or ideas as one's own or the deliberate arrangement of someone else's material(s) as one's own.

Any one of the following constitutes plagiarism:

- A. Direct quotation without appropriate punctuation and citation of source.
- B. Paraphrase of expression or thought without proper attribution.
- C. Dependence upon a source for a plan, organization or argument without appropriate citation.

(See Academic Dishonesty Flow Chart in Appendix A of this publication.)

#### **Affiliation Policy (rev. 4/2009)**

To ensure the educational integrity of co-curricular activities on campus, the College has developed College Recognition Procedures for Student Organizations. As stated in these procedures, "*Student organizations bringing discredit upon themselves or the College may lose their recognition at the discretion of the President of the College.*"

Upon such action, students are prohibited from affiliating with any organization or group that has had its College recognition withdrawn. By affiliation is meant joining; rushing; pledging; accepting an offer of membership; residing in facilities that are owned, rented, or controlled by the group; or being involved in any activity that would normally be associated with being a member of the group.

#### **SUNY Geneseo Policy on Alcohol and Illicit Drugs**

The College is committed to providing an environment that is supportive of the academic mission of the institution. Students are considered adults who are responsible for conducting themselves in accordance with state and local law and with the College's policy on alcohol and illicit drugs. The College respects students' privacy and autonomy and assumes that their behavior will be both legal and responsible.

Students are expected to accept responsibility for the welfare of themselves and to avoid infringing upon the rights of other members of the College community. When violations of law or policy come to the attention of College officials, appropriate sanctions will be imposed and repeat violations will be dealt with severely. A fundamental kind of misconduct that may lead to conduct action is the illegal use, sale, or possession of stimulants, intoxicants, or other illicit drugs, and/or the participation of a student or campus visitor in an incident, accident or personal injury that is related to the use by that student or visitor of any stimulant, intoxicant, or other illicit drug.

In 2021 New York State revised its marijuana laws. It is important to note that even though state law allows for marijuana to be consumed in New York, federal law prevents all consumption of cannabis, including medicinal use, on college campuses – including SUNY Geneseo.

Loss of privileges, specified conduct requirements, or separation from the College may be imposed on any student or visitor whose conduct adversely affects the academic community. The behavior of a visitor may result in sanctions placed on both the visitor and student host. Policy violations will be addressed through the College's conduct system and/or University Police.

#### Regulations Specific to Alcohol

##### *Possession and Consumption of Alcoholic Beverages for Persons under Age 21*

Alcoholic beverages may not be provided to anyone under 21 years of age in accordance with New York State Law.

1. Possession and consumption of alcoholic beverages by persons under the age of 21 is prohibited on the Geneseo Campus.

##### *Possession and Consumption of Alcoholic Beverages for Persons 21 Years of Age and Over*

Persons 21 years of age and over may possess alcoholic beverages in their own residence hall rooms or in the rooms of other residents who are at least 21 years of age.

1. Persons 21 years of age and over may possess/consume alcoholic beverages only in their own residence hall rooms, in the rooms of other residents who are at least 21 years of age, or at events where alcohol is serviced/catered by CAS (Campus Auxiliary Services, Inc.), in accordance with New York State Law and College Policy.
2. In the residence halls, alcoholic beverages are prohibited in main lounges, recreation rooms, floor lounges, hall corridors, laundry rooms, and any other area that is not a private student room.
3. Since alcoholic beverages are approved only for private, individual consumption by those 21 years of age and over, beer balls, kegs, or other large quantity containers are prohibited on campus (unless at an event where alcohol is serviced/catered by CAS). University Police may confiscate the foregoing items (empty or full) and accessories (e.g., taps--if they are being used) for disposal, return, and/or removal off-campus. As a health and safety consideration, the Vice President for Student and Campus Life reserves the right to ban beer bottles from campus.
4. The College does not sponsor nor approve any residence hall function where alcohol is served or consumed.
5. As a health and safety consideration, returnable cans or bottles should be redeemed immediately and should not be stored in a residence hall room, a closet, or under a bed, etc. If conditions warrant,

residents will be required to remove offensive materials.

6. Organizations are discouraged from planning events that have as their primary focus the serving/sale of alcoholic beverages.
7. Drinking games or contests that involve alcohol consumption are prohibited.
8. Advertising on campus of events or activities which promote use of alcoholic beverages and/or illicit drugs is prohibited.
9. The possession and/or consumption of alcoholic beverages by participants in or spectators at any intercollegiate, intramural, or club sport event is expressly prohibited.

#### Student Conduct

1. Each student is responsible for his/her own conduct and the conduct of his/her invited visitor(s). Individuals and groups may be held liable in campus conduct action in addition to civil and/or criminal proceedings for incidents related to the service/use of alcohol.
2. Improper conduct in violation of the "Student Code of Conduct" will be addressed by the College staff.
3. The claim of being under the influence of alcoholic beverages or other illicit drugs will not be accepted as an excuse for misconduct. Any misconduct, as defined by the "Student Code of Conduct," involving alcoholic beverages will be referred to the appropriate office for review and action.

#### Summary of New York State Laws Governing Alcohol

Under New York State Law it is illegal:

1. to sell alcohol, including charging admission (or accepting donations) at the door of an event where alcohol is distributed free of charge, without an alcohol control license. Further, you cannot sell, deliver, give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to any person, actually or apparently under the age of 21 years of age (parents or guardians may serve alcohol to their children in the privacy of their own home) or to any visibly intoxicated person (ABC Law Sec. 65, Penal Law 260.20 (2));
2. for any person to misrepresent the age of a person under the age of 21 for the purpose of inducing the sale of any alcoholic beverage to such person. That is, a person over 21 cannot buy/procure alcohol for a person under 21. A person convicted of first offense shall be punished by a fine of not more than \$200.00, or by imprisonment for not more than 5 days, or by both fine and imprisonment (ABC Law Sec. 65a);
3. for a person under the age of 21 to misrepresent age, or to use false identification for the purpose of buying or otherwise obtaining alcohol. Persons under the age of 21 who present falsified or fraudulently altered proof of age for the purpose of

purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine of up to \$100.00 and/or a community service requirement of up to 30 hours (first violation); punishable by a fine of not less than \$50.00 nor more than three hundred fifty dollars and/or an appropriate amount of community service not to exceed thirty hours, and the completion of an alcohol awareness program (second violation); punishable by a fine of not less than fifty dollars nor more than seven hundred fifty dollars and/or an appropriate amount of community service not to exceed thirty hours, and an evaluation by an appropriate agency certified or licensed by the office of alcoholism and substance abuse services (third or more violations). The Alcoholic Beverage Control Law now requires sellers of alcoholic beverages to demand a driver's license, passport, or armed services ID card, rather than any other form of identification, as evidence of age. Alteration of one of the required forms of official ID may constitute "possession of a forged instrument...with intent to defraud," which is a class D felony under New York State penal law. If a New York State driver's license is altered, the court may suspend the person's license to drive a motor vehicle for three months (first violation); for six months (second violation); for one year or until the holder reaches the age of twenty-one, whichever is the greater period of time (third or more violations). Following the suspension the person may then apply for and be issued a restricted license (ABC Law Sec. 65b);

4. for an underage person to possess any alcoholic beverage with the intent to consume. (Exceptions are provided for consumption in an instructional setting and in cases where the alcoholic beverage is provided by a parent or guardian.) Violators are subject to a fine of up to \$50.00 per offense and/or completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law and/or an appropriate amount of community service, but are not subject to arrest (ABC Law Sec. 65c).

Under New York State civil law, a provider of alcohol to a person who becomes intoxicated and subsequently causes harm to another person(s) (in person, property, means of support or otherwise) may be liable for any damages or injuries caused by the intoxicated person. Any person, who is injured (in person, property, means of support or otherwise) by reason of the intoxication of any person under 21, may sue for damages against any person who knowingly caused such intoxication by unlawfully furnishing or procuring alcoholic beverages for such person with knowledge or cause to believe that such person was under the age of 21. Further, the law provides a right of recovery for injuries caused by the illegal sale of intoxicating liquor to any intoxicated person. (General Obligations Law, Section 11-100 & 11-101)

#### Summary of Village of Geneseo Codes Governing Alcohol

1. Carrying of open containers prohibited.  
No person shall carry, transport or have in his possession with the intent to consume in any public place, other than permitted public places, any open, resealed or partly empty bottle, can, container or similar article containing an alcoholic beverage of any kind or description as defined by the Alcoholic Beverage Control Law.
2. Deposit of containers prohibited.  
No person shall break, leave, discard or deposit in any manner any glass, bottle, glassware, crockery, can or container of any kind, make or description in any public place other than in receptacles expressly for that purpose.
3. Penalties for offenses.  
Any person who violates any provision of this chapter shall be guilty of an offense, as defined in the Penal Law of the State of New York, and shall, upon conviction thereof, be subject to a minimum fine of fifty dollars (\$50) not to exceed two hundred fifty dollars (\$250).

#### Summary of New York State Laws Governing Marijuana

1. "Smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains cannabis including the use of an electronic smoking device that creates an aerosol or vapor.
2. "Cannabis" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined by this section or any drug products approved by the federal Food and Drug Administration.
3. Possessing, displaying, purchasing, obtaining, or transporting up to three ounces of cannabis and up to twenty-four grams of concentrated cannabis is lawful for persons 21 years of age or older.
4. No person may plant, cultivate, harvest, dry, process or possess more than three mature cannabis plants and three immature cannabis plants at any one time;
5. No person being under the age of twenty-one, may plant, cultivate, harvest, dry, process or possess cannabis plants.

(The State and Village information summarized here is not complete. See the New York State Alcoholic



Beverage Control Law (specifically [ABC Law Sec. 65, 65a, 65b, 65c, 65d](#)), [Penal Law 260.20\(2\)](#), [General Obligations Law, Section 11-100 & 11-101](#)), NYS Cannabis Laws ([Penal Law 222, Section 3](#) of the New York State Cannabis legislation), and of the Genesee (Village) Laws in the “Drug-Free Schools” section of this publication for full details.)

#### **Animals – Bringing on Campus Policy** (rev. 7/15/22)

No pets or animals shall be permitted on campus, except:

- Service Animals or emotional support animals (ESAs)
  - [Service animals](#) are trained to provide assistance to people who have a physical or psychological disability by performing work or tasks directly related to that disability.
  - [Emotional support animals](#) (ESAs) provide emotional or other therapeutic support for individuals with disabilities, but are not trained to perform work or tasks. Approved emotional support animals on campus are restricted to residence halls and outdoor spaces for exercise and hygiene. (Animals may be walked in outdoor common spaces except athletic fields and research areas, including the E-garden and Roemer Arboretum. Owners are responsible for proper disposal of all animal waste). Students requesting an ESA must submit an [ESA Request](#) to the Office of Accessibility Services and adhere to the [ESA Policy](#).
    - Those wishing to bring animals, other than service animals, into the general campus environment should request information about a further approval process from the [Office of Accessibility Services](#).
- Therapy animals, which are animals used by health care professionals, including mental health professionals, in a therapeutic setting. Therapy animals must be trained for animal assisted therapy through the American Kennel Club (AKC) or a national animal therapy organization.
- Animals required for laboratory and experimental purposes.
- Animals on leashes accompanied by a responsible person during a temporary visit. Such leashed animals, however, are not permitted in campus buildings or athletic fields (including the stadium), unless they are seeing-eye dogs. Temporary visits of leashed animals other than seeing-eye dogs may be authorized in the residence halls prior to the visit by the Director of Residence Life.
- Animals visiting campus for “pet therapy” events, with permission of the director of the area of the visit (e.g., the Director of Student Life will authorize such events in the college union; the Director of the library will authorize such events in the library). All such animals must be kept

under control at all times by leash, voice command, or enclosures.

- Fish in bowls and aquariums with less than a 10 gallon capacity kept in residence hall rooms for fish only.

Specific information on service animals and emotional support animals, including the federal government’s specific definition of emotional support animals, may be found at the [Office of Accessibility](#).

#### **Assembly Policy (rev. 3/2012)**

##### Assembly Time, Place and Manner Conditions for Public Areas on Campus Grounds

Free speech and peaceful assembly are fundamental to the purpose of a college as a center for open inquiry in the search for knowledge and insight. Genesee is strongly committed to the protection of these rights. However, these rights bring with them a concurrent obligation to maintain a campus atmosphere conducive to scholarly pursuits and respect for the rights of all individuals.

As stated in the New York State Rules for the Maintenance of Public Order:

No student, faculty member or other staff member or authorized visitor shall be subject to any limitation or penalty for expressing views or for assembling with others for such purpose; peaceful picketing and other orderly demonstrations in public areas of campus grounds and buildings are not subject to interference provided there are no violations of the rules in section I.A. of the Rules for the Maintenance of Public Order.

Assemblies, demonstrations, and similar expressions of First Amendment rights may not infringe on the rights of others or disrupt essential operations of the College.

##### General Procedures for Assemblies

Any authorized assembly, picketing, or demonstration is not permitted to exceed twenty-four consecutive hours.

Authorization to use sound amplification equipment will be considered on a case by case basis. Requests for such authorization should be submitted to the Office of Scheduling, Events and Conference Services.

The construction of shelters and other temporary structures, or camping on campus grounds is prohibited without the written authorization of the Vice President for Finance and Administration.

The use of campus grounds does not imply the College’s endorsement of any organization or activity.

The College will not interfere with orderly demonstrations on campus grounds provided that the Trustees' Rules for Maintenance of Public Order are upheld at all times.

Applications for Planned Assemblies and Demonstrations in Public Areas by Individuals or Groups not Affiliated with the College

Individuals or groups not affiliated with the College interested in using the campus grounds for assembly, picketing, or demonstrations are required to inform the College of their intentions and obtain authorization through the Office of the Vice President for Student and Campus Life. Forty-eight hours minimum advance notice is required. Applicants to utilize campus grounds are required to submit: their name(s); the name of their organization; the location sought; the date and time of the planned demonstration; the number of persons expected to participate; and the manner of demonstration.

Once authorization is given by the Vice President for Student and Campus Life, the applicant's information will be forwarded to the Office of Scheduling, Events and Conference Services.

Authorization to assemble or demonstrate on campus grounds will only be granted provided that:

- the applicant's status with the campus is not "persona non grata," or there is not a court order prohibiting the applicant's presence on campus;
- the proposed time, place, or manner of assembly or demonstration would not prevent, disrupt, or unreasonably interfere with the regular academic and institutional activities or other essential operations of the College;
- the proposed assembly or demonstration would not unreasonably obstruct pedestrian or vehicular traffic;
- the proposed assembly or demonstration would not constitute an immediate and actual danger to College students, faculty, or staff or to the peace or security of the campus that available University Police could not control with reasonable effort;
- the proposed assembly or demonstration would not violate the Trustees' Rules for Maintenance of Public Order.

The College will evaluate the location requested for each assembly or demonstration individually based on availability and the need to conduct its regular academic and institutional activities. If the requested location is deemed as inappropriate based on the needs of the College, a reasonably appropriate alternative location will be authorized by the College.

All assembly or demonstration requests and requests for authorization to use sound amplification equipment will be acted on in a manner reflecting viewpoint neutrality.

If, in the judgment of College officials, an activity is

not consistent with the purposes previously articulated by the users when they notified the College or the activity has been misrepresented, authorization to use campus grounds will be withdrawn and the activity in progress will be halted.

The College reserves the right to terminate any use of College property in the event that either the speaker or a participant or participants engages in conduct that violates the Trustees Rules for Maintenance of Public Order.

**Procedures for Reporting Bias-Related Incidents**  
(rev. 10/3/19)

How to Report

At SUNY Geneseo, we are committed to helping every member of our community reach their full potential by fostering an environment that allows everyone to feel affirmed, regardless of identity or background. As expressed in our Community Commitment to Diversity, Equity, and Inclusion (<https://www.geneseo.edu/diversity/commitment>) bias-related incidents challenge and contradict this commitment.

In the event that you experience or witness an incident that may be rooted in bias, you may choose to report it through this online form. Anyone can use this form and it is recommended that you file as soon as possible after the incident. You may report an incident even if you are not sure that it was motivated by bias. If immediate attention is needed, please call University Police (585-245-5222).

Link to Report Form -

<http://go.geneseo.edu/BiasRelatedIncident>

When filing a report:

- Provide as much information as possible by filling out as many fields as possible and thoroughly describing the incident where prompted.
- Use the third person and past tense when describing the incident.
- You may share your name or remain anonymous. Remember that our follow-up and investigation will be more limited if your contact information is not provided.

Definitions:

What is a bias-related incident?

A bias-related incident or bias incident is motivated, in whole or in part, by the offender's bias against the actual or perceived age, ancestry, color, disability, gender, gender identity, gender expression, national origin, race, religion, religious practices, sexual orientation, marital status, veteran status, or military status of the targeted person or group, but does not rise to the level of a criminal offense.

What is a hate crime?

A hate crime is a criminal offense, committed against a person or property which is motivated, in whole or in part, by the offender's bias against the actual or perceived age, ancestry, color, disability, sex, gender identity, gender expression, national origin, race, religion, religious practices, sexual orientation, marital status, veteran status, or military status of the targeted person or group.

What behaviors create a non-inclusive campus climate?

A non-inclusive campus climate results from the combined effect of a number of behaviors/practices which cumulatively create an environment that is not open and welcoming to a person or group based on their age, ancestry, color, disability, sex, gender identity, gender expression, national origin, race, religion, religious practices, sexual orientation, marital status, veteran status, or military status. Offenders often remain anonymous.

*Bias Prevention and Response Team (BPRT)*

This Bias Prevention and Response Team is composed of committed students, faculty, and staff members who work to prevent bias-related incidents and support our campus community when these incidents occur. Specifically, this team is charged with:

- Monitoring the needs of the campus, based on trends in bias, and counsel groups to create opportunities for educational initiatives on the topics of diversity, equity, and inclusion.
- Mediating restorative justice conversations between parties involved in bias-related incidents.
- Drafting and advising communication sent to campus community members when incidents occur.
- Reflecting on and assessing the effectiveness of the BPRT in order to inform the future of the team.

*What happens after I report an incident?*

All reports are reviewed promptly by the co-chairs of the Bias Prevention and Response Team (BPRT) in order to determine the level of urgency and identify appropriate plan for follow-up. Follow up with the reporting individual (if identified and willing to be contacted) will occur within two business days. Reports are simultaneously received by the Dean of Students and Assistant Dean of Students for Student Conduct & Community Standards, who will determine if there is a potential violation of the Student Code of Conduct.

If the reporting individual has identified themselves in the report and has indicated that they are willing to be contacted, a member of the BPRT will reach out to them directly to offer support and to learn more about what occurred. If other individuals are listed in the report (i.e., witnessed, accused, etc.), they may also be contacted as part of the information-gathering process.

*Processes for Addressing Bias-Related Incidents*

Geneseo is committed to providing an equitable and welcoming climate for all students. Some bias-related incidents and non-inclusive climate behaviors are criminal and will be investigated by the University Police Department, and/or violate Geneseo's [Student Code of Conduct](#) and thus may be addressed in a student conduct proceeding. In the case of Code violations, disciplinary actions may be imposed and are listed under "Article V-Sanctions" in the Code of Conduct.

When an incident is reported that has been determined to not be illegal or a violation of the Student Code of Conduct, it is still important to recognize the negative impact that it has had on member(s) of our community. When the parties are known, attempts will be made to provide resources and support to those impacted and to provide education to those who caused harm. If all parties are willing, members of the Bias Prevention and Response Team will facilitate a Restorative Justice dialogue with the goal of developing a mutual understanding and repairing any harm that has occurred. Restorative Justice emphasizes repairing the harm caused by negative, inequitable, hurtful behavior. It is best accomplished through cooperative processes that allow all willing involved or impacted individuals to meet, have a dialogue about the harm, and discover a resolution together. The restorative justice process can lead to the transformation of people, relationships, and communities.

*Q & A*

Will I find out what happened to the accused party?

We understand why the individual reporting would want to know how the incident was resolved after they reported it. Federal privacy law, FERPA (Family Educational Rights and Privacy Act) prohibits anyone employed by the College from sharing any information about a specific student. The BPRT will, however, reach out to the reporting individual (if known and if they have indicated that they are willing to be contacted) and share all of the details legally allowed.

What can I do if I'm dissatisfied with the outcome?

Individuals dissatisfied with the outcome of the process may file a complaint with one or more state and federal agencies. Our Chief Diversity Officer, robbie routenberg, can provide information about these agencies.

*Questions?*

Contact the Co-Chairs of the Bias Prevention and Response Team:

Sarah Frank; [frank@geneseo.edu](mailto:frank@geneseo.edu); Director of Residence Life  
robbie routenberg; [routenberg@geneseo.edu](mailto:routenberg@geneseo.edu); Chief Diversity Officer

## Campus Administrative Rules for Students

In order to be eligible for admission and readmission, and to be considered a student in good standing, each student must do the following:

1. Provide the College, through the Office of the Registrar, with current local and home addresses and telephone numbers, and respond promptly to all official requests for information or appointments.
2. Check their Geneseo email account and College mailbox in the MacVittie College Union on a regular basis as official College communication may take place via these addresses.
3. Obtain a College identification card that is to be presented upon request to any member of the faculty or staff.\*
4. Notify the Registrar of name changes and change in other contact information in a timely fashion.
5. Comply with official requests of College faculty and staff members, including authorized student employees; obey regulations governing the use of campus facilities, including residence halls, and assure that guests do the same.
6. Pay on time all fees, penalties, and other debts owed to the College; and return library materials or other borrowed College property when due and upon request.
7. Be present on campus when necessary (e.g., required meetings, registration, examinations) to show an unconditional intention of doing academic work and pursuing a degree; and to notify the Dean of Students of any planned absence during class sessions which is to last more than one week, in order to make clear that permanent withdrawal is not intended.
8. Maintain the level of physical and emotional health necessary for the completion of academic work and for living in the college community that does not, in the judgment of appropriate clinical and administrative officials, present a pronounced risk to the student's own health or the welfare of others.
9. Complete the formal withdrawal procedure upon leaving the College, unless dismissed, graduated, or granted a waiver due to inability to be present on campus.
10. Register any car driven regularly on campus and obey all vehicle regulations.

\* The College requires all students to procure and carry a valid SUNY Geneseo identification card. The identification card must be presented or surrendered upon request of a College official, including residence hall staff, University Police, Student and Campus Life staff, CAS staff and affiliates, and students authorized by the College to supervise campus events, activities, and residence halls. The College identification card is used to access campus services, buildings, events, library materials, and campus dining operations.

Failure to present a student identification card upon request by a College official, alteration or falsification of data on a College identification card, creation and/or distribution of falsified identification cards, or using an identification card to impersonate others are violations of this policy and may result in conduct action and/or arrest.

It is the student's responsibility to replace the identification card if it is confiscated, stolen, lost, bent, broken, or worn beyond the point of readability by College officials and/or card readers used by the College. Replacement cards may be obtained at the Campus Auxiliary Services office for a fee.

Supervisors of various campus facilities (e.g., dining hall, gymnasium, game room) are authorized to suspend usage privileges of students who violate rules or direct instructions from College officials. Each loss of privilege is reported to the Dean of Students, to whom it may be appealed, and the supervisor is expected to offer an interview regarding reasons at the time a restriction is applied.

A student may act as an official representative of the College or University only with authority from the President or a Vice President. College endorsements of private endeavors may not be implied.

No student may represent a commercial enterprise, advertise or conduct business, or attempt profitable fund-raising or sales of any type on campus except as part of an approved student organization activity. (Exception: Students may charge for typing, tutoring, and similar educational services rendered solely by themselves as individuals.) Student organizations may not sell, advertise, or raise funds in any way on or off campus without written permission from the Director of Student Life or designee. Nonprofit political and charitable fund-raising must be similarly approved.

Administrative separation from the College may occur, for example, for violating any of the above regulations. Procedure for an administrative separation includes the opportunity for a hearing before the Dean of Students and an appeal to the Vice President for Student and Campus Life. Short of release, failure to meet administrative obligations to the College may result in withholding an academic transcript and the credits recorded thereon, or withholding the privilege of registration for a subsequent term, or both. [Failure to meet financial obligations to the College may result in withholding the privilege of registration for a subsequent term.](#) Students released for administrative reasons will be recommended for readmission at the discretion of the Dean of Students, pending completion of stipulated requirements detailed in the student's administrative release letter.

## **Campaigning Policy (rev. 10/4/2016)**

### **Use of SUNY Geneseo Facilities by Partisan Political Organizations or Candidates**

Partisan political organizations are defined by SUNY as non-commercial organizations. All non-commercial organizations are required by SUNY to obtain a revocable permit for each use of campus facilities under the SUNY Policies and Procedures for Facilities Management. These permits, which may be obtained through the Geneseo office of Campus Scheduling and Special Events, outline the terms and conditions for use of facilities, including reimbursement for any associated costs.

Partisan political organizations and individual candidates may be authorized to use College facilities under the terms of the SUNY Policies and Procedures for Facilities Management provided that:

1. the proposed meeting has the potential to contribute to the educational purposes of the College.
2. the College foresees a reasonable possibility of making its facilities available in a timely manner for other possible competing partisan viewpoints.

Specifically at Geneseo, partisan political organizations and candidates campaigning for public office are authorized to do so on campus only in areas specified in advance by the office of Campus Scheduling and Special Events, provided that such activities do not inhibit the movement of people or vehicles, impair personal safety, or interfere with instruction or work at the College.

The use of the name of the College, the address of the College, the College seal, logo, equipment, supplies, or services for the direct support of a partisan political cause or candidacy is prohibited.

Campaigning by partisan political organizations or candidates for public office in College residence halls is prohibited.

Partisan political organizations and candidates campaigning for public office must comply with Geneseo Sign and Poster Regulations.

### **Class Cancellation & Extraordinary Weather Conditions Policy (rev. 6/23)**

It is College practice to continue normal hours of operation and maintain a regular work and class schedule for faculty, staff members, and students during periods of severe weather to the extent that it is possible. Notwithstanding this practice, it is understandable that in certain extraordinary situations it may not be possible for employees to get to work or students to attend classes without jeopardizing their personal well-being. In situations such as these, College faculty, staff, and students should make their

own decisions about reporting to work or classes with due consideration for travel safety.

#### **Policy for Students**

Students are encouraged to clarify what their faculty members expect of them prior to the onset of a weather event. Students seeking further clarity related to the expectations of their faculty are encouraged to contact the Dean of Students. Students who have decided to miss class due to weather events should notify their faculty members in a timely fashion.

Only the Governor has the authority to close state facilities and offices. Although pursuant to NYS Executive Law, Article 2-B, a Chief Executive of a County, City or Village may declare a state of emergency, such declaration has no authority over the closure of state offices or facilities. In the event of such declaration, only the Governor determines the closure or non-closure of state offices.

Even though only the Governor can “close” New York State campuses, the College president has the authority to declare an extreme weather day (i.e., snow day) and cancel classes.

If classes have been canceled, residence halls and dining halls will remain open.

Communication of the President’s decision to the Geneseo community will be through announcements via the College’s studentnews-L email listserv. Additionally, there will be a “Weather Alert” on the SUNY Geneseo home page linking to applicable information when extreme weather-related conditions exist. Posts will also be made to Geneseo’s social media outlets, including Facebook and Twitter. NYAlert may be used in extreme weather emergencies.

If cancellation of classes has been declared prior to the start of the instructional period, announcements will be sent to local and regional media outlets.

### **Classroom Children’s Visitation Policy**

#### **I. Profile**

The College values family life and recognizes that its students hold a variety of roles, including parent and caregiver. Occasionally, the fulfillment of these roles leads to challenges. It is the College’s expectation that when students are scheduled to attend class, it is a student’s responsibility to arrange caregiving services for the children for whom they are responsible, and not engage in childcare during class time. It is understandable that in certain extraordinary situations it may not be possible for students to secure alternative child care arrangements. In situations such as these, students are expected to confer with their faculty members to decide upon a course of action that are in the best interests of the students, children, and fellow classmates.



## II. Definitions

A child is defined as an individual under the age of seventeen years who is not a matriculated student of the College.

## III. Policy

1. It is the policy of the College that, in lieu of other child care arrangements, minor children of students should not be present in a classroom, laboratory, performance or rehearsal space, art studio or other educational space.
2. Short-term exceptions may be permitted for true emergency situations or for brief periods of time if approved in advance by the supervising instructor.
3. If such exceptions are approved, at all times minor, dependent children of students must remain under the direct supervision of the parent/guardian.
4. Each instructor has the authority to determine if the presence of a child is disruptive to the class, and revoke the exception and request that the student and child leave the space.
5. The routine or extended presence of friends and adult family members of College students in College classes is also not permitted.
6. Students as parents/guardians are responsible for the behavior of their children on campus. Students whose children engage in any disruptive or destructive behavior may be referred for possible College conduct action.
7. This policy is not intended to prohibit appropriately supervised children from the campus when the purpose of their visit is to attend specified co-curricular or extra-curricular events. The unsupervised presence of minor children on campus is strongly discouraged.
8. To enforce the policy, classroom instructors and department chairpersons should first remind the student of the policy before contacting the Dean of Students for assistance.

Eff. 3/16/2018

## **Computing and Information Technology Acceptable Use Policy (rev. 9/6/2022)**

### **Scope**

This policy defines guidelines on the acceptable use of computing resources owned, operated, and managed by SUNY Geneseo. This policy applies to all persons accessing or using Geneseo's technology resources, including all faculty, staff, students, affiliates, volunteers, or visitors at the College, hereafter referred to as users.

### **Policy Statement**

This policy is intended to promote excellent information and network security posture for SUNY Geneseo and to specify acceptable and unacceptable activities involving SUNY Geneseo's computing resources.

The purpose of this policy is to outline the acceptable use of computing resources and any information maintained in any form and any medium within the College's computing resources and explain violations of acceptable use. Additionally, all creation, processing, communication, distribution, storage, and disposal of information by any combination of college resources and non-college resources are covered by this policy.

Access to information technology is essential to the college's mission. The privilege to use computing resources requires that each faculty member, staff member, student, and other user comply with institutional and external standards for appropriate use, whether on campus or from remote locations.

To assist and ensure such compliance, SUNY Geneseo establishes the following policy, which supplements all applicable SUNY and College policies, including harassment, patent and copyright, student and employee disciplinary policies, and FERPA, as well as applicable federal and state laws.

SUNY Geneseo values the privacy rights of all individuals using its computing resources. As a usual business practice, Geneseo does not routinely monitor individual usage of its computing resources. Nonetheless, users should be aware that all computing resources are the property of Geneseo. As such, the college may access and monitor computing resources and any information stored on or transmitted through those computing resources, but only in accordance with applicable laws, for legitimate business purposes including, but not limited to, system monitoring and maintenance, complying with legal requirements, police investigations, investigating security incidents, and administering this or other Geneseo policies. Further, to protect systems on the Geneseo network, the college may, without prior notice if deemed necessary, remove compromised devices from the network, block malicious traffic from entering the network, and prohibit devices within Geneseo's network from connecting to known malicious outside entities.

### **Definitions**

**Computing Resources** - Computing resources refer to computing technology owned, leased, operated, and managed by the College, including but not limited to software, electronic mail systems, web hosting, applications, storage media, databases, and Internet connectivity. Also included are physical resources such as College-owned, -leased, -operated, or -managed computers, network cabling, wireless access points, computer workstations, kiosks, card swipes, printers/copiers, audio-visual equipment, telephone/fax equipment, classroom equipment, or wiring closets. Further, computing resources encompass all college voice and data networks, telephone systems, telecommunications

infrastructure, communications systems and services, and physical facilities.

**FERPA** - FERPA protects the privacy of student educational records and requires schools to minimize collection and use of student Social Security Numbers. Social Security Numbers should be collected only for the purpose of processing student loans, employment, and to meet other legal obligations.

**Mass Digital Communications** - Messages sent, unsolicited, to large segments of the college population using email, text messaging, or voice telephony.

**Multi-Factor Authentication (MFA)** - Authentication using two or more different factors to achieve authentication. Factors include: (i) something you know (e.g., password/PIN); (ii) something you have (e.g., cryptographic identification device, token); or (iii) something you are (e.g., biometric). Source: [csrc.nist.gov/glossary/term/mfa](https://csrc.nist.gov/glossary/term/mfa)

#### Policy

##### Acceptable Use

Computing resources at SUNY Geneseo are provided for educational and business purposes. As a convenience to the Geneseo user community, limited incidental personal use of computing resources is permitted. Faculty and staff are responsible for exercising good judgment about personal use in accordance with Geneseo and SUNY policies and ethical standards for state officers and employees. In general, State officers and employees are charged to pursue a course of conduct that will not raise suspicion among the public that they are likely to be engaged in acts in violation of the public trust. Examples of incidental personal use may include sending an occasional personal email or visiting a non-work-related website. Incidental personal use must comply with the following:

1. It cannot be illegal.
2. It cannot interfere with a Geneseo employee's job responsibilities.
3. It cannot adversely affect the availability, integrity, or reliability of Geneseo IT systems or cause harm to the activities of others using the IT systems.
4. It cannot be inconsistent with the College's status as a state entity and its non-profit, tax-exempt status.

College-provided devices (i.e., laptops, desktops, tablets) shall not be shared with or used by anyone other than the primary user.

College employees should use separate non-Geneseo accounts, email addresses, and devices for personal activities. Personally owned devices should not be

used to access sensitive Geneseo data (e.g., FERPA or HIPAA protected information).

#### Resources

The College's information technology resources are, by nature, finite. All members of the college community must recognize that specific uses of college information technology resources may be limited for reasons related to the capacity or security of the college's information technology systems or as required for fulfilling the College's mission.

Although there is no set bandwidth, disk space, CPU time, or other limits applicable to all uses of college computing resources, the college may require users of those resources to limit or refrain from specific uses if, in the opinion of the system administrator, such use interferes with the efficient operations of the system. Users are also expected to refrain from deliberately wasteful practices such as **printing unnecessary large documents**, performing endless unnecessary computations, or holding public computers for long periods when others are waiting for the same resources.

#### User Accounts

Users are responsible for ascertaining what authorizations are necessary and obtaining them before using college computing resources. The use of SUNY Geneseo's computer systems and network requires that the College issue a user account. Every computer user account issued by SUNY Geneseo is the responsibility of the person whose name it is issued. Users are responsible for any activity originating from their accounts that which they can reasonably be expected to control. Under any circumstances, accounts and passwords may not be used by persons other than those to whom the account administrator has assigned them. In cases when unauthorized use of accounts or resources is detected or suspected, the account owner should change the password and **report the incident**.

College recognized clubs and student organizations may be issued a user account. Faculty advisors shall designate a particular person(s) (e.g., club president) authorized to act on behalf of the club or organization. This person(s) is responsible for all activity on the account and will be subject to College disciplinary procedures for misuse.

The college employs various measures to protect the security of its computing resources and its user's accounts. Users should be aware, however, that the college cannot guarantee security and confidentiality. Users should therefore engage in "safe computing" practices using long complex passphrases, employing Multi-Factor Authentication, and guarding their passwords and MFA methods.

### Laws and College Policies

Users of college computing resources must comply with federal and state laws, college rules and policies, and the terms of applicable contracts, including software licenses, while using college computing resources. Users who engage in electronic communications with persons in other states or countries or on other systems or networks may also be subject to the laws of those jurisdictions and the rules and policies of those other systems and networks. Users with questions about how the various laws, rules and resolutions may apply to a particular use of college computing resources should contact the Office of the CIO for more information.

Users must use computing resources consistent with local, state and federal laws and policies and college policies. Examples include but are not limited to:

1. Users shall comply with federal copyright law.
2. Users shall not download, use or distribute illegally obtained media (e.g., software, music, movies).
3. Users shall not upload, download, distribute or possess child pornography.

### Mass digital communications

Mass digital communications at Geneseo are intended solely to communicate important information regarding academic, college, and student business to students, faculty, and staff.

Unsolicited mass communications are not permitted. This policy must not be circumvented by sending multiple messages to smaller populations. Opt-in mailing lists for projects, student organizations, or external groups can use [Google Workspace @ Geneseo](#). Centrally managed [Geneseo mailing lists](#) are restricted to messages that meet their purpose.

### Security & Privacy

Users should be aware that their college computing resources' use is not private. The college always retains ownership of its computing resources. Such ownership provides the college with an inherent right of access. While the college does not routinely monitor individual usage of its computing resources, the normal operation and maintenance of the college's computing resources require backup of data and communications, logging of activity, monitoring general usage patterns, and other activities necessary for the provision of service. The college may also monitor or inspect the activity of individual users of college computing resources, including individual login sessions and the content of individual communications, or delete user content that is not required to be kept by retention policy without notice or permission when:

1. The user has voluntarily made them accessible to the public by posting to a web page.

2. It reasonably appears necessary to protect the integrity, security, or functionality of college or other computing resources or to protect the college from liability.
3. There is reasonable cause to believe that the user has violated or is violating this policy or any other law or policy.
4. An account appears to be engaged in malicious, unusual, or excessive activity.
5. Accessing the account is otherwise required or permitted by law, including but not limited to freedom of information laws, laws governing the conduct of parties engaged in or anticipating litigation, and laws governing criminal investigations.

Users shall respect the privacy of others. Users shall not intentionally view information of other users, modify or obtain copies of other user's files, access or attempt to access other users' email, or modify other users' passwords without their permission. Unless the information is specifically made public or accessible to you, you should assume anything on the network is private. Just because you may have the ability, through a loophole, someone's carelessness, etc., to access files, directories, or information that does not belong to you, you do not have the right to do so. Any attempt to circumvent computer, network, or file security or to take advantage of security lapses is prohibited.

### Violations of Acceptable Use

Violations of this Policy include, but are not limited to:

1. **Illegal Use** - Using computing resources to upload, download, transmit, post, or store any material or data that, intentionally or unintentionally, violates any applicable local, state, national or international law, or violates the rules, policies, or procedures of the College or any college department is prohibited. Transmitting, uploading, downloading, or storing any material that infringes upon an existing copyright, trademark, patent, trade secret, or other legal right using computing resources is also prohibited.
2. **Threats or Harassment** - Using computing resources to transmit material or data that causes or encourages physical or intellectual abuse, damage, or destruction of property, or that causes or encourages harassment, explicit or implied, is prohibited.
3. **Forgery or Impersonation** - Falsifying or removing identifying information on computing resources with intent to deceive, defraud, or misguide is prohibited. Impersonation of other persons or groups with the intent to harm is prohibited.

4. Malicious Content - Use of Geneseo computing and messaging systems to transmit any material which contains malicious content, such as malware or phishing scams, or any other content that may damage computer systems or collect or misuse personal information is prohibited.
5. Fraudulent Activity - Using computing resources to transmit material or communications to promote a financial scam or wrongdoing is prohibited.
6. Unauthorized Access or Penetration Attempts (i.e., "hacking") - Unauthorized access or penetration attempts of Geneseo computing resources, or a remote entity using SUNY Geneseo computing resources, are prohibited. Users must not use computing resources to impair or damage the operations of any computers, networks, terminals, or peripherals.
7. Intercepting Communications - Using packet sniffers, password capture applications, keystroke loggers, and other tools that perform similar behavior or any form of network wiretapping on Computing Resources is prohibited. Using such tools to diagnose, analyze, or mitigate ongoing service issues or security violations may be permitted when conducted by authorized personnel.
8. Reselling Services - Computing resources are not to be used for personal commercial purposes or personal financial or other gains.
9. Service Interruptions - Using computing resources to permit or promote activity that adversely affects the integrity or performance of computing resources is prohibited. Denial of service attacks, forged packet transmission, and similar actions may be permitted when conducted by authorized College personnel.
10. Physical Security - Unauthorized access to, destruction, extension, or alteration of, theft, damage, or tampering of any physical computing resources, including computer workstations, kiosks, card swipes, printers, audio-visual equipment, telephone/fax equipment, classroom equipment, or wiring closets is prohibited. This applies to all network wiring, hardware, and in-room jacks. Users shall not use the residential network to provide Internet access to anyone outside of the College community for any purpose other than those that are in direct support of the academic mission of the College.
11. Transferring of Use - Permission to use computing resources is granted to individuals and may not be transferred to others. Sharing of a username/password assigned to an individual is expressly prohibited. Use of another user's ID or seeking to access another user's account is prohibited. Similarly, individuals may not use their user credentials to provide access to Geneseo's wireless network to other individuals. The following will be considered theft of services.
  1. Acquiring a username in another person's name.
  2. Using a username without the explicit permission of the owner and Computing & Information Technology.
  3. Allowing one's username to be used by another person without the explicit permission of Computing & Information Technology.
  4. Using former system and access privileges after association with Geneseo has ended.
12. Interference with or Transmission of Wireless Signals - Interfering with Geneseo's wireless networks or attaching a device to transmit a Geneseo network is strictly prohibited.
13. Circumvention of controls – Deliberately circumventing security controls or exploiting vulnerabilities at Geneseo or any other network from Geneseo equipment or network is prohibited. Gaining access by exceeding the limits of assigned authorization is likewise prohibited. Users shall not develop or use procedures to alter or avoid the accounting and monitoring of the use of computing facilities. For example, users may not utilize facilities anonymously or by using an alias. They may not send messages, mail, or print files that do not show the correct username of the user performing the operation.
14. Excessive or Unreasonable Use - Users shall not use information technology resources to excess. Excessive use of information technology resources by a particular user or for a particular activity reduces the amount of resources available to satisfy the needs of other users. Excessive use may degrade or jeopardize system functionality and result in significant costs to the college. Some examples of excess use may include writing a program or script or using an Internet bot to perform a repetitive task such as attempting to register for a class or purchasing concert tickets online.
15. Abuse of incidental personal use - Incidental personal use must not:
  1. Be illegal.
  2. Interfere with a Geneseo employee's job responsibilities/work.
  3. Interfere with the legitimate education and business purposes of Geneseo.
  4. Result in any measurable cost to the College.
  5. Adversely affect the availability, integrity, or reliability of Geneseo IT systems or cause

harm to the activities of others using the IT systems.

6. Violate this policy or other College or SUNY policies.
7. Be inconsistent with the College's status as a state entity and its non-profit, tax-exempt status.
8. Be for personal gain.

#### Reporting & Enforcement

Violations of this Policy may be reported through one's supervisor, Office of the CIO, the CIT HelpDesk, or the Information Security Incident Report Form, or as otherwise permitted through College policy.

Users who violate this policy may be denied access to college computing resources and may be subject to other penalties and disciplinary action, including possible expulsion or dismissal. Alleged violations will be handled through the college disciplinary procedures applicable to the user. The college may suspend, block, or restrict access to an account, independent of such procedures, when it reasonably appears necessary to protect the integrity, security, or functionality of college or other computing resources or to protect the college from liability. The college may also refer suspected violations of applicable law to appropriate law enforcement agencies.

When Computing & Information Technology becomes aware of a possible violation, we will initiate an investigation with relevant campus offices, such as the Dean of Students, Human Resources, and University Police. Users are expected to cooperate fully in such investigations when requested.

To prevent further unauthorized activity during such an investigation, Computing & Information Technology may suspend authorization for the use of all computing facilities for the user(s) involved in the violation.

#### Conduct Procedures For Registered Student Groups (rev. Summer 2020)

Student organizations are an integral part of the co-curricular life on the Geneseo campus. Such organizations exist to offer a maximum number of opportunities for students to pursue their educational, social and recreational interests. Insofar as they are sanctioned, registered\*, and supported by the College, they become an extension of the SUNY Geneseo community. It is expected that each organization receiving the privileges of registration will accept the responsibility of representing the College both on and off campus in a positive manner. Part of that responsibility will include adherence to the Student Code of Conduct.

An established conduct procedure will be used when registered student organizations, including Club sports and intercollegiate athletic teams of the College, violate the Student Code of Conduct. This policy does not supersede the administrative prerogative to withdraw recognition for just cause from any campus organization.

The Dean of Students or his/her designee is responsible for the investigation of all complaints, except complaints within the purview of the Title IX office, or reports charging misconduct by any registered student group. If it is determined that there may be cause for action against a registered student group, a determination will be made by the dean if the charges can be disposed of administratively by mutual consent of all parties involved, including the Conduct Administrator, or if the matter will be referred to the Student Conduct Board. Such administrative resolution disposition shall be final and there shall be no subsequent proceedings. If after investigation the incident appears to result from individual rather than group action, the individual student's behavior will be subject to review under the Student Conduct Procedure. Referral of a charge against a group to the Student Conduct Board does not preclude parallel action against the individual students through the College Conduct Procedure in the same case.

Members of the Student Conduct Board Committee are appointed from three of the College's constituent groups: faculty, administrative staff, and students. The total membership will consist of at least three appointees from each constituent group. After appropriate consultation, the Vice President for Student and Campus Life will recommend to the President each year the names of the members. The President's appointments to the Committee may be for a specified period of time with there being no limit on the length of time any one individual may serve.

Primary consideration for selection to this Committee is membership in, or advisor to, a recognized organization.

A member of each constituent group will be selected to constitute the Student Conduct Board of three members for each case. The Dean of Students or designee will serve as non-voting chair of each Board. The Dean of Students or designee will prove the charges, introduce evidence and other pertinent information for consideration by the Board. Determination of procedures, introduction of witnesses, rules of evidence, and participation of advisors or attorneys shall be the responsibility of the Dean of Students or designee.

Charges will be presented to a representative of a student organization accused of violation of the Student Code of Conduct no less than three days before the scheduled hearing before the selected Board. The advisor of record of the organization also



will receive a copy of the charges and be invited to attend the hearing. The charged organization's representatives will be given the opportunity to meet with the Dean of Students or designee prior to the hearing to discuss the hearing process and procedures. It will be the responsibility of the charged organization to select no more than two of their members as representatives of the organization at the hearing and any pre-hearing or post-hearing meetings. These individuals will remain the organizational representatives throughout the appeals process. The advisor to the organization (or an approved substitute) may attend all sessions and meetings but is not required to do so.

The hearing process is not based on legal standards and allows the Board full access to all pertinent information related to the charges under consideration. The organization's representatives are asked to explain and present evidence related to the charges and they are offered an opportunity to discuss with members of the Board all relevant implications of the behavior of their members. They may bring forward a reasonable number of witnesses to provide testimony on the charges and on behalf of the organization. In addition, they may directly question any witnesses that have presented testimony or evidence to the Board related to the organization's misconduct, unless they have agreed in advance that the written statements of the witnesses are correct. Hearings conducted by the Board are not open to the public. The current College policy regarding the Right to Legal Counsel will apply to these procedures. The Board first determines by majority vote of its members whether or not the organization has violated the standards of conduct. If the majority find the organization has violated the standards of conduct, the Board will, by majority vote, determine the conduct action to be taken against the organization. The organization's representatives will be provided the opportunity to provide the Board with information about any extenuating circumstances or other factors that should be considered by the Board prior to the determination of conduct action.

#### Conduct Actions

The Board's determination and decision on conduct actions is communicated to the representatives of the organization orally and in writing by the Dean of Students or his/her designee. A copy of the written decision is kept on file in the Dean of Students' Office. The advisor of the organization is provided a copy of the decision and, if the organization has an external affiliation, the headquarters of the organization will be sent a copy of the charges and the decision. The Board may take any of the following conduct actions:

*Written Warning* - A letter from the Dean of Students or designee reviewing the behavior of the organization that was inappropriate and expectations for the future. The consequences of similar behavior in the future should be clearly stated. The date on which the Letter

of Warning will be removed from the file should also be included.

*Conduct Probation with Sanctions* - A severe warning that may require the organization to take specific actions or refrain from certain activities. Specifically, an organization may be required to:

1. Perform a specific community service for a specified amount of time or for a specific purpose;
2. Organize and complete a fund-raising activity with the proceeds to be donated to a designated organization;
3. Make restitution of a specified dollar amount to the individual or group injured by the actions of the organization;
4. Be prohibited for a specified period from the use of College facilities or participation in certain Campus activities;
5. In manner to be determined by the Dean of Students, distribute a written public apology to the College and/or local community.

*Suspension of Registration* - The withdrawal of recognition and its privileges for a specified period of time. Any conditions required for the re-registration of the organization should be specified in writing.

*Withdrawal of Registration* - The permanent withdrawal of registration and its privileges.

#### Appeal Process

An organization that has received a conduct sanction under this procedure has the right to appeal the Board's decision to the Vice President for Student and Campus Life. The appeal must be in writing and received by the Vice President's Office within five (5) working days of the receipt by the organization of the written decision of the Board. The decision of the Vice President will be reviewed by the President of the College before it is issued in writing to the organization's representatives.

It is expected that the organization representatives making the appeal will meet with the Vice President after submitting their written appeal. The Vice President may uphold the conduct sanction or take a lesser action. The conduct sanction may not be increased in the appeals process. The conduct action taken by the Board will not be implemented until the appeal process is concluded.

If the Vice President is not available to hear an appeal or was involved in initiating charges against the organization, the President of the College will select another administrative officer to hear the appeal.

An organization that fails to fulfill or implement a Board's conduct action or an action decided on appeal will lose its registration.

Organizations and advisors are given copies of these procedures at the time they are notified of a conduct



review. The College administration may at its discretion make public the charges against the organization and the final conduct penalties imposed by this procedure.

The College retains the right to move forward with this procedure if the charged organization does not participate in a timely manner.

(\* Registration is a formal process by which student social, academic, fraternal and service organizations are allowed to function by the College.)

### **Consensual Sexual and Amorous Relations Policy (rev. 6/29/21)**

The College prohibits sexual or amorous relationships between SUNY Geneseo employees and students to whom such employees have current professional responsibility. The College also strongly discourages sexual or amorous relationships between employees and students as well as supervisors and non-student employees to whom such employees have current professional responsibility.

#### Definitions

**Professional Responsibility** - May include but is not limited to, supervisory, instructional, or other campus relationship where power and authority is exercised and the real or perceived freedom of the student or employee to terminate or alter the relationship is impeded.

**Personnel Actions** - Personnel actions include, but are not limited to hiring, discipline, performance, evaluation, promotion, tenure, demotion, transfer, discharge from employment, layoff, conditions of work, rates of pay, or similar financial decision and selection for training, and terms, conditions, or privileges of employment.

#### **General Procedure**

On the occasion when a SUNY Geneseo employee is in a supervisory position to another non-student employee where such a relationship exists, it shall be the responsibility of the individual to inform the cabinet-level administrator or President, so that they may be removed from any personnel actions of the employee.

#### **Personnel Actions**

SUNY Geneseo employees with status advantage in such relationships could be subject to formal discipline (as provided for in collective bargaining agreements, where applicable) for violating their professional and ethical obligations to a student or employee of the College; to charges of sexual harassment should such a complaint be filed by a party in the relationship; or to charges of discrimination or state ethics changes should another employee claim to be adversely affected by the relationship. In addition,

the relationship may expose the individual employee, as well as SUNY Geneseo, to possible legal charges and liability. If an employee has engaged in such a relationship in violation of this procedure, that individual may lose SUNY/state defense and indemnification.

### **Credit Card Policy**

SUNY Geneseo realizes the importance of fundraising to its clubs, organizations, and departments. The following policy has been established as an addendum to the already existing SUNY Geneseo fundraising policy, to ensure that various fundraising efforts are in accordance with Federal and State laws.

For the purposes of these guidelines, "credit card vendors" is defined as anyone soliciting student applications for credit cards including, but not limited to, individual students, student groups, not-for-profit groups, and commercial organizations.

Pursuant to Article 129-A of the New York State Education Law §6437 (Prohibition on the marketing of credit cards) the advertising, marketing, or merchandising of credit cards to students by vendors is prohibited at the State University of New York at Geneseo, except those published in newspapers, magazines, or similar publications, or except within the following guidelines:

1. The SUNY Geneseo Credit Union may provide credit card applications as part of the array of services offered to individuals opening an account.
2. Local banks represented at New Student Orientation may provide credit card applications as part of the array of services offered to individuals opening an account.
3. The Credit Union and banks are prohibited from offering gifts or prizes to students in exchange for credit card information, handouts, or applications.
4. Credit card policies must be clearly displayed by the Credit Union or banks at the solicitation site and copies of the credit card policies must be distributed to all individuals who accept (or complete) an application (these policies must pertain to, but are not limited to interest rates, teaser rates, and annual fees).
5. The Credit Union and banks must distribute, and clearly post at the solicitation site, information on the dangers and consequences of consumer debt to all individuals who take (or complete) a credit card application.

External agencies to the institution, other than banks and the Credit Union, may not solicit credit cards to current students. This provision includes the campus bookstore, which may not include credit card material in books or bags.

Information about good credit management practices, including the prevention of personal debt and identity

theft, can be obtained through credit-bearing classes, GOLD workshops, or electronic links to off-campus agencies.

Students should be ever vigilant about unsolicited telemarketing solicitations, especially those for credit cards and those that ask for personal information. No door-to-door solicitation of any kind is allowed in the residence halls, but as a campus we cannot prevent phone solicitations. Students are encouraged to contact the National DO NOT CALL registry to prevent unwanted phone solicitations. Preventing these calls is quick and easy. Students simply log into <http://www.donotcall.gov>; click register now, and enter their phone number. Additional directions will then be emailed. The Do Not Call request lasts for five years.

This policy does not apply to direct mailings to non-student constituencies by the College, its departments, or alumni association.

### **Facilities Use Policy (rev. Summer 2021)**

The mission of the Office of Scheduling, Events and Conference Services is to provide professional planning support and information for events and activities on campus resulting in efficient space management and successful campus events. To accomplish these goals effectively, all requests for space (this includes outdoor areas) must be approved through the Office of Scheduling, Events and Conference Services. This single campus clearinghouse for all events will provide knowledgeable support and coordination so that every event will become a successful, positive reflection of the College.

The Office of Scheduling, Events and Conference Services administers and enforces the Facilities Use Policy. The Office of Scheduling, Events and Conference Services provides scheduling, physical arrangements, event planning, and facility use coordination to all campus departments and constituents (CAS, Facilities, Custodial Services, Tech Support, CIT, etc). This policy extends to employees, students, and off campus users.

The College must be reimbursed for all direct costs incurred in facility use by Academic Departments, College Departments and Student Organizations. Direct costs are defined as all fees associated with having an event or program in College facilities, or supported by College services. Direct expenses include, but are not limited to, costs incurred as a result of occupancy beyond regular hours, audio-visual requirements, custodial services, personnel required to service an event, set-ups, special equipment, University Police and Parking Services, HVAC outside the state supported guidelines, and technical support. Each department or organization

will be billed accordingly for direct expenses associated with events.

The Office of Scheduling, Events and Conference Services is the resource for all procedures for facility use, and questions about compliance with the Facilities Use Policy. Weekly planning meetings are held every Thursday to review upcoming events with representatives from College support departments as outlined above.

To schedule space or for assistance in planning your event on campus, contact the Office of Scheduling, Events and Conference Services in Erwin 23 or by calling x5500. Visit them online at:

[https://www.geneseo.edu/events\\_office](https://www.geneseo.edu/events_office) for more details and guidelines on planning campus events.

#### **I. Department-Sponsored and Academic-Related Use of College Facilities**

- An academic-related or department-sponsored event is defined as a meeting, seminar, lecture, or symposium, which is held for the benefit of College faculty, staff or students with primarily internal College participants. College facilities are available to faculty, staff and recognized student organizations for sponsorship of educational programs or programs sponsored by academic and administrative departments. College facilities are NOT available to faculty, staff or students for personal use. However, individuals and external organizations may use space for a fee. (See Use of College Facilities by External Organizations for more information).
- An event where participants are predominantly non-College individuals should be treated as an external event and scheduled through the Office of Scheduling, Events and Conference Services. Such events will require the issuance of a New York State Revocable Permit. College departments may choose to sponsor such events. Such sponsorships will require the issuance of a New York State Revocable Permit AND the department will be financially responsible for all direct costs.

#### **II. Student Organization Use of College Facilities**

##### **A. Registered Student Organizations**

Registered Student Organizations are defined, as student groups organized and supported by currently enrolled SUNY Geneseo students in their pursuit to meet a need or fill a niche for the college's diverse student population. These groups are committed to supporting and advancing the College Mission Statement and functioning in accordance with campus policy. These student groups have successfully completed the student organization registration process and have been granted official registration by the College.

Registration does not imply college endorsement of the positions and views of any organization. Rather, it implies that the institution accepts the organization's mission as educationally valid, and that the

organization has complied with institutional registration and continuing registration procedures.

The policies and procedures of SUNY Geneseo supersede any outside affiliation or international entity for all organizations that have affiliations outside of Geneseo.

#### B. Academic Department Organizations

Academic Department Organizations are defined as student groups that are formed, sponsored by Academic departments, in the pursuit of research and academic endeavors, and are not considered long-term student organizations. These groups are formed to work on short-term projects and they should not extend beyond one full academic year.

The sponsoring Academic department assumes responsibility of the group and therefore can reserve space for the group under the department's name.

#### Fundraising by a Registered Student Organization

- Fundraising is permitted on campus to support direct program costs, the internal operations of registered student organizations, or contributions to non-profit, external and charitable organizations.
- Each fundraising activity must be approved by the designee in Student Life. Applications must be submitted at least seven days in advance to the Student Life Office, MacVittie College Union 321. Activities must be conducted in the location assigned.
- Permission will be granted or denied in writing within seven days and the approval must be shown on request to anyone who asks for proof of permission.
- Solicitations for charities require permission from the governing body of the group involved, and the activity will be limited to public areas and excluded from rooms and corridors.
- In addition to College permission, organizations conducting charity drives must receive specific permission to solicit within particular campus buildings from the administrators responsible for those buildings. Refer to Director of Student Life for specific instructions.
- For off-campus fundraising, Federal, State, and Local rules apply.
- Within 10 days of the completion of the fundraising, documentation of the deposit to the charitable organization must be submitted to the Director of Student Life, MacVittie College Union 321.

#### Sponsorship of Commercial Activity for Profit by a Registered Student Organization

- Sponsoring a commercial activity must be approved on an individual basis by the Director of Student Life.

- The commercial activity must in some way contribute to the recognized student organization treasury and be handled by the organization.
- Consideration for sponsoring commercial activity by a recognized student organization will be given only if:
  - the organization presents proof of the activity's legitimacy;
  - the organization presents a rationale stating that the activity will enhance the College community educationally or culturally;
  - the activity will not conflict with the College's agreement with Campus Auxiliary Services or compete with it in the sale of comparable items
- Where appropriate, the commercial vendor must certify that it will charge and report applicable sales tax on items sold and comply with all applicable State and local laws and regulations.

#### Sponsorship of Political Programs by Registered Student Organizations

Geneseo encourages and supports the free exchange of ideas and political viewpoints; but the name of the College, insignia, seal or address of the College or any of its facilities may not be used for the direct support of a partisan political cause or candidacy.

When the campus does approve the use of campus property or facilities for political purposes, reasonably equal opportunity shall be provided for the presentation of all sides or views and in such cases reasonably equal access to the property or facilities shall be provided to all sides.

#### III. Use of College Facilities by External Organizations

The Office of Scheduling, Events and Conference Services will have scheduling priority during the summer months and during breaks in the academic year after all college sponsored activities have been scheduled. Events scheduled during the academic year and using general College facilities may not conflict with scheduled student activities. Normally the Office of Scheduling, Events and Conference Services will not book engagements or confirm reservations for use of College facilities by outside groups during the academic year more than three months in advance. Events in the College Union and the Knight Spot need prior approval from the Director of Student Life. Events in the Residence Halls require approval from the Director of Residence Life, and events involving athletic facilities require consultation and approval of the Director of Intercollegiate Athletics and Recreation (or a designee). Requests for use of Wadsworth Auditorium, Doty Recital Hall, Alice Austin Theater or Robert Sinclair Theater (Blackbox) will be approved or denied after consultation with the departments of Music and Theater.

#### A. Organizations Eligible to use College Facilities

- Non-profit, educationally oriented associations and organizations;
- local, county, State and University agencies and organizations;
- non-profit, religious organizations;
- organizations that by meeting on campus will enhance the relationship between the College and the Community, or which enhance the educational mission of the College; and
- organizations which provide a community service which in their use of College facilities do not compete with area businesses.

#### B. Approval for Use of Facilities

- All inquiries and requests for the use of College facilities and services by external organizations must be made to the Office of Scheduling, Events and Conference Services.
- Events for which participants are predominantly non-college students, faculty or staff, even if sponsored by a faculty or staff member or department, must be scheduled and planned through the Office of Scheduling, Events and Conference Services.
- The Office of Scheduling, Events and Conference Services will consult with the administrators in charge of facilities requested to determine availability.
- The Office of Scheduling, Events and Conference Services will act as coordinator for the use of all College facilities and services for approved conferences.
- The Office of Scheduling, Events and Conference Services will distribute information relating to conferences on campus in a timely basis to the administrators responsible for providing necessary services.
- A New York State Revocable Permit will be issued to any external organization wishing to use College facilities. All revocable permits will be issued by the Office of Scheduling, Events and Conference Services and submitted to the Vice President for Finance and Administration for approval at least two weeks prior to the start of the conference or use of facilities. The Revocable Permit must be approved by the Vice President or their designee before an organization is permitted to use the College Facilities.
- Any external organization must provide proof of insurance and a Certificate of Liability/General Liability Insurance with limits no less than two million dollars (\$2,000,000) per claim and two million dollars (\$2,000,000) in the aggregate. The certificate must name the State and the College as additionally insured.

The College is unable to host funerals or other public memorial services which serve as the primary observance for a public audience. Remembrance events for the college community may be permitted

with prior approval from the event organizer's appropriate cabinet-level supervisor before event commitments are made. A remembrance event will only be permitted for those individuals currently affiliated with the college and when an official college department or student organization serves as sponsor and organizer for the event, managing event logistics in compliance with campus policies and protocols.

#### C. Facility Use Charge

Facility use charges are established by the Facilities Use Committee and are approved by the President.

- Additional charges may be required for special services such as custodial, electrical, air conditioning, facility supervision, University Police and Parking Services and any costs for damages incurred.
- The Office of Scheduling, Events and Conference Services will issue Revocable Permits for stand-alone athletic functions for external organizations. Scheduling will be coordinated with the Department of Intercollegiate Athletics. There will be a permit application fee to cover expenses incurred in processing the permit.
- With the exception of facility use rates for stand-alone athletic functions, the Office of Scheduling, Events and Conference Services is the only office authorized to submit bids, quote facility use rates or conference rates to external users.

#### D. Campaign Policy—Please refer to [Campaigning Policy 4-400](#)

#### E. Free Speech

Individuals interested in using the campus grounds for assembly, picketing, or demonstrations are required to inform the College of their intentions and obtain authorization through the Office of the Vice President for Student and Campus Life. Forty-eight hours advance notice is required. Applicants to utilize campus grounds are required to submit: their name(s); the name of their organization; the location sought; the date and time of the planned demonstration; the number of persons expected to participate; and the manner of demonstration. Please refer to [Assembly Policy #3-315](#)

#### **General Guidelines and Policies for All Events on Campus**

Faculty, staff and recognized student organizations may reserve rooms on campus by contacting the Office of Scheduling, Events and Conference Services, Erwin 23, ext. 5500, or online at <http://events.geneseo.edu>.

#### 1. Timeliness

To ensure that your request is processed in a timely and efficient manner, please submit your request a

minimum of two-weeks prior to the event. Late requests will be accommodated, if possible depending on the nature of the request. Please note that recognized student organizations may not make reservations for space before the first day of classes or after the last day of classes in any given semester. Student organizations cannot reserve space or hold events on study days or during final exams of either semester. If a student organization would like to reserve and use space during the summer sessions, the Office of Scheduling, Events and Conference Services will work with the groups on a case by case basis to accommodate the request.

## 2. Confirmation

A confirmation notice will be forwarded to the requester via email or will be given over the phone. Please verify that all information entered is correct. Note: Do not advertise your event until the confirmation has been received.

## 3. Space Holds

A requester may hold space without commitment or event details until another request has been made for the same space. At that time the original requester will have up to two weeks to commit to the original request or release the date for the second group.

## 4. Changes

Any changes to the original reservation request must be submitted a minimum of five working days prior to the event. Any date change may also result in a charge to the sponsoring group.

## 5. Cancellations

The cancellation of an event must be done a minimum of three working days prior to the event. Responsible parties will be financially accountable for all charges that would have been incurred because of commitments made to facilitate the event if proper notice is not given to the Office of Scheduling, Events and Conference Services.

## 6. Damage to property

Furniture or equipment may not be removed during the reservation of the facility. Any furniture that was moved to facilitate your event must be returned to its original location. Decorations must be removed and the facility left in unmarked condition when the reservation is completed. Persons using space are responsible for leaving the room in a neat and orderly state. In addition to any normal charges, persons who leave a disorderly room and/or cause damage to the room or equipment may be liable for a service charge and are subject to New York State Laws for possible prosecution and student groups could also face action through the Student Code of Conduct if appropriate.

## 7. Food and Beverage

All Food and Beverage catering is exclusively provided by Campus Auxiliary Services (CAS). On occasion, CAS may honor a request to vary from the

current catering policies. Requests for food and beverage must be made at least two weeks prior to the event.

## 8. Revoking Reservations

The Office of Scheduling, Events and Conference Services may revoke approval for use of any College facility when facilities are misused, or any of the provisions of the reservations procedures are violated. The Office of Scheduling, Events and Conference Services reserves the right to change/cancel a room reservation if necessary. This would only happen in emergency situations or as outlined in the Scheduling Priorities Policy.

## 9. Spaces of Note

For the purpose of example and not all inclusive proper event planning, the following spaces cannot be reserved online through Virtual EMS and must be reserved directly with the Office of Scheduling, Events and Conference Services or directly through the office identified below.

- MacVittie College Union Ballroom
- MacVittie College Union Lobby
- MacVittie College Union Plaza
- ANY Outdoor space (Quads, Playing Fields, College Green, Arboretum)
- ANY space in Merritt Athletic Center, College Stadium or Schrader Hall (Intercollegiate Athletics & Recreation)
- Wadsworth Auditorium and Doty Recital Hall (in consultation with Music Department)
- Alice Austin Theater, Brodie Dance Studio, and Robert Sinclair Theater (in consultation with Theater and Dance Department)
- Doty Hall: Conference Rooms 307 and 316, Webinar Room (302E) and Tower Room (300) are available for use during normal business hours. Events scheduled after hours will be reviewed and approved on a case by case basis by the Director of Scheduling and Events.

## 10. Solicitations

Nothing may be sold and no funds may be solicited at unreserved locations.

## 11. Time Limits

The Office of Scheduling, Events and Conference Services reserves the right to establish time limits (exceptions to the seven-day rule) for making arrangements and confirming reservations depending on technical requirements or nature of the events.

## 12. Safety

Provisions must be made for the safety of persons attending an event on campus. It is the registered student organization's responsibility to work with Environmental Health & Safety Office and University Police Department to ensure that safety regulations required by SUNY Geneseo are met. Campus Officials including University Police reserve the right

to cancel any event which they may determine to be a safety hazard.

### 13. College Endorsement

Use of SUNY Geneseo facilities does not imply College endorsement of an organization, its events, or its objectives. All activities must be in complete accordance with all federal, state and local statutes and must be in accordance with all SUNY Geneseo regulations and policies.

### 14. Off-Campus Participants

Any registered student organization or department hosting an event where off-campus participants (non-faculty, staff, or students) are in attendance, must contact the Office of Scheduling, Events and Conference Services (5500) and the Campus Auxiliary Services (5666) for catering (if food or catering is needed).

### 15. Space Reservation Limits

The Office of Scheduling, Events and Conference Services reserves the right to limit the number of reservations a single group can make for any given week. In an effort to provide space to as many groups as possible:

1. Registered student organizations may reserve a maximum of four (4) hours of meeting/event time per week on a regular basis.
2. Registered student groups may reserve additional time on a space available basis after the third week of classes in a given academic year - but not exceeding 8 hours per week.
3. The reservation of a classroom must be for a specified event or meeting (classrooms cannot be reserved for study time).
4. Classrooms cannot be reserved for multiple days in a week for the entire semester.

### 16. Scheduling Priorities:

- Academic classes scheduled through the Registrar's Office take priority over everything else in the academic classroom buildings.
- Events scheduled will have the following priorities:
  - College sponsored major, traditional, annual on-campus events, such as Commencement, Convocation, Parent's Weekend, Alumni Reunion, Weeks of Welcome and GREAT Day.
  - Academic-related College events scheduled by appropriate faculty.
  - Contractual events such as Activities Commission Limelight & Accents and Activities Commission Concert(s) – that requires use of Merritt Facility.
  - The following Campus Governance Groups' Weekly Meetings:
    - Inter-Residence Council, Mondays at 7:00 p.m.
    - Academic Affairs Committee, Tuesdays at 7:30 p.m.
    - Student Association, Wednesdays at 6:15 p.m.

- Inter-Greek Council, Thursdays at 5:00 p.m.
- Non-academic-related events scheduled by students or faculty

- Regular meetings, review sessions, etc.: A request to book space for the next academic year can be made after April 15th of the current year. The College Union and individual building conference rooms can be booked for both semesters of the following year (up to 18 months in advance), however, those groups requesting rooms in academic spaces may only request dates for the next semester. Requests for the following semester may be made at the beginning of the said semester after "Add/Drop." Reservations are processed as quickly as possible. A turnaround time of no more than seven (7) days may be required at certain times of the year.
- Reservations for the following year: A room reservation request for an event or activity for the next school year may be submitted beginning April 15, of the current year. Reservations will not be accepted prior to that date, with the exception of major campus events. Procedures for reserving dates, time, and space for events may be obtained through the Office of Scheduling, Events and Conference Services.

### III. Procedures specific to the MacVittie College Union

- A short-notice reservation form permits arranging last-minute meetings of organizations at the MacVittie College Union Student's Manager's Office, CU 321, (2nd floor) by reserving CU meeting rooms not previously scheduled. This is only for Union conference-style meeting rooms and can only be made after 3:30 p.m. day of the event (or on weekends.) There cannot be any special setup arrangements for these rooms. Note: This procedure is to be used for emergencies; it is always best to use the normal reservation procedure.
- All scheduled events in the MacVittie College Union must end at least one-half hour before the reservation ends or the building closes to permit cleanup by the sponsoring organization. Any event not held within building hours must have special permission from the Director of Student Life Department (or designated staff), CU 321, and there will be a charge for building supervision outside of regular hours. Building/event hours are regularly extended to 2:00 a.m. on Friday and Saturday evenings to support Geneseo Late Knight. Overnight hours may be granted with approval, however are limited to 2 overnight events per semester.
- Flyers may not be taped to any surface in MacVittie College Union including exterior doors. Any organization taping up flyers will be subject to charges for the removal of the flyer or repair of the surface. Organizations are permitted to submit special proposals to Department of Student Life



staff for any creative publicity differing from the policies and procedures.

- Department of Student Life staff and Student Managers reserve the right to control the sound levels of events in the MacVittie College Union.
- The distribution of leaflets, handbills, samples and other materials in the MacVittie College Union may occur only in a reserved area. When distribution is over, the organization is responsible for picking up any materials thrown on the floors throughout the building.
- Every effort is made to reserve the type of room requested. A printed confirmation to ascertain the exact room assigned to your organization will be provided after the reservation is made. It also may be necessary to relocate a function in order to best use the facilities available. If this is necessary, all parties will be notified as far in advance as possible.
- Individuals and Organizations are expected to leave the space they reserved and utilized with the same setup and in the same condition as they found it at the beginning of their reservation. If the room is in need of custodial services or a reset, charges may be levied accordingly.
- Direct expenses include, but are not limited to, costs incurred as a result of occupancy beyond regular hours, audio-visual requirements, custodial services, personnel required to service an event, set-ups, special equipment, University Police Department and Parking Services, HVAC outside the state supported HVAC guidelines, and technical support. Charges will be passed on to the organization/individual placing the reservation.

#### IV. Online Reservation Procedures

- Geneseo's online reservation system can be viewed by visiting the Event Management System (EMS) web site by accessing: [www.geneseo.edu/events\\_office](http://www.geneseo.edu/events_office). Faculty, staff and recognized student organizations may use the system to search for available space and submit a secured online request for space. Requests are approved or declined by the Office of Scheduling, Events and Conference Services. *Submission of a request does not confirm a reservation.* All standard policies and procedures apply. Those organizations that have special needs should contact the Office of Scheduling, Events and Conference Services, Erwin 23 (ext. 5500).

#### V Guidelines for Events On-Campus

If your organization or department is planning an event on campus, you must communicate with the Office of Scheduling, Events and Conference Services at least three (3) weeks prior to the event. At that time you should be prepared to discuss the details for the event.

##### Event Categories:

- Your event will require an early open or late night closing beyond standard building hours.

- You have invited off-campus guests.
- You are having a performer and a contract is required.
- You are having food at your event.
- If you require a setup other than the standard room setup for the reserved space or need additional equipment.
- Event is to be held outdoors.
- If your event requires parking for off-campus guests.
- You have an event that requires additional health and safety precautions (5K or polarizing events- an event that could bring opposing viewpoints into a controlled platform).

#### **In accordance with campus guidelines, the following policies are reiterated for registered student organizations in planning an event.**

- Events held in the College Union will end at 11 p.m. Sunday – Thursday and 2:00 a.m. Fridays and Saturdays. Groups may request permission for extended hours.
- College Union building/event hours may be extended beyond 2:00 a.m. on Friday and Saturday evenings with approval of the Director of Student Life or designee for the Department of Student Life. If building hours are extended you must stop admitting new guests at 2:00 a.m. as the building will be locked at that time. Overnight hours may be granted with approval; however these are limited to 2 per semester.
- After details of the event have been reviewed by the Office of Scheduling, Events and Conference Services with appropriate College support offices and the students, additional University Police officers may be required. UPD reserves the right to charge for these services.
- A professional staff member (such as an advisor or resident director) may also be required to attend the event. Staff members are always welcome to attend any program.
- Registered student organizations should have a plan for monitoring the doors and taking tickets to ensure the safety of all attendees.
- All policies and procedures stated in the Student Organization Handbook must be upheld. Registered student organizations failing to follow these procedures for planning programs could jeopardize their College registration.
- Reservations should include any necessary set-up and clean up time as part of the event request.
- Unless you have made a request for additional time to access your event facility the standard procedure is to allow you access 15 minutes prior to its start time. Should there be a problem with your event, please take the following steps:
  - During Business Hours (8am-4pm) – Call The Office of Scheduling, Events and Conference Services at ext. 5500 and they will assist.

- Outside of Business Hours –
  - *If your event is in the College Union*, locate the building manager and they will assist.
  - *If your event is NOT being held in the College Union*, call University Police to have the proper Facilities Services staff person or UPD Officer on duty dispatched to the location of your event.

#### VI. Guidelines for Posting Events Information Posting Events to the College Calendar.

- All on-campus events must be first scheduled and processed by the Office of Scheduling, Events and Conference Services before they will be published to the college calendar.
- Only organizations officially affiliated with the College (e.g., registered student organizations, academic departments, college offices) may submit event information for posting to the calendar.
- SUNY Geneseo computer facilities shall be utilized solely for work consistent with the instructional, research, and administrative goals of the College, as defined in the SUNY Geneseo "Missions and Goals" statement and the SUNY Policy Manual, Item 007.1. Geneseo computer facilities and network may not be used to post or transmit any material that constitutes or contains advertising or any solicitation of product or services in exchange for personal financial or political gain.
- In addition, the advertising of events or activities that promote the use of alcoholic beverages and/or illicit drugs is prohibited.
- All posted events must follow College policies, and state, federal, and local laws and regulations.
- Off-campus events may be posted only after the approval of authorized personnel. Contact the Office of Scheduling, Events and Conference Services (585)-245-5500 for more information. Registered student organizations should contact the Department of Student Life at (585) 245-5855.
  - An off-campus event is considered acceptable to post if it meets these criteria:
    - The event is directly related to or would benefit the College, the College's Mission and Goals and the organization or department sponsoring is officially affiliated with the College.
    - The event adheres to the same policies as on-campus events, except for the scheduling and processing by the Office of Scheduling, Events and Conference Services.
    - The event is accessible to the College community

#### VII. Posting Policies- This Week at Geneseo and Geneseo Weekly

Events in the online calendar that are targeted to a student audience are shared weekly in the "This Week at Geneseo" email. By reserving your room, you have automatically added your event to the calendar. To optimize your event listing in the calendar, make sure

you fill out the form at:  
[https://docs.google.com/forms/d/e/1FAIpQLScTZG6Z402Yb2Q5S\\_hKZZz-aTpCwHLsbQ5E31nCO\\_N2PJ9ptw/viewform](https://docs.google.com/forms/d/e/1FAIpQLScTZG6Z402Yb2Q5S_hKZZz-aTpCwHLsbQ5E31nCO_N2PJ9ptw/viewform)  
 If your event is virtual, submit it at:  
[https://events.geneseo.edu/khowell\\_990/home](https://events.geneseo.edu/khowell_990/home).

Geneseo Weekly is a weekly email newsletter for students and staff to share news and other items of interest to students. Events are not accepted to Geneseo Weekly. Submissions must be sent to: <https://docs.google.com/forms/d/e/1FAIpQLSdxaZCYRl36dhvJlHyQx9XyoIVylNlctP2YB2NnUGLz-vy20g/viewform>, and received by Friday at 4 p.m. for inclusion in the next week's newsletter. The following are the guidelines for submissions to Geneseo Weekly.

- All posted events must follow College policies, and state and federal laws and regulations.
- All postings must come from Geneseo email accounts.
- Postings cannot contain any material that constitutes or contains advertising or any solicitation of product or services in exchange for personal financial or political gain.
- Advertising of activities that promote the use of alcoholic beverages and/or illicit drugs is prohibited.
- Solicitation, personal type postings, and lost and found postings are prohibited.
- You may only submit a duplicate posting two weeks in a row.
- Attachments are not accepted to Geneseo Weekly. For additional information, include a link to a web page.

#### Geneseo Implementation of SUNY Policy on Students with Felony Convictions

In summer 2017, SUNY changed its policy on admissions of persons with prior felony convictions. This new policy, effective July 1, 2017, covers the recruitment cycle for the 2018 school year, beginning with the admission of students starting classes at SUNY schools after January 1, 2018. In this new policy, all applications for the admission of students who are seeking admission for the first time in January 2018 or later will no longer include a question regarding criminal history.

Since that change, this process has been implemented at Geneseo, including the public issuance of the following statement:

*State University of New York (SUNY) policy prohibits SUNY Geneseo admission applications from inquiring into an applicant's prior criminal history. After acceptance, the College shall inquire if the student previously has been convicted of a felony if such individual seeks campus housing or participates in clinical or field experiences (possibly including some*

student activities), internships or study abroad programs. The information required to be disclosed under SUNY policy regarding such felony convictions shall be reviewed by a standing campus committee consistent with the legal standards articulated in New York State Corrections Law.

*Students who have previously been convicted of a felony are advised that their prior criminal history may impede their ability to complete the requirements of certain academic programs, including studying in certain countries, and/or to meet licensure requirements for certain professions. Students who have concerns about such matters are advised to contact the Dean of Students, the Study Abroad office, the Dean of Academic Planning and Advising, or one of the deans or department chairs of their intended academic program.*

It is the student's responsibility to provide the requested material in a timely manner. Failure to do so could delay or preclude participation in a covered activity.

*It is also the obligation of every student to notify the Dean of Students office or Office of Student Conduct and Community Standards of any felony or misdemeanor arrests occurring at any time after the time of application through the actual rewarding of a degree or separation from the institution, regardless of geographic location of the arrest or specific crime alleged.*

*Failure to do so may result in conduct charges by the college. The College may review the facts underlying the arrest to determine if there is a concomitant Code of Conduct policy violation.*

The process for review of applications for the non-exhaustive, aforementioned programs is as follows:

After an applicant has been accepted as a student, and has applied for and sought participation in a covered program or activity, Geneseo shall inquire if the student has a prior felony conviction.

If a student replies "yes" to the question of whether he/she has ever been convicted of a felony in response to an application for a covered activity, the College standing review committee shall conduct a review of such application consistent with the standards articulated in the [NYS Corrections Law, Section 753 of Article 23-A](#).

To facilitate its review, the campus committee shall ask the student to provide:

A copy of the student's unsuppressed criminal history record from the NYS Division of Criminal Justice Services (or equivalent document for jurisdictions outside of NYS);

References from the NYS Department of Correctional Services Division of Parole or the Office of Probation and Correctional Alternatives (for students on parole or probation status); and

A personal interview with the campus committee to clarify/verify this information, if necessary.

After evaluating all information submitted, the campus committee will decide whether to grant or deny the student's participation in the covered activity or to grant such participation subject to conditions. In the event the student fails to submit the requisite information for review in a timely manner, the campus committee may defer a decision on the student until all necessary information is received and reviewed.

#### Frequently Asked Questions

Q: Is a student who discloses that he/she was convicted of a felony automatically barred from a covered activity?

A: No, a student who discloses a prior felony conviction is not automatically barred from these covered activities. However, the student must submit information regarding such prior felony conviction to the campus committee so that it can evaluate the relevance of the conviction to the covered activity sought by the student using the standards articulated in the NYS Corrections Law.

Q: Can a student who discloses a prior felony conviction be provided access to a covered activity pending a determination by the campus committee?

A: No. Students who disclose a prior felony conviction may not be provided access to a covered activity (including campus housing) until the campus committee has reviewed the conviction and authorized the student's participation in the covered activity.

Q: What information should a campus committee review to determine if a student with a prior felony conviction should be approved for participation in a covered activity?

A: The following types of information may be requested and reviewed by the campus committee: Official Criminal History Record from the NYS Department of Criminal Justice Services (or equivalent agency for another jurisdiction), to be obtained by the applicant. Report(s) from the applicant's probation/parole officer (if applicable), and their contact information. Personal references from counselors, parole/probation officers, current or past employers, religious advisors, and others submitted at the student's discretion.

Q: How long should records of prior criminal history be maintained?

A: Information regarding an individual's prior criminal history will be securely stored in the Dean of Students' office and maintained for six years after graduation or last date of attendance.

Q: What factors should the campus committee use when evaluating the relevance of a previous felony conviction on the covered activity being requested by a student?

A: Factors to be considered:

- a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his/her fitness or ability to perform one or more such duties or responsibilities.
- d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- e) The age of the person at the time of occurrence of the criminal offense or offenses.
- f) The seriousness of the offense or offenses.
- g) Any information produced by the person, or produced on his/her behalf, in regard to his rehabilitation and good conduct.
- h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

Q: How are "study abroad," "clinical or field experience," and/or "internship" defined as areas subject to mandatory inquiry into a student's prior felony convictions?

A: For the purpose of this policy:

Study Abroad" means education that occurs outside of the country that results in progress toward an academic degree at Geneseo.

Internship" means applied learning experiences for which a student may earn academic credit in an agreed-upon, short-term, supervised workplace activity, which may be related to a student's major field or area of interest. The work can be full or part time, on or off campus, paid or unpaid. Internships integrate classroom knowledge and theory with practical application and skills developed in professional or community settings.

Clinical or Field experience" means experiences that include hands-on application of academic theories occurring in an off-campus setting. These experiences are either required as part of an academic program or otherwise sponsored by the campus and are commonly occurring in medical, social work, teacher education and research programs.

Q: Are other off-campus experiences subject to mandatory inquiry into a student's prior felony convictions?

A: The list above is not exhaustive. Any off-campus experience required as part of the student's academic curriculum or otherwise sponsored or provided by the campus must be reviewed and approved by the campus committee.

Whether a particular activity constitutes a field experience subject to mandatory inquiry depends on the specific nature of such activity. Each activity should be individually assessed to determine whether it: is required as part of an academic program or otherwise sponsored by the campus, occurs outside of institution property, and mirrors or mimics otherwise covered activities.

Another factor that will be considered is whether the activity includes access to vulnerable populations. A single day (non-overnight) field trip will not necessarily trigger a mandatory inquiry into felony status. Non-academic overnight trips may trigger a review if they are sponsored by the school. This may include athletic or other extra-curricular activities. Other examples requiring inquiry are programs working with children, or programs with the developmentally disabled. This list is also not exhaustive.

Q: Are other on-campus experiences subject to inquiry into a student's prior felony convictions?

A: There are no on-campus experiences subject to a mandatory inquiry into a prior felony conviction, but there may be certain jobs or positions on campus where the supervisor may inquire into a student's felony status. For instance, it may apply to a student who wants to work as a Phonathon fundraising caller who takes credit or debit card numbers, a sexual assault response team driver, an orientation leader, or to a student who works in an office with access to "personally-identifiable information" like social security numbers, driver's license data, or an individual's biometric data.

The above list is not exhaustive.

In short, we will only ask for this information (1) when there is good reason; and (2) when the activity is something that the student can avoid.

Q: If a student is less than 18 yrs. old, or has a sealed or youthful offender status conviction, must they report it?

A: It is OK to ask an underage student whether or not they have a felony conviction. But it must be made clear to the student that they do not have to release or admit to a conviction that is sealed or was granted youthful offender status.

Q: If a student has undergone the mandatory inquiry process, does the campus need to conduct the inquiry again for each covered activity the student seeks access to?

A: Not necessarily. If a student has undergone the mandatory inquiry process, and been denied for say housing, they may not necessarily be denied for study abroad or an internship. So the College would have to inquire again at each application for a new experience. If it is the same experience, then the College could use previously reviewed material so long as nothing has changed.

*It is the obligation of every student to notify the Dean of Students office or the Office of Student Conduct and Community Standards of any felony or misdemeanor arrests occurring at any time after the student pays his/her/their admissions deposit through graduation (this includes summers and breaks) or separation from the institution, regardless of geographic location of the arrest or specific crime alleged.*

*Failure to do so may result in conduct charges by the college. The College may review the facts underlying the arrest to determine if there is a concomitant Code of Conduct policy violation.*

In an effort to ensure privacy and disclosure of necessary information only, the following question should be asked for a felony inquiry.

Select the statement that best describes your felony status:

1. I have never been convicted of a felony.
2. I have been convicted of a felony but evaluated and approved for this covered activity through the campus process. (and nothing has changed)
3. I have been convicted of a felony but evaluated and approved for this covered activity through the campus process. (but felony-wise, something has changed)
4. I have been convicted of a felony but **NOT** reviewed and approved for this covered activity through the campus process.
5. I have been convicted of a felony but denied for this covered activity through the campus process.

Please note: students do not have to release or admit to a conviction that has been sealed or was granted youthful offender status.

The campus will maintain relevant records in a central depository that may be referenced with ease so that a student is not unnecessarily delayed from participating in a covered activity if they have been reviewed and cleared previously.

If a student answers “3” or “4,” then the College would ask for the full inquiry review based on relevant criminal history records, etc.

*Questions concerning this policy should be referred to the [Dean of Students](#) at SUNY Geneseo.*  
(Fall 2018)

### **Firearms, Weapons and Explosives Policy (1/10/2013)**

Possession, use, or storing on campus of firearms (including but not limited to compressed air guns, air soft guns, pellet, or BB guns), dangerous weapons,

dangerous chemicals, martial arts weapons (excluding those used by registered student organizations and that have been modified for use for practice, approved by the University Police Department, registered with the Department of Student Life, and stored securely at an approved on-campus location), explosive devices of any description, knives (excluding standard kitchen knives or folding pocket knives), or fireworks is prohibited.

Exceptions to this prohibition are for:

1. Sworn police and peace officers and military officials to the extent that they are legally permitted to possess weapons in New York State.
2. Faculty or staff legally permitted to possess weapons in New York State and who are engaged in weapons-related academic teaching or research activity and whose use the Chief of the University Police Department and the President of the College have approved in writing.

### **Good Samaritan Policy**

The health, safety and well being of every member of the College community is the highest priority of the College. The College aims to provide assistance and support to the members of its community, and its students are expected to “Stand Up” for each other and take action by seeking assistance in the event of a medical emergency, or when they perceive that a member of the community may be in danger.

In instances of life threatening medical emergencies related to possible alcohol or drug overdoses:

- students who in good faith contact College authorities or emergency medical responders about the need for medical attention for others will be exempt from student conduct sanctions for the possession and consumption of alcohol or drugs;
- students for whom medical attention is sought through College authorities or emergency medical responders may be exempt from student conduct sanctions for the possession and consumption of alcohol or drugs; and
- students who contact College authorities or emergency medical responders for their own personal medical needs may be exempt from student conduct sanctions for the possession and consumption of alcohol or drugs.

This does not preclude conduct action for other violations of the Student Code of Conduct associated with underage drinking or drug use.

Conversely, the College will consider the failure to seek emergency assistance as a factor when determining the appropriateness of institutional action.

To fall under the scope of this policy, the student who seeks assistance for another student must:

- remain where they are, or remain with the individual requiring emergency care; and
- identify themselves to, provide information to, and comply with, the directives of the responding University Police officers or other College officials.

In addition, the student for whom assistance is sought must subsequently agree to timely completion of recommended alcohol education activities, assessment and/or treatment such as BASICS (Brief Alcohol Screening and Intervention for College Students.) Failure to complete the prescribed course of action may result in conduct action.

Students should also be aware that this policy does not prevent action by law enforcement authorities.

Student bystanders and victims/survivors who have been drinking and/or using drugs (whether such use is voluntary or involuntary) reporting in good faith an act of sexual violence or a victim/survivor reporting sexual violence to SUNY Geneseo officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence.

In circumstances where an organization recognized or sponsored by the College is found to be hosting an event where emergency assistance is requested, the willingness to seek assistance may be viewed as a mitigating factor in determining group conduct sanctions.

Approved by College Council as Replacement for Responsible Community action Policy 4/10/15

### **Hazing Policy (rev. 8/2018)**

Hazing is defined as any act, explicit or implicit, committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization or team *and* which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of the student, regardless of the person's willingness to participate. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts.

Geneseo's Student Code of Conduct states that all members of the college community are required to abide by the statutory Rules of Public Order (Section

6430) of the New York State Education Law which specifically states:

No person, either singly or in concert with others shall...

Take any action, create or participate in the creation of any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

#### New York State Penal Law - HAZING Section 120.16 Hazing in the first degree.

A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

*Hazing in the first degree is a class A misdemeanor.*

#### Section 120.17 Hazing in the second degree.

A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person.

*Hazing in the second degree is a violation.*

Violations of the College's hazing policy, the Rules of Public Order, or state law will not be tolerated. Individuals and recognized organizations who violate any of the above policies, rules, regulations or laws are subject to college conduct, as well as legal, action; organizations are subject to college conduct action, and risk losing such things as college privileges and/or recognition.

### **Immunization Policy**

(This does not include Covid-19 vaccinations)

New York State Public Health Law **requires** students taking six or more credits to provide proof of immunity to **measles, mumps, and rubella**. Additionally, all students must have received the **meningococcal** immunization *or* must verify by their signature that they have received information about meningococcal disease and have made an informed decision to decline the immunization.



### Immunization Requirements

- **Measles, Mumps and Rubella** vaccine requirements can be met through **one** of the following:
  1. Two doses of MMR vaccine
  2. Two doses of Measles and one dose of Mumps and one dose of Rubella vaccine all given on or after the first birthday
    - Doses of measles vaccine must be at least 4 weeks apart
  3. Medical documentation of history of disease(s)
    - Previous diagnosis of Rubella is not acceptable proof
  4. Blood titers showing immunity (lab report required)
  5. Born before 1/1/1957
- **Meningitis:** NYS Public Health Law 2167 became effective January 1, 2017. This law requires all colleges/universities to distribute information about meningococcal disease and vaccination. According to the NYS Public Health Law 2167 every student is required to address the meningitis requirement. To meet this requirement, provide proof of vaccine given in the last five years **or** decline the vaccine through the online waiver.
  1. Proof of at least 1 dose of meningococcal ACWY vaccine (Menveo, Menactra or MenQuadfi)
  2. **OR** a complete 2 or 3 - dose series of Meningitis B (Trumenba or Bexsero) vaccine
  3. **OR** complete the waiver form refusing meningococcal vaccine which can be found on the Student Health Services Portal.

### Acceptable Proof of Immunization

- A statement of immunization signed by a physician or health care provider which documents measles, mumps and rubella immunity. The certificate must specify the type of vaccine and the dates (month, day, year) of administration, or the date of disease diagnosis, if any, or the date of serologic testing and results, if any.
- A student health record from a previously attended school which properly documents the immunization history.

Student Health and Counseling will automatically receive immunization records from the NYS database for all students in New York State. If those records are missing or incomplete, our office will contact the student for more information. Students from outside New York State and international students will need to upload their immunization records to the Student Health Services portal.

### Immunization Requirement Deadlines

SUNY Geneseo requires that completed immunization documentation be received by the following deadlines:

- For students entering in the fall: **June 1st**

- For students entering in the spring: **December 1st**
- For students accepted late: within four weeks of acceptance.

Students not in compliance will continue to be notified. Administration reserves the right to put a records and registration hold on a student account once the deadline has passed. Failure to provide proof of immunization by the 30<sup>th</sup> day\* of the semester, will result in being **disenrolled** from the College (\*45 days for out-of-state and international students).

### Exemptions

New York state law allows a student to request a waiver from an immunization that is required by law if that student (or the parent(s) or guardian(s) of students younger than 18) holds genuine and sincere religious beliefs that are contrary to the practice of immunization, or, if there is a medical reason to avoid vaccination. Please note, in the event of an outbreak, medical or religiously exempt students may be asked to leave the SUNY Geneseo campus for their safety. Exemption forms are found on the Student Health and Counseling website. All exemptions are reviewed by the Student Health and Counseling Medical Director.

(Amended June 29, 2023)

### **Medical Leave of Absence Policy**

Request for a [Voluntary Medical Leave of Absence](#)

Premise: Geneseo is committed to student physical and mental health. Therefore, health and counseling services are available, as included in the Student Health and Counseling fee, to all enrolled students (including graduate and part-time students). However, the College recognizes that there are times when medical issues (including mental health issues), unexpected loss, and other similar extenuating circumstances may arise and prevent a student from functioning safely and successfully. In such instances, students are encouraged to prioritize their health and safety and take steps towards recovery. Medical leaves of absence are available to fulfill such a need.

Basis: A medical leave of absence is defined as a voluntary and temporary interruption of one's studies for at least the remainder of one semester based on a physical or mental health problem or problems that render the fulfillment of a student's academic responsibilities no longer possible. In cases where a student has been engaged in ongoing treatment for this health issue prior to a leave, documentation may be requested. Students who meet these criteria may request a voluntary medical leave of absence. These absences are granted based on the determination of the Dean of Students in consultation with the Dean of Academic Planning and Advising. In specific cases, students may be encouraged to take a medical leave of absence due to severe ramifications of their mental

and physical health needs on the larger Geneseo community, such as disruption to the safety and welfare of other students, faculty, and staff as well as necessary treatment that is not within the scope of practice of our student health and counseling services.

As long as a student is pursuing at least 1 credit hour of coursework, they maintain their student status, and a leave is not authorized

Students may take leaves of absence from their studies for up to two semesters and retain the right to enroll at the College at the end of the leaves without applying for readmission. Students are eligible to take leaves of absence from the College if they have grade point averages of at least 2.0 and if they have no outstanding obligations to the College.

Applications for general leaves of absence may be obtained and filed in the Enrollment Services Office, Doty 312, or completed [on-line](#). Students may apply for a *medical leave of absence* if their GPA is below the requirements of a general leave of absence or the withdrawal deadline has passed.

Applications for medical leave of absences are available [Medical Leave of Absence Form](#)

Leaves are usually effective as of the beginning of the semester following the one when the application is filed. If students wish to take a leave during a semester in progress applications must be filed before the course withdrawal deadline (approximately two-thirds of the way through the semester). In most cases, leaving the College after the withdrawal deadline results in grades of “E” in all courses. More information about withdrawals can be found at

In extraordinary circumstances, such as significant personal, medical or psychological issues, a leave, with corresponding retroactive class withdrawals, may be considered after the withdrawal deadline. Students who are granted *medical leaves of absence* during a semester will receive grades of “W” for all of their courses, even in the start of their leave is past the withdrawal deadline

In order to take medical leaves of absence, required documentation is necessary. See [Steps for a Medical Leave of Absence](#) to see what is required. Acceptable documentation must be completed by a licensed health care provider such as a physician, psychiatrist, psychologist, or licensed counselor and should be submitted to the Dean of Students or Executive Director of Health and Counseling on professional letterhead. This documentation should include two signed Releases of Information (available through Student Health and Counseling, or at the [Steps](#) site) as well as:

- the reason the medical leave is recommended (including statement of impact on current functioning) relevant diagnoses;
- date of initial treatment;
- dates of subsequent treatment (if applicable);
- and plans for anticipated treatment while separated from the College.

Students who choose to take medical leaves of absence will be encouraged to prioritize their health and well-being over their academic pursuits. However, students should remain mindful that there are several implications of medical leaves. These include: Grades: Leaves of absence are optimally filed before the course withdrawal deadline, although the College recognizes this is not always possible. In most cases students who take approved medical leaves during a semester or summer session are given “W” grades in the courses left incomplete during their withdrawal. Geneseo encourages students to speak with their advisors about major specific requirements and challenges that may arise. More information can be found through the Office of the Registrar. Financial: Students should contact the Student Accounts office to determine the financial implications of taking medical leaves of absence, including the College’s refund deadlines and schedule. In addition, students receiving financial aid are strongly encouraged to speak with a staff member in the Office of Financial Aid before making a decision about requesting leaves of absence, especially as it might pertain to future federal and state aid eligibility, including New York State Excelsior Scholarship. The College will review the reason for a leave in their decision-making process regarding refunds. Furthermore, it is important to note that the definition of a leave may differ based on the federal definition of a leave of absence versus the colleges definition of a leave of absence. This has the potential to affect loan grace periods. Students are advised to contact their federal loan provider for more information. This information applies to a general leave of absence as well.

International Students: International students must contact the International Students and Scholar Services to determine the impact of their leaves on their visa status.

On-Campus Activities: Students granted leaves of absence are generally not permitted to reside in College housing, participate in campus activities, or be on campus for the duration of their leave. Exceptions to these prohibitions are subject to the written approval of the Dean of Students. Students who do not adhere to this policy jeopardize their eligibility to be reinstated as an active student in the College.

Residency Requirement: As Geneseo has a 2-year residency requirement, students who depart campus on a leave may be required to complete

their residency obligation on return. Students should review their status with Residence Life, then submit a "Release from Housing/Residency Waiver," as appropriate.

Return process: A return from a medical leave of absence requires approval from the Dean of Students following a re-entry assessment process. **Requests for returns from leaves must be received by the Friday of the first week in August or the Friday of the first week in January prior to the first day of classes in a new semester.** In reviewing requests for return from medical leaves, the College requires documented evidence that sufficient recovery has taken place. In order to be approved for return, the student must have complied with any recommendations given for treatment at the time of medical leave. There are several required conditions for return from a medical leave of absence:

The student must demonstrate a substantial amelioration of the health condition that precipitated the need for a medical leave.

The student has maintained stability and demonstrated improvement over the course of a sufficient period of time which would allow them to successfully return to the College.

The student must demonstrate the ability to function safely as part of the Geneseo community. This is to be determined by the student's personal treatment provider in consultation with the Geneseo's Student Health and Counseling staff.

The student must be authorized to return by the Dean of Students in order to pursue reenrollment, which at times may require further evaluation by Geneseo's Student Health and Counseling staff.

If you are a student with a disability and have questions about the process for requesting accommodations prior to your return to Geneseo, you may contact the Office of Accessibility Services via email at [access@geneseo.edu](mailto:access@geneseo.edu), or call 585-245-5112.

(see [Return from Medical Leave - Health Care Provider Form](#) or [Return from Medical Leave - Mental Health Care Provider Form](#))

*Appeals: Students may request an appeal of decisions made about medical leaves or return from medical leaves. Appeals will be considered by the Vice President for Student and Campus Life in consultation with the Provost.*

I \_\_\_\_\_ (please print name), have read the above information and have asked for any needed clarification of information. I accept these conditions and deadlines as part of my responsibility in taking a medical leave of absence

from SUNY Geneseo. I agree to abide by these conditions and I voluntarily request that Geneseo's Dean of Students, issue me a recommendation for a medical leave of absence for the \_\_\_\_\_ semester.

(student signature) \_\_\_\_\_

(date) \_\_\_\_\_

(Geneseo ID #) \_\_\_\_\_

(D.O.B.) \_\_\_\_\_

Contact information for correspondence during leave:

Postal address: \_\_\_\_\_

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_

06/2019

### No Contact Order Policy

In response to the U.S. Department of Education's Final Rule under Title IX of the Education Amendments of 1972 on May 19, 2020, SUNY Geneseo aims to provide a directive about No Contact Orders, to specify the situations in which the college will issue No Contact Orders, and to identify College personnel responsible for issuing No Contact Orders.

The Title IX Final Rules and their Preamble permit institutions to apply "one-way" and "mutual" No Contact Orders to the parties to a Title IX sexual harassment investigation, provided that the No Contact Order does not unreasonably burden the other party. See, 85 Fed. Reg. 30026, 30184 (May 19, 2020).

A one-way order only restricts one party (generally, the responder), while a mutual order prohibits either party from contacting the other. In matters alleging sexual harassment, the Dean of Students, the Title IX Coordinator, or their assigned designee retain sole discretion to issue a "one-way" or "mutual" No Contact Order. The decision to apply either type of restriction is fact specific.

### Definitions

A directive issued to a student(s) not to contact or communicate with a specific student(s).

This restriction means that a party may not contact the other party through verbal, nonverbal, physical, electronic, or other forms of communication. They may not communicate through means that include, but are not limited to, a mailed written letter, email, social networking sites, phone calls, text messages, and voicemails.

This restriction of contact or communication extends to any actions that a "third party," such as a friend, family member, or acquaintance, takes on a student's behalf.

## Policy

The issuance of a No Contact Order is not a disciplinary sanction, but an administrative action to minimize and/or eliminate potential harmful contact or communication. No determination regarding responsibility should be inferred from the issuance of this order.

The issuance of a No Contact Order may be issued by:

- The Dean of Students or an assigned designee for matters pertaining to the Code of Conduct; and
- The Title IX Coordinator or an assigned designee for matters pertaining to the Title IX Grievance Policy and/or Sexual Violence Response Policy.

A No Contact Order will be issued when a reasonable concern exists that physical or psychological harm may result from contact between designated student(s). The Dean of Students, Title IX Coordinator, and/or their assigned designee shall consider all facts and circumstances that may be relevant to whether a No Contact Order should be issued, including, but not limited to, the following factors:

- Allegations, threats, or evidence of physical violence by one student against another student;
- Allegations, threats, or evidence of emotional abuse or harassment by one student of another student;
- A substantial risk of emotional harm from continued contact between students;
- Continued contact between students may have a material impact on campus disciplinary proceedings;
- When a student(s) is disrupting the community (academic, residential, employment, neighborhood); or
- When there are allegations of serious University policy violations.

## Language of the No Contact Order

All No Contact Orders shall expressly state the following:

- The issuance of a No Contact Order is administrative and not a punitive nor disciplinary action;
- The contact that is covered by the No Contact Order;
- The location(s) covered by the No Contact Order;
- The duration of the No Contact Order;
- Possible disciplinary action if the No Contact Order is violated; and
- The appellate process to remove or modify the No Contact Order.

## Appellate Process

A student has the right to request that a No Contact Order be removed or modified. The Vice President of

Student and Campus Life or their designee is responsible for determining appeals. The student must submit their written appeal within three (3) business days of being notified of the issuance of the No Contact Order. All appeals must be directed via email to the Vice President of Student and Campus Life.

## Violation of the No Contact Order

A violation of a No Contact Order may subject a student to disciplinary action under the Student Code of Conduct. The Office of the Dean of Students is responsible for addressing any alleged violations of a No Contact Order.

## Review

The Dean of Students and the Title IX Coordinator will review all No Contact Orders annually. Each No Contact Order will remain in effect until the graduation or withdrawal of at least one of the parties, unless the No Contact Order expressly provides otherwise or is modified or rescinded by the college. A student seeking the modification or rescission of a No Contact Order shall do so by making a formal request in writing to the Vice President of Student and Campus Life. The Vice President of Student and Campus Life shall consult with both parties before determining whether or not to modify or rescind the No Contact Order.

## Open Flame Policy (rev. 1/4/2021)

The policy is applicable to faculty, staff, students and contractors to prevent accidental fires.

The use of fire, incense and similar open flame producing items such as torches and welding equipment, shall be prohibited in all campus buildings except:

1. Flames used for commercial cooking in areas operated by the Campus Auxiliary Service (CAS).
2. Votive decorations used by CAS during catering events must meet the NYS Fire Code requirements.
3. The Physics metal working shop, heating plant tool room, facilities garage, welding shop, CIT audio-visual shop and the ISC zone shop for maintenance purposes.
4. In residence halls, for religious purposes in lounge areas only, candelabras must be fastened down to prevent tipping and wax must be prevented from dripping on combustible or flammable items. Contact Director of Residence Life for more specific requirements (585-245-5851).
5. Theatrical performances must comply with the NYS Fire Code and be reviewed and approved by the Code Enforcement Official or designee at least three days prior to the performance.
6. Faculty research and academic instruction which normally use open flames as part of their curriculum in properly equipped areas.

All approved open flames must be kept a safe distance away from flammable and combustible material. In addition, a fire extinguisher and a person trained in its use must be readily available. Uses of open flames, other than above, must be approved by the Code Enforcement Official or designee on a case by case basis (245-5661). A hot work permit must be issued for all uses of open flames (including welding, cutting and soldering) for activities not described above. A hot work policy and permit can be found on the Environmental Health and Safety website: [https://www.geneseo.edu/ehs/hot\\_work](https://www.geneseo.edu/ehs/hot_work).

### **Pregnant and Parenting Students**

SUNY Geneseo does not discriminate against any student or employee on the basis of pregnancy, parenting, or related conditions, **per Title IX federal regulations**. Pregnant or parenting students seeking accommodations from the Title IX office should call 585-245-5023.

#### **Accommodations**

Students who experience complications due to pregnancy or childbirth and who are seeking accommodations should contact the Office of Accessibility Services (OAS) at [access@geneseo.edu](mailto:access@geneseo.edu) or (585) 245-5112. OAS staff will meet with the student and assess what resources or **reasonable temporary accommodations** may be available. OAS will coordinate with the necessary offices, including the Dean of Students, the Title IX Coordinator, and/or academic departments to ensure equal access for pregnant students.

Accommodations will vary on the specifics of the students' needs. Examples of accommodations might include:

- A larger desk
- Breaks during class, as needed
- Course policy adjustments, such as modified attendance, flexibility in assignment submission, and making up work and/or exams (to the extent reasonable, and in conjunction with the course instructor)
- Housing accommodations for on-campus students
- Temporary accessible parking

#### **Leave of Absence**

Documented absences due to medical conditions related to pregnancy or parenting will be excused for as long as deemed necessary and educationally practicable. If a Leave of Absence is necessitated, the student will be reinstated at the same status held previous to the leave. Contact the Dean of Students, at [deanstu@geneseo.edu](mailto:deanstu@geneseo.edu) or (585) 245-5706 for information on applying for a Leave of Absence.

#### **Lactation Spaces**

Nursing students have the right to reasonable breaks to express breast milk as well as a private, convenient, and secure place to do so. SUNY Geneseo provides rooms to support nursing parents. All rooms are equipped with comfortable seating, table, and ample electrical outlets near the chair.

To receive a list of designated spaces and schedule a time to use the room, please contact the Title IX Coordinator at [titleix@geneseo.edu](mailto:titleix@geneseo.edu) or (585) 245-5023.

#### **Reporting Sex Discrimination**

If you are pregnant or parenting and believe you have experienced sex discrimination, please contact the **Title IX** Coordinator at [titleix@geneseo.edu](mailto:titleix@geneseo.edu) or (585) 245-5023.

### **SUNY Geneseo Process to Change Your First Name**

#### **General Information**

##### *What is the Process to Change Your First Name?*

The Process to Change Your First Name allows students to submit a chosen name with the Registrar's Office. A chosen name is one that you choose to be called that is different from your legal first name. This policy enables non-legal changes to be made to first names (policy not applicable to surname changes). If you have legally changed your name, you should instead submit a [Personal Data Change Request](#) along with documentation to have this reflected across college systems.

##### *What is the purpose of The Process to Change Your First Name?*

SUNY Geneseo recognizes that some students wish to use a first name other than their legal name in their day-to-day life. As long as the use of this chosen name is not for the purposes of misrepresentation, to avoid legal obligation, or a use of a highly offensive or derogatory name, the College acknowledges that a chosen name can and should be used where possible in the course of college education, business, and communication. The College extends this accommodation in order to help foster a more welcoming, supportive and respectful campus climate for all of its students.

##### *Who uses this process?*

In the past, this process has been used by students who use a nickname, prefer to be called their middle name, international students, and transgender and nonbinary students. This process may be used by any student who would benefit from it. In this policy, only the student can modify their own name.

How do I modify my chosen first name?

Students wishing to add a chosen first name, or modify an existing chosen first name, will use the online



Process to Change Your First Name Form (available at: <https://www.geneseo.edu/handbook/process-to-change-your-first-name>).

*If I complete the Process to Change Your First Name, where will my chosen name be used?*

The College will utilize the chosen first name for Knightweb, Canvas, the Online directory, Class Rosters, Mid-term evaluations, Final grade submissions, Advisee Listings, the Student Transcript search page, myGeneseo, Google Gmail, PointNClick, DegreeWorks, Faculty Grade Entry, Student Registration, Student Profile, etc. Students who have legally changed their name must contact the Registrar's Office.

*Where will my legal name /official name of record be used?*

Official transcripts, enrollment verifications, diplomas, third party database systems, paychecks, medical records, financial aid documents, federal immigration documents, all external communications, such as hometown newspapers (dean's list announcements, etc.), or any other College business requiring legal needs will continue to use your legal name/official name of record. The College will attempt to display chosen first names to the College community where feasible and make a good faith effort to update reports, documents, and systems accordingly.

*What about my ID card?*

New students can request that their first ID card show their chosen name. The chosen name will appear on the front of the card, while the "official name of record" will appear on the back. Students who fill out the Process to Change Your First Name can contact CAS to request that a new ID card with their chosen name be issued. There may be a \$20 reissue fee charged for new cards.

*What do I do if my legal name is used in a place where my chosen name should be?*

Contact the Assistant Director of Multicultural Affairs for LGBTQ+ Life: Charlotte Wade, [cwade@geneseo.edu](mailto:cwade@geneseo.edu)

### **Public Showing of a Film on Campus (rev. 7/30/20)**

Under federal law, the holder of a copyright for a movie has the exclusive right to control performances of that movie – including showings of a videotape or digital copy. An individual student, staff person, faculty member, or student organization that wants to show a film on campus must obtain permission for the showing from the copyright holder. Pre-recorded home videocassettes and DVDs that are available for personal rental or retail purchase provide the renter or buyer the right to exhibit the movie for home use only, and these movies cannot be shown in campus public spaces without first obtaining the film rights for public

showings. Even personally-owned copies and "home use" versions of films obtained from video retailers are not cleared for public performance use because proper licensing fees to the copyright owners have not been paid for such use. This reflects federal law and is not just a Geneseo policy. The complete law on film copyrights is in the U.S. Copyright code, title 17, and may be found at [www.copyright.gov/title17](http://www.copyright.gov/title17).

**Netflix is not licensed for commercial use and therefore shows and movies on Netflix cannot be used for public showings.**

There are three exceptions under Copyright Law:

1. Educator's Performance Rights: There is a clause in the U.S. Copyright Law which gives exemption to the law through the Educator's Performance Rights. ALL six of the qualifications below must be met in order to show a film using the Educator's Performance Rights.
  - a) Performances and displays of audiovisual works must be made from legitimate copies;
  - b) Performances and displays must be part of a systematic course of instruction and not for the entertainment, recreation, or cultural value of any part of the audience;
  - c) Performances and displays must be given by the instructors or pupils;
  - d) Performances and displays must be given in classrooms or other places devoted to instruction;
  - e) Performances and displays must be part of the teaching activities of non-profit educational institutions; and
  - f) Attendance is limited to the instructors, pupils, and guest lecturers.

Public Domain: There are some films which fall under "public domain" and are not subject to licensing. You can find a complete listing of such films at <https://www.fesfilms.com/>. Most of these films are pre-1950.

Netflix Educational Screenings of Documentaries: Some Netflix Original educational documentaries are available for one-time educational screenings. To find out which titles are available for educational screenings, go to the "Only On Netflix" section of <https://media.netflix.com/en/>.

2. Short Clips: Showing a short clip less than 15 seconds from any movie can be done without acquiring a license. Any clip longer than 15 seconds requires appropriate permission and licensing.

In short, students may show a lawfully obtained video (e.g. purchased from a store or borrowed from a library) to a small group of friends in his or her own residence hall room.



Faculty members may show a film for educational purposes only if the six conditions cited above are met.

In order to legally show a film in a campus public setting, a person must do one of the following:

1. Contact a motion picture distribution company such as Swank Motion Pictures ([www.swank.com](http://www.swank.com)) or Criterion ([www.criterionpicusa.com](http://www.criterionpicusa.com)) and pay the appropriate fee to acquire the rights to show a particular film. The fee will vary depending on the film. Requests should be submitted at least 6 weeks in advance to ensure its availability in the desired format (DVD or VHS).
2. Find out who owns the rights to the film you wish to exhibit and contact them to request use of the film. You can find this information at [www.imdb.com](http://www.imdb.com). Authorization to use the film must be obtained in writing.
3. Contact the Geneseo Campus Activities Board (Films & Forums) and collaborate with them to legally show the desired film as part of a Films & Forums movie schedule.

#### **Student Records Policy (rev. 8/25/15)**

Students at this College have the right to expect that information accumulated for the purpose of facilitating their education will not be used for any other purpose without their consent.

The College records policy, revised for detailed conformity with the Family Educational Rights and Privacy Act of 1974, permits current or former students to inspect College educational records pertaining to them as individuals, and except as defined below, to obtain copies for a fee. Students are also accorded a right to question the content of a record and to receive a formal hearing if unsatisfied with the response to such a question.

Written consent from a student is required before personally identifiable information can be released from the individual educational record in all cases except those specifically exempted by law.

#### Inspection of Records

A student may obtain an appointment to inspect any of the following education records by writing to the responsible individual. The written request should identify as precisely as possible the record or records the student wishes to inspect. An appointment must be made for the student within 45 days of the request unless very unusual circumstances interfere.

1. Undergraduate, general  
(offices of Dean of Students, Student Conduct & Community Standards, Dean of Academic Planning and Advising, Admissions, and Health Records)  
MacVittie Union 354

Dean of Students

2. Graduate, general  
Erwin 106  
Dean of Academic Planning and Advising
3. Access Opportunity  
Blake C - 207  
Director, Access Opportunity Program
4. International students  
Erwin 218C  
Director of International Student Services
5. Financial aid  
Erwin 104  
Director of Financial Aid
6. Academic transcript  
Erwin 102  
College Registrar
7. Student teaching  
South Hall 200  
Dean, School of Education
8. Academic advisor's file  
Erwin 106  
Dean of Academic Planning and Advising
9. Financial standing  
Doty 325F  
Associate Vice President for Administration and Controller

The student may not see communications from parents or from individuals who have been told by the student that they may correspond with the College in confidence.

#### Limitation of Right of Access

SUNY Geneseo reserves the right to refuse to permit a student to inspect the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived right of access, or which were maintained before January 1, 1975.
3. Records connected with an application to attend Geneseo or a component unit of Geneseo if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.

#### Obtaining Copies

Copies of most records will be furnished to students for a minimum copying charge for each request to a particular responsible official. Postage charges will be added when applicable. Checks will be made payable to SUNY Geneseo. In most cases, copies of correspondence will not be made without permission from the writer.

SUNY Geneseo reserves the right to deny copies of records, including transcripts, not required to be made available by FERPA in any of the following situations:

1. The student lives within commuting distance of the College.
2. The student has an unpaid financial obligation to the College.
3. There is an unresolved conduct action or other administrative matter against the student.
4. The education record requested is an exam or set of standardized test questions.

#### Consent and Disclosure

The College will not release information from education records without the student's written consent, except that personally identifiable information may be given:

1. To school officials who have a legitimate educational interest in the records. (NOTE: A college or university is required to specify the criteria for determining who school officials are and criteria for determining legitimate educational interests.) The following are examples:

A school official is:

- A person employed by the College in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
- A person elected to the College Council.
- A person employed by or under contract to the College to perform a special task, such as the attorney or auditor.
- A person who is employed by the College's law enforcement unit.
- A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another College official in performing their tasks.
- A person employed by SUNY System Administration.

A school official has a legitimate educational interest if the official requires the information for the purpose of fulfilling their official duties, including but not limited to:

- Performing a task that is specified in their position description or contract agreement.
  - Performing a task related to a student's education.
  - Performing a task related to the conduct of a student.
  - Providing a service or benefit related to the student or student's family, such as health care, counseling, job placement, or financial aid.
2. To officials of another school which reports that the student has applied for transfer. Records will be forwarded upon receipt of request.
  3. To Federal or State officials for general program purposes or according to law.

4. To persons assisting in the determination of financial aid eligibility or the amount or conditions of aid, and in the enforcement of such conditions.
5. To research organizations for group data studies wherein confidentiality is protected.
6. To representatives of accreditation agencies for program evaluation.
7. To the parents of dependent students as defined by the Internal Revenue code.
8. To officers of a court who have issued a subpoena, in which case the student will be notified in advance, if possible.
9. To appropriate parties in a health emergency.
10. To state and local officials or authorities if specifically required by a state law that was adopted before November 19, 1974.
11. To individuals requesting directory information so designated by Geneseo.
12. To the (alleged) victim of a crime of violence, the College will release the results of any conduct proceeding conducted by the College against an (alleged) perpetrator of that crime of violence.
13. To any parent or legal guardian of a student under the age of 21 information about a violation of any federal, state or local law, or any rule or policy of the University governing the use or possession of alcohol or a controlled substance if the campus determines that the student has committed a disciplinary violation with respect to such use or possession.
14. To Veterans Administration Officials pursuant to 38 USC 3690 ©.
15. To federal law enforcement officials investigating acts of terrorism (in accordance with the USA PATRIOT Act of 2001).
16. To the court those records that are necessary to defend the University when a student initiates legal action against the institution.
17. To the military, directory information as it is presently defined under the Solomon Amendment, even if the institution has not designated such information as directory information in its policy.

Directory information that must be released to the military:

1. student's name and address
2. telephone listing
3. date and place of birth
4. class level (Freshman, sophomore, etc.);
5. academic major;
6. degrees received; and
7. the educational institution in which the student was most recently enrolled.

Information that the College is not required to release to the military:

1. directory information, but only if the student has requested that the University not release such information to anyone;
2. information the institution certifies it does not have; or

3. information not defined as directory information.
18. To the apparent creator of a record to verify authenticity;
19. When the disclosure concerns a registered sex offender, including a student, and is information received under a community notification program under 42 USC §14071.

There is certain directory information which the College may release without the student's permission: the student's name, local address, electronic mail (e-mail) address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, photographs and the most recent previous educational agency or institution attended by the student. However, a student may prevent the release of such information by writing the Dean of Students before the first Friday of each semester. A 'disclosure hold' in place at the time of a student's departure (graduation, withdrawal, etc.) will remain in effect unless the student by written request seeks its removal. Also, the College may refuse to release such information if a request seems improper, e.g., for commercial exploitation.

Except in cases of requests through the USA PATRIOT Act of 2011, or in cases specifically exempted by FERPA, the College will maintain in each record a list of off-campus parties who have obtained access to non-directory information other than through the specific written consent of the student. This list will show who received information and what the legitimate interest was, and it may be examined by the student along with the record itself.

#### Correction of Education Records

A student who believes that a record contains erroneous or misleading information may state an objection in writing to the responsible official and receive an answer within 45 days. If the answer, together with an adjustment of the record promised therein, is not satisfactory, the student may request a formal hearing by writing to the Dean of Students. The Dean will arrange a hearing within a reasonable period of time. (If the action of the Dean is in question, the hearing officer will be the Vice President for Student and Campus Life.)

The hearing officer may decide to amend the record and so notify the student. If the decision is contrary to the student's preference, the student may add a personal statement in contradiction which permanently attaches to the challenged portion of the record.

The student will be notified of the time and place of a formal hearing, will receive a full opportunity to be heard and the right to be assigned or represented by an advisor or attorney, and will receive a timely written

decision containing a summary of evidence together with reasons for the conclusion reached.

The opportunity for a hearing does not apply to questions concerning the underlying reasons for the granting of a particular grade. Instead, a hearing to determine the accuracy of any grade will be confined to the issue of whether the recorded grade was the grade intended by the reporting faculty member or College official.

#### Limited Disclosure

The College will notify recipients of information from education records that they may not redisclose the information without the student's written permission, according to law.

#### Special Records

1. Medical records are not made available to anyone inside or outside the College without the student's written permission. Records may be shown directly to the student on request.
2. University Police records are maintained apart from education records and used solely for law enforcement purposes. In general these records are not subject to FERPA access provisions. Investigation reports made to other units of the College will be shown to students affected by them.

#### Posting of Grades

Students may view their grades via KnightWeb.

#### Release of Educational Records for a Deceased Student

According to FERPA, the privacy interests of an individual expire with that individual's death. The FPCO (Family Privacy Compliance Office), however, has determined that the disposition of records held by an institution pertaining to a deceased eligible student is a matter of institutional policy and/or state law.

It is the policy of SUNY Geneseo that no records of deceased students be released to third parties after the date of death, unless specifically authorized by the executor, administrator, or legal representative of the deceased student's estate.

(College Council approval October 12, 2018)

#### Policy Questions or Complaints

Student records policy is the responsibility of the Vice President for Student and Campus Life and, finally, the President. Outside the College, the student has a legal right to file inquiries or complaints with Family Educational Rights and Privacy Act Office, Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

### Rules of Public Order (rev. 2/6/07)

All members of the College community are required to abide by the statutory Rules of Public Order (Section 6430 of the New York State Education Law).

Prohibited conduct. No person, either singly or in concert with others, shall:

- (a) willfully cause physical injury to any other person, nor threaten to do so for the purpose of compelling or inducing such other person to refrain from any act which s/he has a lawful right to do or do any act which s/he has lawful right not to do.
- (b) physically restrain or detain any other person, nor remove such person from any place where s/he is authorized to remain.
- (c) willfully damage or destroy property of the institution or under its jurisdiction, nor remove or use such property without authorization.
- (d) without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff member.
- (e) enter upon and remain in any building or facility for any purpose other than its authorized uses or in such manner as to obstruct its authorized use by others.
- (f) without authorization, remain in any building or facility after it is normally closed.
- (g) refuse to leave any building or facility after being required to do so by an authorized administrative officer.
- (h) obstruct the free movement of persons and vehicles in any place to which these rules apply.
- (i) deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures and meetings or deliberately interfere with the freedom of any person to express his/her views, including invited speakers.
- (j) knowingly have in his/her possession upon any premises to which these rules apply, any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the chief administrative officer whether or not a license to possess the same has been issued to such person.
- (k) willfully incite others to commit any of the acts herein prohibited with specific intent to procure them to do so.
- (l) take any action, create or participate in the creation of any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

### Security Camera Policy (rev. 3/15/21)

Security cameras are a fundamental component of crime prevention strategy, to aid in the protection of public safety and personal property. SUNY Geneseo respects the privacy of all of the members of the college community, therefore, this policy has been developed to govern the use of college authorized security cameras on campus and ensure that such cameras are used judiciously.

Responsibility for determining the appropriateness of installing College authorized security cameras on campus that will be used for non-instructional purposes, and for disseminating and implementing this policy is delegated to the Department of University Police, based on the parameters described below.

#### Appropriate Uses of Security Cameras on Campus:

1. Security camera use on campus for non-instructional purposes is considered appropriate when it enhances:
  - the protection of individuals, equipment and facilities;
  - the monitoring of public places;
  - the monitoring of building entrances and exits; and
  - the investigation of criminal activity.
2. Security camera use on campus is considered inappropriate when it entails:
  - the installation of “dummy” cameras that do not operate on a regular basis;
  - infringement on a person’s reasonable expectations of privacy; and
  - filming as a means of surreptitiously evaluating employee performance.

#### Principles Regarding the Use of Security Cameras at SUNY Geneseo for Non-Instructional Purposes

1. All recording or monitoring of the activities of individuals or groups by College authorized security cameras will be conducted in a manner consistent with existing College policies, and will never be based on the subjects’ personal characteristics, including race, gender, ethnicity, sexual orientation, disability, or other protected classifications.
2. All recording or monitoring of video records will be conducted in a professional, ethical, and legal manner. College police personnel assigned to monitor video records will receive training in the effective, legal, and ethical use of the monitoring equipment.
3. All recording or monitoring of public areas for security and safety purposes by College authorized security cameras is limited exclusively to practices that will not violate the standard of a reasonable expectation of privacy as defined by law.
4. Recorded images made by College authorized security cameras will be archived for the College in

a secure location for a specific predetermined period of time by the University Police Department, and will be accessible to authorized College personnel on an as needed basis only. Upon expiration of the predetermined time period for storage, all recorded images will be destroyed except if they are being used as part of an ongoing investigation of criminal activity. The alteration of previously recorded images is strictly prohibited.

5. In public areas, signage giving notice of monitoring by security cameras will be posted as deemed appropriate by the Chief of University Police.
6. To maintain an informed campus community, the University Police Department will disseminate on an annual basis a list of the locations of all authorized security cameras used for the recording and monitoring of public areas. This list will be continually updated and made available to all members of the College community upon request throughout the academic year.
7. An audit of the location, use, and effectiveness of all security cameras used for the recording and monitoring of public areas for non-instructional purposes will be conducted by the Advisory Committee on Campus Safety on an annual basis and the results of that audit will be disseminated to the College community.
8. Security cameras installed by authorized third party service providers, such as authorized financial institutions to monitor automated teller machine (ATM) usage on campus, are exempt from this policy.

Concerns about the possible infringement of these principles should be directed immediately to the Dean of Students or the Assistant Vice President for Human Resources. Unresolved matters may be referred by the concerned party to the appropriate area vice president in Student and Campus Life or Finance and Administration for further review.

Any persons who tampers with or destroys video security equipment will be subject to criminal proceedings and/or campus conduct action.

#### **Sign and Poster Regulation Policy (rev. 12/18/07)**

The College is resolute in its position that free inquiry and dialogue are the basis of higher education. The policy of the College on Sign and Poster Regulation is intended to uphold these values. The policy also reflects the College's right to place reasonable restrictions on the time, place, and manner of speech on campus. It is in this context that recognized student organizations, departments, and offices of the College, and members of the College community may display signs, banners, posters or other displays provided that they include the name of the sponsoring organization and the date of posting. In addition:

The affixing of signs, banners, posters or other displays to the exterior of College buildings may cause damage to the buildings or jeopardize public safety and therefore, is not permitted.

- A. Writing, drawing, etching, painting, chalking, or otherwise marking the exterior of College buildings, is considered defacement of College property and therefore is not permitted.
- B. Affixing signs, banners, posters, or other displays and writing, drawing, etching, painting, chalking, or otherwise marking College trees, benches, roadways, and other features of the landscape are similarly not permitted.

Exception: Chalking of paved pedestrian campus pathways is permitted in the Sturges Quad and college residential villages except on walkways directly in front of building entrances.

*N.B. If the chalked message is intended to publicize a particular event, the sidewalk must be cleaned no later than five days after the event has occurred. Failure to remove the chalking in a timely manner will result in a charge to the organization sponsoring the publicized event for the removal of the chalk. If the chalked message was written by an individual student, and the identity of the writer is identified, failure to remove the chalking in a timely manner will result in a charge to the individual for the removal of the chalk.*

*Chalking is not permitted directly in front of building entrances in order that the chalk dust does not get tracked into College buildings.*

- C. Displays on building interior surfaces must be confined to bulletin boards or similar areas provided for that purpose. Taping, nailing, tacking, etc., signs or other displays to walls, doors, glass, stairs, railings, balconies, or other building surfaces can cause damage or create a dangerous situation and, therefore, is not permitted.
- D. Displays may not be placed across or above roads or walks.
- E. The posting of notices and flyers and other like materials in specific campus buildings may be subject to additional restrictions published by the specific building director (if appropriate).
- F. All displays for an event must be removed not later than one week following the event by those responsible for the event or by those responsible for posting the notice.

Any unusual or special displays not covered by the above must be discussed with the Assistant Vice-President for Facilities and Planning.

Exceptions to this policy have been established over time for the cement retaining wall on the east side of the College Union (between the College Union and Schrader Hall) and for the tree in the Sturges Quad and are not covered by this policy. However, the College retains its right to regulate expression on the retaining wall and tree based on time, place, and manner.

Signs, banners, posters, etc. not displayed in accordance with the above will be removed by the Physical Plant personnel.

Rationale: The College has long had a policy of regulating the placement of signs and posters on campus, in order to address issues of safety and maintenance. The extension of the sign and poster regulations to College paved pedestrian pathways, with specific parameters related to safety and maintenance, is in keeping with the College's long-standing position on the issue.

### Smoke-Free Workplace Policy

In compliance with the New York State Clean Indoor Air Act (Public Health Law Article 13-E), as amended on March 26, 2003, State University of New York at Geneseo (SUNY Geneseo) will provide a smoke-free work area for all employees in the workplace. Smoking, including vaping, shall be prohibited in all indoor areas at the College, including residence halls. The purpose of the regulation and this policy is to ensure workers have a safe work place, which includes reducing hazards and potential health risks associated with second-hand smoke.

#### I. Policy

- A. Smoking is prohibited in all indoor areas that are owned or leased by SUNY Geneseo. This includes all areas where employees perform services and are considered under the control of the College including the residence halls. Indoor work areas shall also include, but not be limited to a bathroom, hallway, office, room, stairway, State vehicles, vehicles rented for official college business, vehicles assigned to University Police Department, garage, loading docks or any other area with a roof or other ceiling enclosure in which State employees may be required to work, occupy, or frequent.
- B. Smoking is defined as "the burning of a lighted cigar, cigarette, pipe or other matter, or substance that contains tobacco." This includes vaping.
- C. Individuals who wish to smoke out of doors must do so away from the Geneseo buildings so that second-hand smoke does not enter the buildings. It is mandated that individuals stay at least 25 feet away from buildings and the perimeters of intercollegiate venues including fields and recreational athletic fields, when smoking.
- D. There are no designated areas for smoking in buildings where employees, visitors, or students may go to smoke.

#### II. Procedure and Enforcement

- A. This policy relies on consideration and cooperation of the entire college community, smokers and non-smokers. It is the

responsibility of all members in the college community to observe this smoking policy.

- B. All administrators/department heads and residence hall directors have an obligation to be aware of the Smoking Policy and ensure that their subordinates are aware of this policy and their responsibility. It is the administrators/department heads responsibility to assure that this policy is communicated to everyone within their jurisdiction including all employees, students, clients and visitors.
- C. Complaints relating to the implementation of this policy should be referred to the appropriate department head. If the department head cannot satisfactorily resolve the complaint concerning an employee, then the Assistant Vice President for Human Resources should be contacted. For students, if the department head cannot satisfactorily resolve the complaint, the Dean of Students should be contacted. All members of the college community, especially the administrators/department heads, have a responsibility to remind offenders of this policy, otherwise they provide passive approval by their silence.
- D. University Police Department officers will intervene if the offenders do not appropriately respond to the requests of the members of the college community. Employees who violate this policy will be subjected to disciplinary action that is appropriate pursuant to the current collective bargaining agreement or campus judiciary regulation. Students will be held accountable to this policy as well as other policies/procedures outlined in the Student Handbook Student Code of Conduct.
- E. "No Smoking" signs will be prominently and conspicuously posted at appropriate locations on campus.
- F. Receptacles for smoking will be available throughout the campus.
- G. The college will make available information about smoking cessation programs to faculty, staff, and students.
- H. Resource:  
[www.health.state.ny.us/nysdoh/clean\\_indoor\\_a  
ir\\_act/](http://www.health.state.ny.us/nysdoh/clean_indoor_air_act/)

Revised 10/29/09

### Ticket Sales and Refund Policy

#### Ticket Sales

1. Tickets to on-campus events are primarily sold at the Student Association Ticket Office in the College Union. Exceptions include Fine Arts events (for which ticket sales are generally held in the Brodie Fine Arts Box Office), Athletic events, and events only offering "at the door" sales.
2. Organizations planning ticket sales, either at the Student Association Ticket Office in the College Union, or through a cash box, must contact the Student Association Ticket Office, College Union,



room 113, (extension 5873). Tickets will be ordered and sold under the supervision of the Student Association Ticket Office.

3. All ticket sales are final. Tickets are non-transferable and non-refundable except in the case of cancellation of the event.

#### Ticket Refunds

Monies for purchased tickets will be refunded according to the following guidelines:

##### 1. Prior Cancellation of Event

- Cancellation will be publicized through appropriate and customary campus media. Information will be given regarding the reason for cancellation and any replacement events.
- Refunds will be given during regular operation hours at the Student Association Ticket Office in the College Union. They will begin one week following the cancellation and will continue for five days, after which no refund will be given.
- Tickets must be turned in to receive the appropriate (cash or credit card) refund. No credit or rain checks will be given
- Refunds will be given for the amount of the ticket only, which is printed on the back of the ticket. If the ticket is stamped "student," a refund will be given for the student price.
- If an event is not canceled, there will be no refund, under any circumstances.

##### 2. "Day of the Show" Cancellation

- Cancellation will be publicized over appropriate and customary radio, TV stations, and/or social media. If persons have gathered for the event, a public announcement will be made. Notification will be posted at the Student Association Ticket Office in the College Union.
- If a public announcement is made at the event, directions regarding how to obtain refunds will be given at that time.
- Refunds will begin no later than the second Monday after the event. (If the event is on a Monday, that Monday will be counted as the first Monday).
- Refunds will be given at the Student Association Ticket Office in the College Union during regular operation hours for a period of five days.
- Refunds will be given for the amount of the ticket only, which is printed on the back of the ticket. If the ticket is stamped "student," a refund will be given for the student price.
- No refunds will be given out from the box office at an event.

## Traffic and Parking Regulations

### Section 1 – Introduction

The purpose of regulating parking and traffic on campus is to create a safe and orderly environment for pedestrians and motor vehicles. All persons operating a motor vehicle on campus are responsible for complying with applicable parking and traffic laws, orders, and regulations. The enforcement of parking and traffic regulations is a responsibility of the University Police Department.

Please read the following guidelines and regulations carefully. All persons driving on campus are responsible for knowing and understanding these rules.

### Section 2: Parking Regulations

#### A. Registration

1. Parking on the grounds of the State University at Geneseo is restricted to students, faculty, staff, and visitors. Parking decals are required in restricted parking areas. Parking decals may be obtained at the Parking & Transportation Office in Schrader Hall Room 19. Persons registering a vehicle are required to show the current vehicle registration and College ID card or tuition receipt.
2. A change of vehicle registration must be reported to the Parking & Transportation Office and a new decal must be obtained, if applicable.
3. Parking decals must be purchased yearly and are valid until the stated expiration date unless there is a change in status as to enrollment or employment. Parking decals are not transferable and shall not be used on any other vehicle. Parking decals must be removed from registered vehicle (and destroyed) when the employment, relocation from a residence hall to an off campus residence, or any other change in status which affects parking privileges occurs.
4. Students may only register a vehicle that he or she owns or is owned by a family member.
5. Any person on campus may only have one vehicle on campus at any given time.
6. After registering the vehicle, the parking decal must be affixed to the vehicle according to the instructions provided. Campus parking areas are designated for students, faculty, staff, and visitors. Faculty and staff are permitted to park in student lots, except lots J, R, and TT.
7. Students attending classes or working during the summer session may park in student lots with a properly displayed decal.

#### B. Special Parking

1. Special parking permission may be granted by the Parking & Transportation Office or the University Police Department for emergency situations or extraordinary circumstances.
2. Provisions for loading and unloading at the loading docks of the residence halls for a period

of time over 20 minutes must be made in advance by calling the University Police Department.

3. Handicap parking is permitted with the display of a SUNY Geneseo parking decal AND a) a handicap parking hang tag from a village or town clerk, b) a handicap vehicle license plate, or c) a SUNY Geneseo campus handicap hang tag.

#### C. Visitor Parking

1. Parking in the College Circle is reserved for visitors and guests with a visitor permit (individuals with no affiliation to the College), Monday through Friday from 7:00AM to 5:00PM and without a permit Monday through Friday from 5:00PM to midnight, as well as, Saturday and Sunday from 7:00AM - midnight.
2. Metered parking is available on a daily basis from 7:00AM to midnight. There is no metered parking from midnight to 7:00AM.
3. Faculty, staff, and students planning conferences or meetings on campus should arrange parking with the Scheduling, Events & Conferences Services office (ext. 5500) and the Parking & Transportation Office (ext. 5978) four weeks prior to the scheduled event. Parking will be by permit only.
4. Prospective students, visitors, and guests may park in the College Circle or, by special permit, in ZZ Lot, Monday through Friday from 7:00AM to midnight. Permits may be obtained from the Admissions Office or from the Parking & Transportation Office.
5. Overnight visitors during the week are required to obtain a temporary parking permit and park in H or U Lots.
6. Visitors to the campus may park:

##### Weekdays

- 7:00am - 5:00pm: College Circle, Lots Z, ZZ (permit required)
- 7:00am - 10:00am: Lot S (no permit required)
- 2:00pm - Midnight: Lots I, S (no permit required)
- 4:00pm - 9:00am: Lots H, U (no permit required)
- 4:30pm - Midnight: Lots A, B, K, L (no permit required)
- 5:00pm - Midnight: College Circle, Lot ZZ (no permit required)

##### Weekends

- 4:30pm Friday - Midnight Sunday: Lots E, F, H, Q, T, U (no permit required)
- 7:00am - Midnight Saturday & Sunday: Lots A, B, I, K, L, S, ZZ, College Circle (no permit required)

For all other times and locations, temporary permits may be obtained at Parking & Transportation Services or the University Police Department - both are located in Schrader Hall, Room 19.

If you have a scheduled meeting with someone on campus, they can arrange for a temporary permit ahead of time so you don't need to worry about when you arrive. They can call Parking & Transportation Services at (585) 245-5978 or send an email to [parking@geneseo.edu](mailto:parking@geneseo.edu).

Please refer to the [vehicle registration form](#) for a list of required information if a temporary permit is needed.

Visitors and guests to the campus who are unable to comply with the above regulations should obtain [temporary parking permits](#) from the Parking & Transportation Office or the University Police Department in Schrader Hall Room 19.

#### Section 3: Parking Areas

Faculty, staff, and students must register their vehicles and obtain the appropriate decal to park on campus in accordance to the following guidelines. Handicap accessible parking is available in lots noted with an asterisk.

##### Lot A\*

Faculty/staff permit required:  
Monday - Friday 7:00am - 4:30pm  
Open visitor & student parking:  
Monday - Friday 4:30pm - 3:00am  
Saturday & Sunday 7:00am - 3:00am

##### Lot B\*

Faculty/staff permit required:  
Monday - Friday 7:00am - 4:30pm  
Open visitor & student parking:  
Monday - Friday 4:30pm - 3:00am  
Saturday & Sunday 7:00am - 3:00am

##### Lot C\*

Faculty/staff permit required:  
7:00am – Midnight  
No visitor parking  
No student parking

##### College Circle\* - Temporarily Closed due to construction

Visitor permit required:  
7:00am - 5:00pm  
Open visitor parking:  
Monday - Friday 5:00pm – Midnight  
Saturday & Sunday 7:00am – Midnight  
No faculty/staff parking  
No student parking

##### Lot D\*

Faculty/staff permit required:  
24 hours a day  
No visitor parking  
No student parking

##### Lot E\*

Resident student permit required:  
24 hours a day  
Faculty/staff permit required: 7:00am – Midnight  
Open visitor parking:  
4:30pm Friday - Midnight Sunday

Lot F

Resident student permit required:  
24 hours a day  
Faculty/staff permit required:  
7:00am – Midnight  
Open visitor parking:  
4:30pm Friday - Midnight Sunday

Lot G

Reserved Lot G permit required:  
24 hours a day  
No visitor parking  
No student parking

Lot H

Resident student permit required:  
24 hours a day  
Faculty/staff permit required:  
7:00am – Midnight  
Open visitor parking:  
Monday - Thursday 4:00pm - 9:00am  
4:30 Friday - Midnight Sunday

Lot I\*

Resident/commuter student permit required:  
7:00am - 2:00pm  
Faculty/staff permit required:  
7:00am - 2:00pm  
Open visitor parking:  
Monday - Friday 2:00pm - Midnight  
Saturday & Sunday 7:00am – Midnight  
*Overflow resident parking 24 hours a day (with valid resident permit)*

Lot J

Resident student permit required:  
24 hours a day  
No visitor parking  
No faculty/staff parking

Lot K

Faculty/staff permit required:  
7:00am - 4:30pm  
Open visitor parking:  
Monday - Friday 4:30pm - Midnight  
Saturday & Sunday 7:00am - Midnight

Lot L\*

Faculty/staff permit required:  
7:00am - 4:30pm  
Open visitor parking:  
Monday - Friday 4:30pm - 3:00am  
Saturday & Sunday 7:00am - 3:00am

Lot LL\*

Reserved Lot LL permit required:  
7:00am - 5:00pm  
Faculty/staff permit required:  
Monday - Friday 5:00pm - 3:00am  
Saturday & Sunday 7:00am - 3:00am  
No visitor parking  
No student parking

Lot O

Reserved Lot O permit required:  
24 hours a day

Lot P\* (Schrader East)

Paid metered parking:  
7:00am – Midnight  
No overnight parking

Lot PP\* (College Union West)

Paid metered parking:  
7:00am – Midnight  
No overnight parking

Lot Q

Resident permit required:  
24 hours a day  
Faculty/staff permit required:  
7:00am – Midnight  
Open visitor parking:  
4:30pm Friday - Midnight Sunday

Lot R\*

Resident permit required:  
24 hours a day  
No visitor parking  
No faculty/staff parking

Lot S\*

Resident/commuter student permit required:  
7:00am - 2:00pm  
Faculty/staff permit required:  
7:00am - 2:00pm  
Open visitor parking:  
Monday - Friday 2:00pm – Midnight  
Saturday & Sunday 7:00am – Midnight  
*Overflow resident parking 24 hours a day (with valid resident permit)*

Lot T

Commuter student permit required:  
7:00am – Midnight  
Admissions permit required:  
7:00am - 5:00pm  
Faculty/staff permit required:  
7:00am – Midnight  
Open visitor parking:  
4:30pm Friday - Midnight Sunday

Lot TT\*

Resident student permit required: 24 hours a day  
No visitor parking

Lot U\*

Resident student permit required:  
24 hours a day  
Faculty/staff permit required:  
7:00am – Midnight  
Open visitor parking:  
Monday - Thursday 4:00pm - 9:00am  
4:30pm Friday - Midnight Sunday

Lot V\*

Faculty/staff permit required:  
24 hours a day  
No visitor parking  
No student parking

Lot W\*

Reserved Lot W permit required:  
24 hours a day  
No visitor parking  
No student parking

Lot X (Letchworth Drive)

Reserved RL permit required:  
24 hours a day  
Faculty/staff permit required:  
24 hours a day  
Paid metered parking:

7:00am – Midnight  
No overnight parking  
Lot Y\* (Monroe Loop)  
Reserved RL permit required:  
24 hours a day  
Fuel efficient vehicle:  
Valid campus permit required 24 hours a day  
Paid metered parking:  
7:00am – Midnight  
No overnight parking  
Geneseo First Response vehicle  
20 Minute load zone  
Service vehicle

Lot Z\*  
Reserved X permit required:  
24 hours a day  
Small Business Development Center permit required:  
24 hours a day  
OPWDD Medical Director permit required:  
24 hours a day  
Official vehicles only  
OPWDD Visitor spaces:  
Visitor permit required:  
7:00am - 5:00pm  
Open visitor parking:  
Monday - Friday 5:00pm – Midnight  
Saturday & Sunday 7:00am - Midnight

Lot ZZ\*  
Admissions permit required:  
7:00am - 5:00pm  
Open visitor parking:  
Monday - Friday 5:00pm – Midnight  
Saturday & Sunday 7:00am - Midnight

During inclement weather, to facilitate snow removal, parking restrictions between 3:00AM and 7:00AM will be strictly enforced.

Please check email, voice mail, residence hall postings for emergency instructions. See Section 9: Winter Storms and Temporary Lot Closings.

#### Section 4: Violations

1. Parking is only authorized in posted areas
2. Acceptable parking is indicated by posted signs or pavement markings
3. All duly posted signs or indications regulating traffic or parking must be observed
4. Fire hydrants, fire lanes, or other emergency zones are to be kept free at all times
5. Parking on the interior grounds or roadways is not allowed
6. Metered parking is available on a daily basis from 7:00AM to midnight
7. There is no metered parking from midnight to 7:00AM
8. All vehicles must have a current motor vehicle registration and inspection properly displayed
9. Tickets may be issued for violations of the Vehicle and Traffic Law or any local traffic ordinances and

shall be processed in accordance with applicable law

#### Section 5: Penalties

- A. Section 360 of the Education Law authorizes delinquent fines to be collected from faculty and staff by withholding the amount of the fines from their pay checks. In the case of students: transcripts, grades, diplomas, registrations, etc. will be withheld until such delinquent fines are paid.
- B. Those that have previously parked illegally and have not been cited may not use that as a defense if they are cited for the same violation in the future. If a ticket is not given for a violation, this does not condone the violation.
- C. Violators of these rules and regulations are subject to a fine, revocation of campus registration, or additional penalties.
- D. Upon receipt of ten (10) tickets, paid or unpaid, for campus parking violations during a twelve (12) month period, parking privileges may be revoked for the remainder of the academic year. Vehicles may be towed as described in Section 7: Towing and Impounding.
- E. Before a parking decal can be purchased, all unpaid tickets must be paid.
- F. Parking tickets may be paid a) online at <https://aims.geneseo.edu>; b) in person at Schrader 19, Monday through Friday 8:00am to 4:00pm; c) check or money order made payable to SUNY Geneseo and mailed to Parking & Transportation, 1 College Circle, Schrader Hall Room 19, Geneseo, NY 14454.

#### Section 6: Appeals

- A. The President shall designate an adjudication officer to hear complaints for violations of campus traffic and parking regulations enforceable on campus. The adjudication officer shall not be bound by the rules of evidence, but may hear or receive any testimony or evidence directly relevant and material to the issue presented.
- B. Requests for a hearing or appeal must be made WITHIN FIVE (5) DAYS of the charged violation.
- C. False or misleading statements or failure to disclose pertinent information will result in denial of appeal. It may also result in the loss of parking privileges and/or other appropriate administrative action (in the case of students, referral to Student Conduct).
- D. The following are examples of insufficient grounds for accepting an appeal of a parking ticket:
  1. Being late or in a hurry
  2. Dropping something or someone off or picking them up
  3. Preferred parking lot full or too far away
  4. Inclement weather
  5. Others parked the same way did not receive a ticket

6. Flashing hazard lights (or four-way lights)
  7. The amount of time the vehicle was parked
  8. The owner of the vehicle was not driving at the time - the registered owner of the vehicle is responsible for all tickets incurred regardless as to whether or not that individual was the one who actually parked the vehicle improperly or not
  9. I can't afford the ticket
  10. I didn't know/I thought/Nobody told me
  11. I parked there before and never received a ticket
- E. Should the alleged violator fail to appear at the time fixed for the hearing or should no hearing be requested within the prescribed time (five days), the violation is proved and appropriate penalties shall be warranted.
  - F. The Appeals Board is the final recourse for all appeals. There is no other person/group that can hear an appeal after the Board has made its decision.
  - G. At the conclusion of the hearing, the hearing officer shall file a decision and the decision shall be promptly transmitted to the registered person.

#### Section 7: Towing and Impounding

- A. Any motor vehicle operated or parked on campus in violation of these regulations may be removed, towed, and stored at the owner's expense. The College is not liable for any damage as a result of this action.
- B. Accumulation of TEN (10) or more paid or unpaid tickets in a twelve (12) month period may result in towing and impounding. Other penalties may apply as described in Section 6: Appeals.
- C. Vehicles blocking traffic, fire, emergency lanes, and reserved areas will be towed immediately.
- D. A motor vehicle left more than 96 hours in one spot without permission or a parking decal shall be considered abandoned and will be towed and impounded (Vehicle Traffic Law, Section 1224-D).

#### Section 8: Vehicular Roadways

- A. The following are vehicular roadways on or near the Geneseo campus:
  1. University Drive from Court Street to Wadsworth Street
  2. College Drive, Mary Jemison Drive, Letchworth Drive, and Red Jacket Drive
  3. Routes 63, 39, 20A, Court Street, Main Street, and South Street are roadways and subject to state and/or local regulations and enforcements as are Wadsworth, Bank, School, Franklin, and Park Streets and University Drive from Main Street to Wadsworth Street
- B. Interior campus walkways are prohibited to vehicular traffic for all vehicles except fire, police, and authorized campus service vehicles.

- C. No person shall drive a vehicle on University streets, roads, or highways at an unsafe speed for conditions. The campus speed limit is 15 miles per hour.

#### Section 9: Winter Storms and Temporary Lot Closings

To remove/plow substantial snowfalls from parking lots, it is necessary that all cars parked in lots be temporarily relocated. During these storms, the lot closures occur on a cyclical basis, allowing vehicles to be temporarily relocated to a plowed lot while the SUNY Geneseo Grounds Department removes the snow from each subsequent lot.

While attempts are made to communicate the dates/times of the lot closure through emails, voice mails, and postings, the immediate need to plow often limits the time allotted to distribute the notices to less than 24 hours.

To minimize occurrences of "plowed in" vehicles or the need to have vehicles towed, the Grounds Department asks all student vehicle owners to please check email and voice mail on a frequent basis during periods of heavy snowfall and temporarily relocate their vehicles as directed by the notices.

Unfortunately, when vehicles remain in parking lots during the temporary closures, completing the snow removal process may require the vehicles to be towed. Owners of towed vehicles will be subject to fines and be required to pay towing and possibly storage charges.

The University Police Department and Grounds Department thank you for your cooperation during these times and wish you a safe winter driving season.

#### Section 10: Authorization

Section 360 of the Education Law authorizes the State University of New York campuses to adopt, make applicable, and enforce such provisions of the Vehicle and Traffic Law, adopted under the authority of that law, as control to regulate parking, vehicular and pedestrian traffic. Further, it authorizes the State University to adopt and enforce such additional rules and regulations for control of parking, vehicular and pedestrian traffic, as local authorities are permitted to adopt and enforce pursuant to the Vehicle and Traffic Law. There is also authorization for the State University to adopt and enforce campus rules and regulations, not inconsistent with the Vehicle and Traffic Law relating to parking, safety, and vehicular and pedestrian traffic. Such rules and regulations may include provisions for the disposition of abandoned vehicles, removal by towing and otherwise impounding of vehicles, parked in violation of such rules, at the expense of the owner and the assessment of administrative fines upon the owner or operator of such vehicles for each violation of the regulations.

#### Section 11: Approval

These rules and regulations become effective and shall be enforced upon approval as required by law and publication. A copy of these regulations will be provided to each registrant and filed with appropriate civil offices.

#### Office Hours:

The Parking Services Office is open from 8:00 a.m. to 4:00 p.m. Monday through Friday in Schrader Hall Room 19. Parking concerns can be addressed 24 hours a day at the University Police Department is Schrader Hall Room 19.

#### Phone Numbers:

Parking Services 585-245-5978

University Police 585-245-5651

Campus Emergencies 585-245-5222

### **Investigation of Violent Felony Offenses and Missing Students**

The University Police Department should be notified of any violent felony offense occurring on campus property. Members of the college community are asked to immediately report all suspected violent felony offenses, including (but not limited to) murder, manslaughter, sodomy, aggravated sexual abuse, assault, burglary, robbery, arson, and criminal possession of a weapon. University Police officers work closely with local, state and federal law enforcement agencies and college officials to gather and share as much information as possible with victims, families and the public. Victims and witnesses of crimes or other traumatic incidents are encouraged to seek assistance by visiting the Lauderdale Center for Student Health and Counseling at (585) 245-5716; or by contacting the Livingston County Sheriff's Office Crime Victim Coordinator at (585) 243-7046. Information shared with college counseling officials is not released without the client's written consent unless there is fear for safety to the client or to someone else.

In cases of a missing person complaint, a police investigation is initiated when there is no reasonable explanation for a person's absence. University Police should be immediately notified of all missing person reports for students residing both on and off campus. The College provides students with the ability to designate an individual for the institution to contact within 24 hours of the student being reported missing, and provide students with the means to register confidential contact information in the event they are missing longer than 24 hours. If the student resides on campus and is missing for longer than 24 hours, the College is required to notify the contacts listed by the student. In cases of an unemancipated student under 18 years of age, the College is required to notify a custodial parent or guardian within 24 hours of the student being determined to be missing. If a student

resides off campus and is missing for more than 24 hours, the Chief of University Police will notify the appropriate law enforcement agency within 24 hours after the student is determined to be missing. The NYS Office of Forensic and Victim Services Missing Person Data Collection Guide is used to gather valuable information when handling missing person's cases.

### **Visitors to the College**

SUNY Geneseo invites and welcomes visitors to campus. In its responsibility for maintaining order on campus, the College reserves the right to restrict access to the campus to individuals for violations of College policy or applicable laws, including the New York State Rules for the Maintenance of Public Order (Section 6430 of the New York State Education Law.)

Members of the College community are expected to reasonably account for the conduct of their guests and are responsible for advising them of the College's expectation for adherence to any and all policies and regulations.

#### Definitions

Visitor/Guest - A non-affiliated person who has been invited to the College campus by a member of the College community for a College business related function.

Vendor/Consultant/Contractor - A non-affiliated person or group that has recurring business on the College campus.

#### Policies

##### **1. General Information**

Non-students, non-faculty, and non-staff may enter the campus only when:

- i. Attending a public event (lecture, tour, performance, exhibit);
- ii. Using a facility or recreation area accessible for public use;
- iii. Keeping an appointment with or being escorted by a member of the student body, faculty, or staff.
- iv. No student, faculty member or other staff member or authorized visitor shall be subject to any limitation or penalty for expressing his or her views or for assembling with others for such purpose; peaceful picketing and other orderly demonstrations in public areas of campus grounds and buildings are not subject to interference provided there are no violations of the rules in section I.A. of the New York State Rules for the Maintenance of Public Order (Section 6430) of the New York State Education Law.

##### **2. Restrictions**

In order to maintain campus security, certain former students and former employees and other non-students



and non-employees may be explicitly prohibited from all campus visitations or have conditions placed on their campus visitation. Such persons will be notified in writing of their visitation status.

- a. Withdrawn or academically dismissed students have ordinary visitors privileges for brief visits and may seek written permission from the Dean of Students for extended periods of visitation.
- b. Students required to leave the College for nonacademic reasons may visit the campus only if they obtain written permission from the Dean of Students.
- c. Faculty and staff members whose employment has been terminated may be prohibited from all campus visitations and will be notified of such in writing. Former employees with campus visitation restrictions must obtain written permission from the Vice President for Finance and Administration or the Vice President for Student and Campus Life before entering the campus.
- d. Individuals who do not have a direct relationship with the College who violate state law or College policy while on campus may be restricted from visiting all or part of the campus in the future, and will be notified of that restriction in writing by the Chief of University Police.

The individuals described above who have been notified of campus restrictions who subsequently appear on campus without authorization will be subject to arrest. Other visitors who fail to comply with this policy, or with the directives of College officials, may also be subject to arrest.

## Information Regarding Sex Offenses

In recent years there has been concern at both the national and state levels regarding the incidence of sex offenses on college campuses. In an effort to educate our College community, we are providing the following information to all students.

It is best to keep in mind that any college is not a "safe haven" where personal safety issues can be ignored. All students, staff and visitors must take reasonable precautions and use sound judgment regarding their behavior. Unfortunately, college campuses are not immune from crime.

Sex offenses occur on and off college campuses. While some victims are assaulted by assailants who are unknown, more frequently the campus victim is assaulted by a person known to the victim. These incidents are described as "acquaintance rapes." The assailant may be a date or a dating partner of the victim. However, they may also be someone who is identifiable because they are in a class with the victim, a resident of the same residence hall as the victim, or a friend of a friend of the victim. Alcohol and/or use of other mind-altering substances are frequently involved in these situations. Sound, unimpaired judgment and bystander intervention can help prevent such victimizations. (See State Penal Law Pertaining to Sex Offenses - Appendix B.)

### I. College Regulations Regarding Sex Offenses

Geneseo students who are victims of sexual offenses [e.g., rape, sexual abuse, nonconsensual sexual activity; (see previous section)] which occurred either on the Geneseo campus or at a location off-campus are encouraged to report their experiences to the Title IX Coordinator, or other designated official. If a student is a victim of such an offense, they should report the incident as soon as possible to one of the following offices:

Office of Dean of Students  
MacVittie Union 354                      585-245-5706

Office of University Police\*  
Schrader 119                                585-245-5651

Title IX Coordinator\*\*  
Doty 303                                      585-245-5023  
24/7 hotline                                585-443-6458

\*open 24 hours

\*\*Access via phone 24/7

Students may also contact their RA or RD to report the incident and seek assistance. Pathways, a confidential peer advocacy hotline 585-237-8860 can also provide assistance.

If immediate emergency assistance is required, on-campus residents should contact University Police at

585-245-5222 or utilize one of the blue light emergency telephones on campus. If the victim lives off-campus and the assault occurred off-campus, the 911 system should be utilized first. An off-campus student should file a subsequent report with College officials (listed above) if the offense was perpetrated by a Geneseo student.

In a situation where there is the potential for a criminal complaint, it is extremely important that the victim does not disturb any physical evidence. Therefore, the victim should try not to change clothing, bathe, shower, douche, or wash before seeking assistance. College personnel in the above mentioned areas have been trained to work with victims and to follow appropriate protocols for victims of sexual assault.

The College prohibits sexual misconduct through the "Student Code of Conduct," which may be found in this publication, the on-line Student Handbook or the Geneseo Undergraduate Bulletin.

Student victims have several options regarding reporting sexual misconduct which include:

1. Reporting the incident to and pursuing criminal charges through a law enforcement agency.
2. Reporting the incident to the Title IX Coordinator, Dean of Students/Office of Student Conduct & Community Standards.
3. Filing a sexual harassment grievance.
4. Documenting the incident that has occurred, but do not pursue further actions.

When a complaint regarding a sex offense is made to the Title IX Coordinator, or other college official, these options will be reviewed with the student. The Title IX Coordinator will also give the student both medical and counseling resources if needed. Employee policies and procedures regarding sexual harassment are found in Section 150 of the Geneseo Policies and Procedures Manual.

### II. Support for Victims of Sexual Misconduct

Counseling and support services are provided to victims of sexual misconduct through several Campus offices:

- Counseling Services, in Lauderdale 205, provides crisis intervention, supportive psychotherapy and/or referral for survivors of rape, attempted rape, sexual assault and child sexual abuse. Contacts with Counseling Services are strictly confidential. Support is provided in an atmosphere of acceptance, respect and empathetic understanding which focuses on survivors' empowerment. Concerned friends, family and/or partners of students who are survivors of sexual victimization are also welcome to contact this office for assistance in responding to the survivor. Appointments may be made by visiting Counseling Services or by telephoning 585-245-5716.
- Health Services provides medical care and support to victims of sex offenses. While Health Services

does not conduct evidence collection ("rape kits"), the staff can provide immediate medical attention, help students explore their options, and facilitate getting those students who wish to undergo evidence collection to a nearby hospital. Either walk-in visits or scheduled appointments (585-245-5736) are available.

- The Title IX Coordinator (Doty 303; 585-245-5023) maintains links with community services which assist victims of sex offenses. A visit or call to the Title IX office will assist in identifying and securing assistance from an outside agency. The Office will also work with the Dean of Students to provide accommodations if the student victim needs to leave their residence hall, change classes, or notify their professors that they have experienced a crisis.
- The Office of University Police in Schrader 19 is available 24 hours per day to assist in emergency situations. (Emergency telephone number 585-245-5222 or any Campus "blue light telephone" provides a direct emergency connection.) University Police will respond to the scene of an emergency situation, process complaints regarding any violation of state, federal, or local law and coordinate outside law enforcement and/or medical assistance, if necessary.

Several off-campus resources are also available:

- RESTORE offers a free and confidential 24-hour hotline which is staffed by trained advocates who provide short-term counseling, offer referrals, and are available to accompany victims to the hospital, the police station, and any conduct hearings.
- RESTORE 24 hr. Hotline: 1-800-527-1757
- RESTORE Advocate also located in Doty 303.
- Chances & Changes, Inc. offers free and confidential counseling and advocacy services to victims of domestic violence in Livingston County, New York.
- Chances & Changes 24 hr. Hotline: 1-585-658-2660 or 1-888-252-9360
- Chances & Changes Advocate also located in Doty 303.
- Livingston County Sheriff
  - 585-243-7100
  - 911 (Emergency)
- Geneseo Village Police
  - 585-243-2420

### III. Education

The College educates students regarding security procedures through annual Title IX training, residence hall programs, signage, safety campaigns, College publications, and specific websites. Each semester, programs regarding such topics as personal safety, rape prevention, alcohol and other substances, and prevention of burglary and theft are presented. Specific program information may be found at [go.geneseo.edu/safe](http://go.geneseo.edu/safe).

The Title IX Prevention Education Specialist, located in Doty 303, and the Coordinator of Health Promotion, located in the Lauderdale Health Center, are available to offer programs concerning sexual violence awareness, along with a range of other issues. HealthGuards is a student group of peer health educators who are trained to present health-related programs to residents, student groups, and faculty and staff.

If someone you know has been a victim of a sexual offense:

- Make sure they are safe;
- Believe them;
- Reinforce that no matter what the circumstances, the offense was not their fault;

Refer them to:

- Title IX (585-245-5023)
- Health Services (585-245-5736)
- Counseling Services (585-245-5716)
- Their Area Coordinator
- University Police (585-245-5651; 585-245-5222)
- Dean of Students (585-245-5706)
- RESTORE - Rape Crisis Center (1-800-527-1757)
- Chances & Changes

If they live off campus:

- Livingston County Sheriff (585-243-7100; 911)
- Geneseo Village Police (585-243-2420; 911)

Allow them to make their own decisions concerning medical attention and pressing charges. Encourage them to preserve evidence.

### IV. Title IX Working Group

To promote student safety, encourage reporting (with the College and local law enforcement) and prevent sexual harassment (dating violence, domestic violence, sexual assault, and stalking), the charge of the Title IX Working Group is to:

- Distribute campus-wide communication to promote transparency and develop trust amongst members of the campus community;
- Facilitate dialogues (formal and informal), specifically with members of high-risk populations, in an effort to better understand and eliminate the barriers to reporting incidents of sexual and physical violence with the College and law enforcement;
- Strengthen collaboration with off-campus partners and resources;
- Identify and recommend nationally recognized and established best practices regarding the implementation of a Title IX peer education program.

## Drug-Free Schools Information

The State University of New York College at Geneseo certifies it is in compliance with Public Law 101-226, The Drug-Free Schools and Communities Act of 1989. To this end, the College has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees.

As mandated by section 22 of Public Law 101-226, the College will distribute annually to its students and employees, the following information:

- standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of drugs and alcohol by students and employees on College property or as any part of Geneseo's activities;
- a description of the applicable legal sanctions under local, New York State, and Federal law for unlawful possession, use or distribution of illicit drugs and alcohol;
- a description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- a description of any drug and alcohol counseling, treatment, or rehabilitation programs that are available to students and employees; and
- a clear statement that Geneseo will impose sanctions on students and employees (consistent with local, New York State, and Federal law, and collective bargaining agreements) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.

In addition, the College will conduct a biennial review of its program to:

- (a) determine its effectiveness and
- (b) ensure that the sanctions developed by the College are consistently enforced.

### I. Student Conduct

The rights and privileges exercised by any person are always a function of relationships with others. The College at Geneseo condemns the unlawful use, possession, or distribution of alcoholic beverages and/or drugs on College property or as any part of College sponsored activities. To this end, the College will enforce the Student Code of Conduct and take appropriate conduct action when violations occur. In addition, criminal action will be taken when appropriate.

Loss of privilege, specified conduct requirements, or separation from the College may be imposed on any student whose conduct on or off campus adversely affects the academic community, particularly as it shows failure to accept responsibility for the welfare of one's self and other persons. Fundamental kinds of

misconduct involving alcohol and other drugs which may lead to conduct action, including suspension or dismissal from the College, are as follows:

- Illegal use, sale, distribution, manufacturing, or possession of alcohol, intoxicants, or drugs (including but not limited to controlled substances and prescription medication). Participation of a student in any incident, accident, or personal injury that is related to the use by that student of any alcohol, intoxicant, or drug. (SUNY Geneseo Student Code of Conduct—No. 8).
- Use or possession of open containers of alcoholic beverages on campus other than at approved locations and events, or in accordance with the SUNY Geneseo Policy on Alcohol and Illicit Drugs is prohibited. Containers of alcoholic beverages found on campus which are not in compliance with approved college policies will be confiscated and/or destroyed by a University Police Officer. (SUNY Geneseo Student Code of Conduct—No. 9.).

### II. Employee Conduct

Compliance with the provisions of the College's drug and alcohol policies is a condition of employment subject to criminal charges and/or disciplinary action under the various negotiated agreements, including satisfactory completion of an approved drug or alcohol rehabilitation program.

Student employees are subject to discipline up to and including termination of employment and referral for discipline in accordance with the Student Code of Conduct, or corrective action as the College deems appropriate, including satisfactory completion of an approved drug or alcohol rehabilitation program.

### III. Local, State and Federal Laws

- A. Local Laws (see Appendix C)
- B. State Laws (see Appendix D)
- C. Federal Laws (see Appendix E)

### IV. Health Risks

#### Alcohol

If you are like many Americans, you may drink alcohol occasionally. Or, like others, you may drink moderate amounts of alcohol on a more regular basis. If you are a woman or someone over the age of 65, this means you have no more than one drink per day; if you are a man, this means you have no more than two drinks per day. Drinking at these levels usually is not associated with health risks and may help prevent certain forms of heart disease.

But did you know that even moderate drinking, under certain circumstances, can be risky? If you drink at more than moderate levels, you may be putting yourself at risk for serious problems with your health as well as problems with family, friends, and coworkers.

### What Is a Drink?

A standard drink is:

- One 12-ounce bottle of beer\* or wine cooler or
- One 5-ounce glass of wine or
- 1.5 ounces of 80-proof distilled spirits.

\*Different beers have different alcohol content. Malt liquor has a higher alcohol content than most other brewed beverages.

### Drinking and Driving

It may surprise you to learn that you don't need to drink much alcohol before your driving ability is affected. For example, certain driving skills can be impaired by blood alcohol concentrations (BACs) as low as 0.02 percent. (The BAC refers to the amount of alcohol in the blood.) A 160-pound man will have a BAC of about 0.04 percent 1 hour after drinking two 12-ounce beers or two other standard drinks on an empty stomach (see "What Is a Drink?"). And the more alcohol you drink, the more impaired your driving skills will be. Although most States set the BAC limit for adults who drive after drinking at 0.08 percent, driving skills are affected at much lower levels.

### Interactions With Medications

Drinking alcohol while taking certain medications can cause problems. In fact, there are more than 150 medications that should not be mixed with alcohol. For example, if you are taking antihistamines for a cold or allergy and drink alcohol, the alcohol will increase the drowsiness that the medicine alone can cause, making driving or operating machinery even more dangerous. And if you are taking large doses of the painkiller acetaminophen (Tylenol®) and drinking alcohol, you are risking serious liver damage. (See Appendix F: "Drugs and Alcohol Don't Mix") Check with your doctor or pharmacist before drinking any amount of alcohol if you are taking any over-the-counter or prescription medicines.

### Social and Legal Problems

The more heavily you drink, the greater the potential for problems at home, at work, with friends, and even with strangers. These problems may include:

- Arguments with or separation from your spouse and other family members;
- Strained relationships with coworkers;
- Absence from or lateness to work with increasing frequency;
- Loss of employment due to decreased productivity; and
- Committing or being the victim of violence.

### Alcohol-Related Birth Defects

If you are pregnant or trying to get pregnant, you should not drink alcohol. Drinking alcohol while you are pregnant can cause a range of birth defects, and children exposed to alcohol before birth can have lifelong learning and behavioral problems. The most

serious problem that can be caused by drinking during pregnancy is fetal alcohol syndrome (FAS). Children born with FAS have severe physical, mental, and behavioral problems. Because scientists do not know exactly how much alcohol it takes to cause alcohol-related birth defects, it is best not to drink any alcohol during this time.

### Long-Term Health Problems

Some problems, like those mentioned above, can occur after drinking over a relatively short period of time. But other problems - such as liver disease, heart disease, certain forms of cancer, and pancreatitis - often develop more gradually and may become evident only after many years of heavy drinking. Women may develop alcohol-related health problems sooner than men, and from drinking less alcohol than men. Because alcohol affects nearly every organ in the body, long-term heavy drinking increases the risk for many serious health problems.

### Marijuana

Marijuana is the most commonly used illegal drug in the United States, and marijuana use may have a wide range of health effects on the body and brain.

About 1 in 10 marijuana users may experience some form of addiction. For people who begin using before the age of 18, that number rises to 1 in 6. People who are addicted to marijuana may also be at a higher risk of other negative consequences of using the drug, such as problems with attention, memory, and learning. Some people who are addicted may need to smoke more and more marijuana to get the same high. It is also important to be aware that the amount of tetrahydrocannabinol (THC) in marijuana (i.e., marijuana potency or strength) has increased over the past few decades. The higher the THC content, the stronger the effects on the brain. In addition, some methods of using marijuana (e.g., dabbing, edibles) may deliver very high levels of THC to the user.

In many cases, marijuana is smoked in the form hand-rolled cigarettes (joints), in pipes or water pipes (bongs), in bowls, or in blunts—emptied cigars that have been partly or completely refilled with marijuana. Smoked marijuana, in any form, can harm lung tissues and cause scarring and damage to small blood vessels. Smoke from marijuana contains many of the same toxins, irritants, and carcinogens as tobacco smoke. Smoking marijuana can also lead to a greater risk of bronchitis, cough, and phlegm production. These symptoms generally improve when marijuana smokers quit.

Marijuana use, especially frequent (daily or near daily) use and use in high doses, can cause disorientation, and sometimes cause unpleasant thoughts or feelings of anxiety and paranoia. Marijuana use is associated with temporary psychosis (not knowing what is real, hallucinations and paranoia) and long-lasting mental health challenges, including schizophrenia (a type of mental illness

where people might see or hear things that aren't really there).

Marijuana use has also been linked to depression and anxiety, and suicide among teens. However, it is not known whether this is a causal relationship or simply an association.

In 2021 New York State revised its marijuana laws. It is important to note that even though state law allows for marijuana to be consumed in New York, federal law prevents all consumption of cannabis, including medicinal use, on college campuses – including SUNY Geneseo.

(From the Centers for Disease Control and Prevention) Available at CDC website:  
<https://www.cdc.gov/marijuana/factsheets/teens.htm>  
(last accessed Jan. 6, 2021);  
<https://www.cdc.gov/marijuana/health-effects.html>  
(last accessed Jan. 6, 2021).

### MDMA

People who use MDMA usually take it as a capsule or tablet, though some swallow it in liquid form or snort the powder. The popular nickname Molly (slang for “molecular”) often refers to the supposedly “pure” crystalline powder form of MDMA, usually sold in capsules. However, people who purchase powder or capsules sold as Molly often actually get other drugs such as synthetic cathinones (“bath salts”) instead. Some people take MDMA in combination with other drugs such as alcohol or marijuana.

MDMA increases the activity of three brain chemicals:

- Dopamine—produces increased energy/activity and acts in the reward system to reinforce behaviors
- Norepinephrine—increases heart rate and blood pressure, which are particularly risky for people with heart and blood vessel problems
- Serotonin—affects mood, appetite, sleep, and other functions. It also triggers hormones that affect sexual arousal and trust. The release of large amounts of serotonin likely causes the emotional closeness, elevated mood, and empathy felt by those who use MDMA.

Other health effects include:

- nausea
- muscle cramping
- involuntary teeth clenching
- blurred vision
- chills, and
- sweating.

MDMA's effects last about 3 to 6 hours, although many users take a second dose as the effects of the first dose begin to fade. Over the course of the week following moderate use of the drug, a person may experience irritability, impulsiveness and aggression,

depression, sleep problems, anxiety, memory and attention problems, decreased appetite, and decreased interest in and pleasure from sex. It's possible that some of these effects may be due to the combined use of MDMA with other drugs, especially marijuana.

High doses of MDMA can affect the body's ability to regulate temperature. This can lead to a spike in body temperature that can occasionally result in liver, kidney, or heart failure or even death.

(From the National Institute on Drug Abuse)  
(Available at NIH website:  
<https://www.drugabuse.gov/publications/drugfacts/mdma-ecstasy-molly>.)

### Prescription Opioids

Prescription opioids used for pain relief are generally safe when taken for a short time and as prescribed by a doctor, but they can be misused.

Opioids bind to and activate opioid receptors on cells located in many areas of the brain, spinal cord, and other organs in the body, especially those involved in feelings of pain and pleasure. When opioids attach to these receptors, they block pain signals sent from the brain to the body and release large amounts of dopamine throughout the body. This release can strongly reinforce the act of taking the drug, making the user want to repeat the experience.

In the short term, opioids can relieve pain and make people feel relaxed and happy. However, opioids can also have harmful effects, including drowsiness, confusion, nausea, constipation, euphoria, and slowed breathing. Opioid misuse can cause slowed breathing, which can cause hypoxia, a condition that results when too little oxygen reaches the brain. Hypoxia can have short- and long-term psychological and neurological effects, including coma, permanent brain damage, or death. Researchers are also investigating the long-term effects of opioid addiction on the brain, including whether damage can be reversed.

People addicted to an opioid medication who stop using the drug can have severe withdrawal symptoms that begin as early as a few hours after the drug was last taken. These symptoms include muscle and bone pain, sleep problems, diarrhea and vomiting, cold flashes with goose bumps, uncontrollable leg movements, and severe cravings.

An opioid overdose occurs when a person uses enough of the drug to produce life-threatening symptoms or death. When people overdose on an opioid medication, their breathing often slows or stops. This can decrease the amount of oxygen that reaches the brain, which can result in coma, permanent brain damage, or death.

If you suspect someone has overdosed, the most important step to take is to call 911 so he or she can



receive immediate medical attention. Once medical personnel arrive, they will administer naloxone. Naloxone is a medicine that can treat an opioid overdose when given right away. It works by rapidly binding to opioid receptors and blocking the effects of opioid drugs. Naloxone is available as an injectable (needle) solution, a hand-held auto-injector (EVZIO®), and a nasal spray (NARCAN® Nasal Spray).

(From the National Institute on Drug Abuse)

(Available at NIH website:

<https://www.drugabuse.gov/publications/drugfacts/prescription-opioids>.)

#### Specific Dangers from Drug Facilitated Sexual Assault Drugs

There are three specific drugs that are commonly utilized in drug facilitated sexual assault: Rohypnol®, Ketamine, or GHB (Gamma Hydroxybutyric Acid).

##### *Rohypnol®*

Rohypnol®, also known as flunitrazepam, is not approved in the United States, although it is available for use as a prescription sleep aid in other countries. It is most commonly found as a tablet which is consumed by dissolving it in a drink or swallowing it. The possible short term health effects include drowsiness, sedation, sleep, amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate. When combined with alcohol the possible health effects include severe sedation, unconsciousness, and slowed heart rate and breathing, which can lead to death. At this point the long-term health effects of Rohypnol® are still unknown. Rohypnol® can take between 36- 72 hours to leave the body.

##### *GHB (Gamma Hydroxybutyric Acid)*

GHB is a depressant approved for use in treatment of narcolepsy, and commonly goes by the other names of Goop, liquid ecstasy, and liquid X. It is most commonly found as a colorless liquid or white powder which is consumed through swallowing, often in combination with alcohol. The possible short term health effects include euphoria, drowsiness, nausea, vomiting, confusion, memory loss, unconsciousness, slowed heart rate and breath, lower body temperature, seizures, coma, and death. In combination with alcohol the possible health effects include nausea, problems with breathing, and greatly increased depressant effects. At this point in time the long-time effects of GHB are unknown. GHB, unlike Rohypnol, leaves the body between 10-12 hours after consumption.

##### *Ketamine*

Ketamine is a dissociative drug used as a surgical anesthetic, an anesthetic in veterinary practice, and as

a prescription for treatment resistant depression under strict medical supervision. It is most commonly found in liquid or white powder and is consumed through swallowing, smoking, snorting, or injections. The possible short term health effects include problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion loss of memory; raised blood pressure, unconsciousness; and dangerously slowed breathing. If ketamine is consumed with alcohol there is a risk of adverse effects. The possible health effects associated with long term use include ulcers and pain in the bladder; kidney problems; stomach pain; depression; and poor memory.

If an individual believes they or a friend have consumed Rohypnol®, GHB, or Ketamine they should visit a local healthcare facility that can care for survivors of sexual assault and provide a forensic exam. While receiving care the individual who has ingested the drug can request the hospital to take a urine sample for drug toxicology testing, if the individual cannot immediately go to a hospital they should save their urine in a clean, sealable container as soon as possible, and place it in the refrigerator or freezer for future toxicology testing.

(From the National Institute on Drug Abuse)

(Available at NIH

website:<https://www.drugabuse.gov/drug-topics/commonly-used-drugs-charts/rohypnol-reg-flunitrazepam>-  
<https://www.drugabuse.gov/drug-topics/commonly-used-drugs-charts#ghb>  
<https://www.drugabuse.gov/drug-topics/commonly-used-drugs-charts#ketamine>  
[https://www.dea.gov/sites/default/files/2018-07/DFSA\\_0.PDF](https://www.dea.gov/sites/default/files/2018-07/DFSA_0.PDF) )

#### Warning Signs (see also Appendix G)

The following are some warning signs which may indicate a problem with alcohol and/or other drugs:

- getting drunk or high on drugs on a regular basis
- lying about how much alcohol or other drugs he or she is using
- avoiding others in order to get drunk or high
- giving up activities he or she used to do, such as sports, homework just to use drugs or drink
- planning drinking or using drugs in advance, hiding alcohol and drugs, drinking or using other drugs alone
- having to drink more or use higher amounts of drugs to get the same high
- believing that in order to have fun you need to drink or use other drugs
- frequent hangovers
- pressuring others to drink or use other drugs
- taking risks, including sexual risks or drinking and driving
- having "blackouts" or memory lapses
- feeling run-down and sick, hopeless, depressed, or even suicidal

- sounding selfish and not caring about others
- constantly talking about drinking or using other drugs
- getting in trouble with the law and or campus authorities
- suspension from school for an alcohol or other drug-related incident

The time element also varies, and some drugs remain in the system for as long as several days.

#### **V. Services**

Health and Counseling offers a wide range of services for students who are concerned about alcohol and other drugs. These services include:

Alcohol Evaluations – Students may be seen by a psychologist for an evaluation of their alcohol/drug use and related problems. Evaluations include recommendations for further assessment, treatment, and education as indicated. Students can schedule an alcohol evaluation by calling Counseling Services at 585-245-5716.

Alcohol/Drug Counseling – Students may voluntarily participate in individual or group counseling to address issues related to their use of alcohol and other drugs. Students in need of substance abuse rehabilitation services are referred for treatment off-campus. Counseling Services does not provide mandated (including court-referred) treatment. Students can schedule a counseling appointment by calling Counseling Services at 585-245-5716.

Alcohol Screening – Students can complete an anonymous, on-line screening of their alcohol use by visiting the Health and Counseling website at <https://www.mentalhealthscreening.org/screening/welcome.asp>. Students who complete the screening will receive recommendations based on their individual responses.

In addition, Health Services (585-245-5736) provides urgent and non-urgent care to students who have difficulties with alcohol and other drugs. Health and Counseling staff also have information about area treatment and support resources, including chapters of Alcoholics Anonymous (AA) and Narcotics Anonymous (NA). Health and Counseling is located in the Lauderdale Health Center on University Drive.

#### **VI. Biennial Review Committee**

A Review Committee will be convened every two years to determine the effectiveness of the College's Drug Free Schools Act compliance program and to recommend any changes, if necessary. In addition, the committee will review pertinent disciplinary actions and ensure that sanctions are enforced consistently.

The committee will be composed of:

Associate Provost  
Dean of Students

Executive Director of Health and Counseling  
Assoc. Vice President for Human Resources  
Chief of University Police  
Addiction Counseling & Prevention Program  
Coordinator (Chair)

#### **Bias Crimes and the Law**

It is a State University of New York - College at Geneseo Police mandate to protect all members of the Geneseo community by preventing and prosecuting bias or hate crimes that occur within the campus's jurisdiction.

Bias crimes, also called hate crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender, sexual orientation, or disability. Bias/hate crimes have received renewed attention in recent years, particularly since the passage of the federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). For a copy of the New York law, see Appendix H in this publication.

Penalties for bias crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Perpetrators who are students will also be subject to campus conduct procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting bias/hate crimes, SUNY Geneseo Police also address bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the College as acts of bigotry, harassment, or intimidation directed at a member or group within the Geneseo community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the State University's Discrimination Complaint Procedure or the Geneseo Student Code of Conduct. Bias incidents can be reported to University Police, the Dean of Students, or the Affirmative Action office.

If you are a victim of, or witness to, a bias/hate crime on campus, report it to University Police by calling 585-245-5222 in an emergency, using a Blue Light or other campus emergency telephone, calling 585-245-5651, or stopping by University Police at 19 Schrader Hall. University Police will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents can avail themselves of counseling and support services from the campus as follows:

*Counseling Services* at the Lauderdale Health Center provides crisis intervention, supportive psychotherapy and/or referral for victims of hate/bias crime. Contacts with Counseling Services are strictly confidential. Support is provided in an atmosphere of acceptance, respect and empathetic understanding which focuses on victims' empowerment. Concerned friends, family and/or partners of students who are victims are also welcome to contact the Counseling office for assistance in responding to the crime. Appointments may be made by visiting the Lauderdale Center or by telephoning 585-245-5716.

*The Dean of Students* (354 MacVittie Union, telephone 585-245-5706) maintains links with community services that assist victims of bias/hate crime. A visit or call to the Dean's Office will assist in identifying and securing assistance from an outside agency.

*The Director of Multicultural Affairs* (telephone 585-245-5620) provides information on how and where to file a report of bias/hate crime and can act as a support for victims through the process. Emphasis is placed on empowering the victim to make decisions that are appropriate for her/him.

*University Police* in Schrader 19 is available 24 hours per day to assist in emergency situations. (Emergency telephone number is 585-245-5222 or any Campus "Blue Light Telephone" provides a direct emergency connection.) University Police will respond to the scene of an emergency situation, process complaints regarding any violation of state, federal, or local law and coordinate outside law enforcement, if necessary.

A copy of the State University of New York - College at Geneseo campus crime statistics, including bias-related and bias crimes, as reported annually to the U.S. Department of Education, will be provided upon request by University Police. Please direct all such requests, as well as general requests about security procedures, to University Police at 585-245-5651. Information can also be obtained elsewhere in this publication (Crime and Campus Safety - Your Right-To-Know), the University Police website at: <http://www.geneseo.edu/~police/>, or the U.S. Department of Education website at: <http://ope.ed.gov/security/>.

## **Village of Geneseo**

### **Summary of Village of Geneseo Codes Governing Alcohol**

-See SUNY Geneseo Policy on Alcohol and Illicit Drugs

### **Noise Ordinance**

The Geneseo Village Board would like to remind Village residents of some provisions of the "Noise Ordinance":

1. TVs, radios, CDs, and similar sound producing or amplification devices are not to be played in such a manner as to be heard more than 60 feet away from the source OR beyond any property line.
2. Any unnecessary noise from ANY SOURCE is prohibited between 11 pm and 7 am.
3. Outdoor events which have the potential for excess noise must have a permit obtainable from the Village Clerk. The Village Board reviews all Noise Permit applications and issues the permits. Because the Board meets only every other week, the application must be submitted at least three weeks prior to the event with the property owner's signature.

Full text of prior Ordinance may be obtained from the Geneseo Village Clerk's office, 119 Main Street, Geneseo, NY.

### **Parking Guidelines**

1. No parking from 2 am to 7 am on any street, highway, alleyway, boulevard or public place, except the municipal lot.
2. No parking on front lawn or boulevard (row between sidewalk and street) or over any sidewalk in such a manner as to interfere with use of the sidewalk. Parking or storage of vehicles on lawns or unimproved areas shall not be permitted on any property.
3. Parking meters on Main Street and Center Street may be used for a maximum of 1 or 2 hours. (25 cents per hour) At the end of the 1 or 2 hours, the vehicle must be moved or it will be ticketed.
4. The Village's municipal lot has several different areas: 2-hour parking, permit parking only, handicapped parking, and "No 24-hour". No vehicle in the municipal lot may be parked in the same location more than 24 hours. Permit parking was created for Main Street area merchants and their employees in order to keep the metered spaces in front of the businesses for customers and clients.

### **Pets**

There is an expectation that dog owners will always keep their animals on a leash and will clean up after their pets, especially on public property.

Additional laws and ordinances, including Advertising, and Property Maintenance, as well as the full-text of the above local laws, are included in Appendix C.

### **Social Host Law (4/20/15)**

The regulations of the Social Hosts chapter shall apply to and affect real property and structures thereon that are permitted to be used for residential uses, including residential uses that are located in nonresidential zones.

It is the purpose of this chapter to protect the public interest, welfare, health and safety within the Village

of Geneseo by prohibiting the service to and consumption of alcoholic beverages and illegal drugs by persons under age of 21 at private residences located in the Village. The Village Board finds that the occurrence of social gatherings at private residences where alcoholic beverages or illegal drugs are served to or consumed by persons under the age of 21 is harmful to such persons themselves and a threat to public welfare, health and safety. The Village Board finds further that persons under the age of 21 often obtain alcoholic beverages or illegal drugs at such gatherings and that such service and/or consumption will be more likely to ensure that alcoholic beverages and illegal drugs are neither served to nor consumed by persons under the age of 21 at these gatherings.

As used in this chapter, the following terms shall have the meanings indicated:

#### ALCOHOLIC BEVERAGES

Shall mean any liquor, wine, beer, spirits, cider or other liquid or solid, patented or not, composed of or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person; except that confectionery containing alcohol as provided in Section 12 of Section 200 of the Agriculture and Markets Law shall not be considered alcoholic beverage within the meaning of this chapter.

#### CONTROL

The actual or apparent authority and ability to regulate, direct or dominate private premises, including but not limited to the control exercised by tenants, lessees, owners and/or landlords who have noticed drinking on their premises.

#### ILLEGAL DRUG

Includes any substance listed in Section 3306 of the Public Health Law.

#### MINOR

Any person under the age of 21.

#### OPEN HOUSE PARTY

A party or gathering at a residence or other private premises of two or more persons.

#### PERSON

A human being and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

#### RESIDENCE

Any home, apartment, condominium, co-operative unit, dormitory unit or other dwelling unit of any kind, including yards and open areas adjacent thereto, vacant land and accessory structures.

#### PROHIBITED ACTS

No person having control of any residence shall allow an open house party to take place at said residence if

such person knows or has reason to know that any alcoholic beverage or illegal drug is being unlawfully possessed, served to or consumed by a minor at said residence. Such person must take reasonable corrective action to ensure that the possession or consumption of alcoholic beverages or illegal drugs by any minor on such premises is prohibited. Reasonable corrective action shall include, but not limited to:

- Verifying the age of persons attending the social gathering by inspecting the driver's licenses or other governmental-issue identification cards;
- Making a prompt demand that such minor either forfeit the alcoholic beverages or illegal drugs and refrain from the consumption of such and promptly report such activity to the local law enforcement agency.

#### EXCEPTIONS

The provisions of this chapter shall not apply to:

- The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to Section 65-C of the New York State Alcoholic Beverage Control Law, or any other applicable law; or
- The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by other applicable law.

#### SEVERABILITY

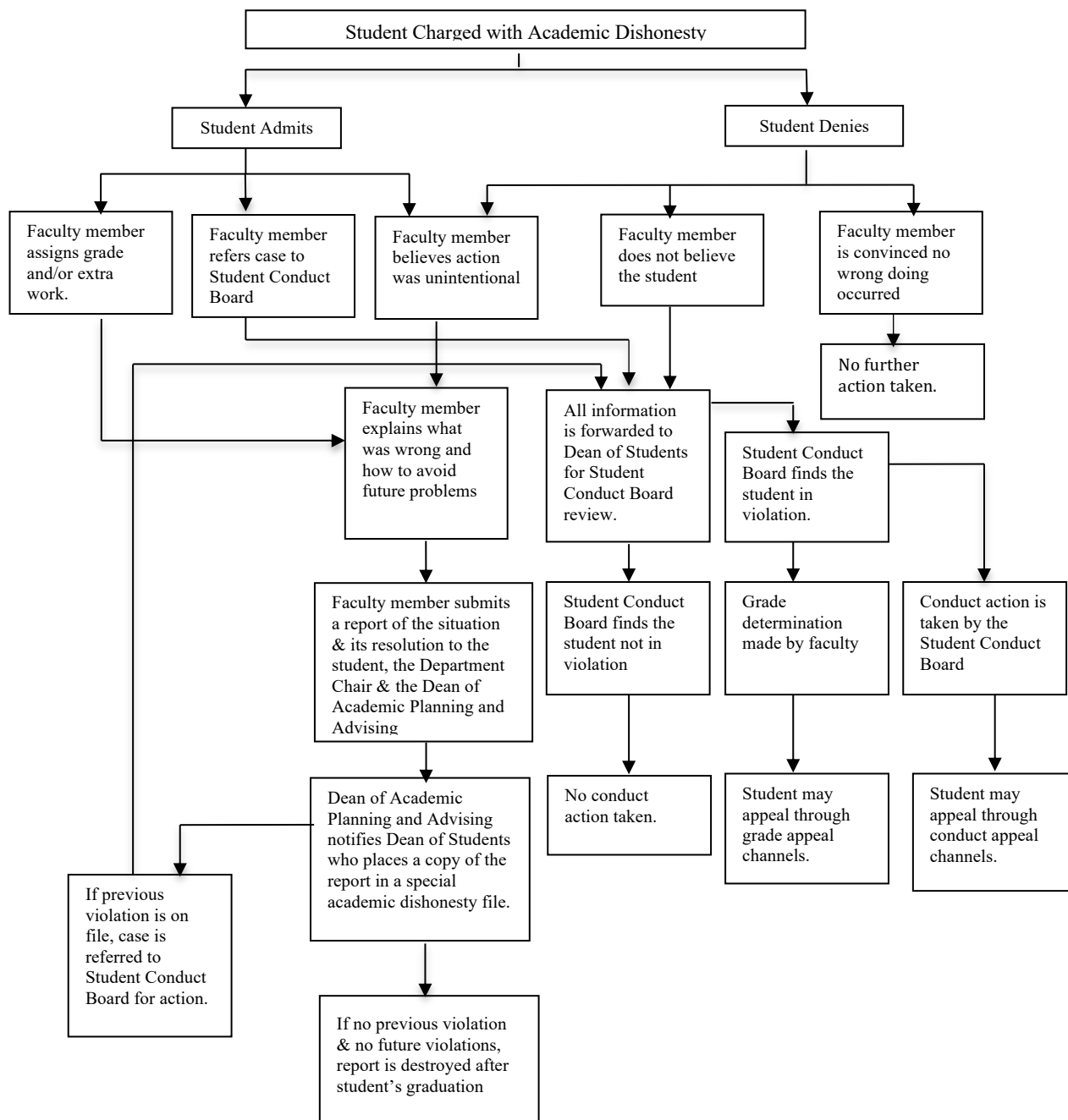
- If any part or provision of this chapter is inconsistent with any federal or state statute, law, rule or regulation, then such statute, law, rule or regulation shall prevail.
- If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section, or the application thereof to other persons or circumstances.

#### PENALTIES FOR OFFENSES

Any person who violates any provision of this chapter shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of \$250, or imprisonment for a term not to exceed 15 days, or a combination of such fine and imprisonment as shall be ordered by the court. Each and every subsequent occurrence shall constitute a violation punishable by a fine of \$500. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required.

See Appendix C for more information on Village and Local laws.

**Appendix A**  
**Academic Dishonesty Interpretive Flowchart**





## Appendix B State Laws Pertaining to Sex Offenses

### State Penal Law

The following information outlines the New York State Penal Law and corresponding penalties with regard to sex offenses:

#### ARTICLE 130 - SEX OFFENSES

##### Section

- 130.00 Sex offenses; definitions of terms.
- 130.05 Sex offenses; lack of consent.
- 130.10 Sex offenses; limitation; defenses.
- 130.16 Sex offenses; corroboration.
- 130.20 Sexual misconduct.
- 130.25 Rape in the third degree.
- 130.30 Rape in the second degree.
- 130.35 Rape in the first degree.
- 130.40 Criminal sexual act in the third degree.
- 130.45 Criminal sexual act in the second degree.
- 130.50 Criminal sexual act in the first degree.
- 130.52 Forcible touching.
- 130.53 Persistent sexual abuse.
- 130.55 Sexual abuse in the third degree.
- 130.60 Sexual abuse in the second degree.
- 130.65 Sexual abuse in the first degree.
- 130.65-a Aggravated sexual abuse in the fourth degree.
- 130.66 Aggravated sexual abuse in the third degree.
- 130.67 Aggravated sexual abuse in the second degree.
- 130.70 Aggravated sexual abuse in the first degree.
- 130.75 Course of sexual conduct against a child in the first degree.
- 130.80 Course of sexual conduct against a child in the second degree.
- 130.85 Female genital mutilation.
- 130.90 Facilitating a sex offense with a controlled substance.
- 130.91 Sexually motivated felony.
- 130.92 Sentencing.
- 130.95 Predatory sexual assault.
- 130.96 Predatory sexual assault against a child.

#### §130.00 Sex offenses; definitions of terms.

The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.
2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.  
(b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.
3. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.

4. For the purposes of this article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.

5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.

6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.

7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

8. "Forcible compulsion" means to compel by either:

a. use of physical force; or

b. a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

9. "Foreign object" means any instrument or article which, when inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.

10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.

11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.

12. "Health care provider" means any person who is, or is required to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.

13. "Mental health care provider" shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.

#### §130.05 Sex offenses; lack of consent.

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

2. Lack of consent results from:

(a) Forcible compulsion; or

(b) Incapacity to consent; or

(c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or

(d) Where the offense charged is rape in the third degree as defined in subdivision three of section

130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

3. A person is deemed incapable of consent when he or she is:

- (a) less than seventeen years old; or
- (b) mentally disabled; or
- (c) mentally incapacitated; or
- (d) physically helpless; or
- (e) committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties: (A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to incarcerated individuals; or (B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or (ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the incarcerated individual is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such incarcerated individuals; or (iii) a person, including a volunteer, providing direct services to incarcerated individuals in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or (Eff.8/2/21,Ch.322,L.2021)

- (f) committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph,

"employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for incarcerated individuals. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to incarcerated individuals in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or (Eff.8/2/21,Ch.322,L.2021)

- (g) committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or

- (h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or

- (i) a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of

such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact; or

(j) detained or otherwise in the custody of a police officer, peace officer, or other law enforcement official and the actor is a police officer, peace officer or other law enforcement official who either: (i) is detaining or maintaining custody of such person; or (ii) knows, or reasonably should know, that at the time of the offense, such person was detained or in custody.

#### §130.10 Sex offenses; limitation; defenses.

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

2. Conduct performed for a valid medical or mental health care purpose shall not constitute a violation of any section of this article in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article.

3. In any prosecution for the crime of rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55 in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article it shall be an affirmative defense that the client or patient consented to such conduct charged after having been expressly advised by the health care or mental health care provider that such conduct was not performed for a valid medical purpose.

4. In any prosecution under this article in which the victim's lack of consent is based solely on his or her incapacity to consent because he or she was less than seventeen years old, mentally disabled, a client or patient and the actor is a health care provider, detained or otherwise in custody of law enforcement under the circumstances described in paragraph (j) of subdivision three of section 130.05 of this article, or committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital and the actor is an employee, it shall be a defense that the defendant was married to the victim as

defined in subdivision four of section 130.00 of this article.

#### §130.16 Sex offenses; corroboration.

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

(a) Establish that an attempt was made to engage the victim in sexual intercourse, oral sexual conduct, anal sexual conduct, or sexual contact, as the case may be, at the time of the occurrence; and

(b) Connect the defendant with the commission of the offense or attempted offense.

#### §130.20 Sexual misconduct.

A person is guilty of sexual misconduct when:

1. He or she engages in sexual intercourse with another person without such person's consent; or

2. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or

3. He or she engages in sexual conduct with an animal or a dead human body.

*Sexual misconduct is a class A misdemeanor.*

#### §130.25 Rape in the third degree.

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

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;

2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or

3. He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

*Rape in the third degree is a class E felony.*

#### §130.30 Rape in the second degree.

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

1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or

2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

*Rape in the second degree is a class D felony.*

#### §130.35 Rape in the first degree.

A person is guilty of rape in the first degree when he or she engages in sexual intercourse with another person:

1. By forcible compulsion; or

2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

*Rape in the first degree is a class B felony.*

§130.40 Criminal sexual act in the third degree.

A person is guilty of criminal sexual act in the third degree when:

1. He or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. Being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
3. He or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

*Criminal sexual act in the third degree is a class E felony.*

§130.45 Criminal sexual act in the second degree.

A person is guilty of criminal sexual act in the second degree when:

1. being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. he or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

*Criminal sexual act in the second degree is a class D felony.*

§130.50 Criminal sexual act in the first degree.

A person is guilty of criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:

1. By forcible compulsion; or
2. Who is incapable of consent by reason of being physically helpless; or
3. Who is less than eleven years old; or
4. Who is less than thirteen years old and the actor is eighteen years old or more.

*Criminal sexual act in the first degree is a class B felony.*

§130.52 Forcible touching.

A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose:

1. forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing

such person, or for the purpose of gratifying the actor's sexual desire; or

2. subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions.

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

*Forcible touching is a class A misdemeanor.*

§130.53 Persistent sexual abuse.

A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55 of this article, or sexual abuse in the second degree, as defined in section 130.60 of this article, and, within the previous ten year period, excluding any time during which such person was incarcerated for any reason, has been convicted two or more times, in separate criminal transactions for which sentence was imposed on separate occasions, of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.55 of this article, sexual abuse in the second degree, as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

*Persistent sexual abuse is a class E felony.*

§130.55 Sexual abuse in the third degree.

A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that (a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and (b) such other person was more than fourteen years old, and (c) the defendant was less than five years older than such other person.

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

§130.60 Sexual abuse in the second degree.

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

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

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

§130.65 Sexual abuse in the first degree.

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

1. By forcible compulsion; or
2. When the other person is incapable of consent by reason of being physically helpless; or
3. When the other person is less than eleven years old; or
4. When the other person is less than thirteen years old and the actor is twenty-one years old or older.

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

§130.65-a Aggravated sexual abuse in the fourth degree.

1. A person is guilty of aggravated sexual abuse in the fourth degree when:

(a) He or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or

(b) He or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.

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

*Aggravated sexual abuse in the fourth degree is a class E felony.*

§130.66 Aggravated sexual abuse in the third degree.

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

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless;

(c) When the other person is less than eleven years old; or

(d) When the other person is less than thirteen years old and the actor is eighteen years of age or older.

(Eff.12/23/22,Ch.647,L.2022)

2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

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

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

§130.67 Aggravated sexual abuse in the second degree.

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

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless; or

(c) When the other person is less than eleven years old.

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

*Aggravated sexual abuse in the second degree is a class C felony.*

§130.70 Aggravated sexual abuse in the first degree.

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

(a) By forcible compulsion; or

(b) When the other person is incapable of consent by reason of being physically helpless; or

(c) When the other person is less than eleven years old.

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

*Aggravated sexual abuse in the first degree is a class B felony.*

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

1. A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration:

(a) he or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than eleven years old; or

(b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct, which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than thirteen years old.

2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

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

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

1. A person is guilty of course of sexual conduct against a child in the second degree when, over a period of time not less than three months in duration:

(a) he or she engages in two or more acts of sexual conduct with a child less than eleven years old; or

(b) he or she, being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.

2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

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

§130.85 Female genital mutilation.

1. A person is guilty of female genital mutilation when:

(a) a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or

(b) being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia majora or labia minora or clitoris.

2. Such circumcision, excision, or infibulation is not a violation of this section if such act is:

(a) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

(b) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

*Female genital mutilation is a class E felony.*

#### §130.90 Facilitating a sex offense with a controlled substance.

A person is guilty of facilitating a sex offense with a controlled substance when he or she:

1. knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and

2. commits or attempts to commit such conduct constituting a felony defined in this article.

*Facilitating a sex offense with a controlled substance is a class D felony.*

#### §130.91 Sexually motivated felony.

1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.

2. A "specified offense" is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 120.06, gang assault in the first degree as defined in section 120.07, stalking in the first degree as defined in section 120.60, strangulation in the second degree as defined in section 121.12, strangulation in the first degree as defined in section 121.13, manslaughter in the

second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, sex trafficking of a child as defined in section 230.34-a, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses. (Eff.11/13/18,Ch.189,L.2018)

#### §130.92 Sentencing.

1. When a person is convicted of a sexually motivated felony pursuant to this article, and the specified felony is a violent felony offense, as defined in section 70.02 of this chapter, the sexually motivated felony shall be deemed a violent felony offense.

2. When a person is convicted of a sexually motivated felony pursuant to this article, the sexually motivated felony shall be deemed to be the same offense level as the specified offense the defendant committed.

3. Persons convicted of a sexually motivated felony as defined in section 130.91 of this article, must be sentenced in accordance with the provisions of section 70.80 of this chapter.

#### §130.95 Predatory sexual assault.

A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and when:

1. In the course of the commission of the crime or the immediate flight therefrom, he or she:

(a) Causes serious physical injury to the victim of such crime; or

(b) Uses or threatens the immediate use of a dangerous instrument; or

2. He or she has engaged in conduct constituting the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in



the first degree, as defined in this article, against one or more additional persons; or

3. He or she has previously been subjected to a conviction for a felony defined in this article, incest as defined in section 255.25 of this chapter or use of a child in a sexual performance as defined in section 263.05 of this chapter.

*Predatory sexual assault is a class A-II felony.*

#### §130.96 Predatory sexual assault against a child.

A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.

*Predatory sexual assault against a child is a class A-II felony.*

### **Crimes of Menacing and Harassment**

#### §120.13 Menacing in the first degree.

A person is guilty of menacing in the first degree when he or she commits the crime of menacing in the second degree and has been previously convicted of the crime of menacing in the second degree or the crime of menacing a police officer or peace officer within the preceding ten years.

*Menacing in the first degree is a class E felony.*

#### §120.14 Menacing in the second degree.

A person is guilty of menacing in the second degree when:

1. He or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
2. He or she repeatedly follows a person or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place another person in reasonable fear of physical injury, serious physical injury or death; or
3. He or she commits the crime of menacing in the third degree in violation of that part of a duly served order of protection, or such order which the defendant has actual knowledge of because he or she was present in court when such order was issued, pursuant to article eight of the family court act, section 530.12 of the criminal procedure law, or an order of protection issued by a court of competent jurisdiction in another state, territorial or tribal jurisdiction, which directed the respondent or defendant to stay away from the person or persons on whose behalf the order was issued.

*Menacing in the second degree is a class A misdemeanor.*

#### §120.15 Menacing in the third degree.

A person is guilty of menacing in the third degree when, by physical menace, he or she intentionally places or attempts to place another person in fear of death, imminent serious physical injury or physical injury.

*Menacing in the third degree is a class B misdemeanor.*

#### §240.25 Harassment in the first degree.

A person is guilty of harassment in the first degree when he or she intentionally and repeatedly harasses another person by following such person in or about a public place or places or by engaging in a course of conduct or by repeatedly committing acts which places such person in reasonable fear of physical injury. This section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended.

*Harassment in the first degree is a class B misdemeanor*

#### §240.26 Harassment in the second degree.

A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person:

1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or
2. He or she follows a person in or about a public place or places; or
3. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose. Subdivisions two and three of this section shall not apply to activities regulated by the national labor relations act, as amended, the railway labor act, as amended, or the federal employment labor management act, as amended.

*Harassment in the second degree is a violation.*

#### §240.30 Aggravated harassment in the second degree.

A person is guilty of aggravated harassment in the second degree when:

1. With intent to harass another person, the actor either:

(a) communicates, anonymously or otherwise, by telephone, by computer or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, or a member of such person's same family or household as defined in subdivision one of section 530.11 of the criminal procedure law, and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household; or

(b) causes a communication to be initiated anonymously or otherwise, by telephone, by computer

or any other electronic means, or by mail, or by transmitting or delivering any other form of communication, a threat to cause physical harm to, or unlawful harm to the property of, such person, a member of such person's same family or household as defined in subdivision one of section 530.11 of the criminal procedure law, and the actor knows or reasonably should know that such communication will cause such person to reasonably fear harm to such person's physical safety or property, or to the physical safety or property of a member of such person's same family or household; or

2. With intent to harass or threaten another person, he or she makes a telephone call, whether or not a conversation ensues, with no purpose of legitimate communication; or

3. With the intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks, or otherwise subjects another person to physical contact, or attempts or threatens to do the same because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct; or

4. With the intent to harass, annoy, threaten or alarm another person, he or she strikes, shoves, kicks or otherwise subjects another person to physical contact thereby causing physical injury to such person or to a family or household member of such person as defined in section 530.11 of the criminal procedure law; or 5. He or she commits the crime of harassment in the first degree and has previously been convicted of the crime of harassment in the first degree as defined by section 240.25 of this article within the preceding ten years.

*Aggravated harassment in the second degree is a class A misdemeanor.*

#### §240.31 Aggravated harassment in the first degree.

A person is guilty of aggravated harassment in the first degree when with intent to harass, annoy, threaten or alarm another person, because of a belief or perception regarding such person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, regardless of whether the belief or perception is correct, he or she:

1. Damages premises primarily used for religious purposes, or acquired pursuant to section six of the religious corporation law and maintained for purposes of religious instruction, and the damage to the premises exceeds fifty dollars; or

2. Commits the crime of aggravated harassment in the second degree in the manner proscribed by the provisions of subdivision three of section 240.30 of this article and has been previously convicted of the crime of aggravated harassment in the second degree for the commission of conduct proscribed by the provisions of subdivision three of section 240.30 or he or she has been previously convicted of the crime of aggravated harassment in the first degree within the preceding ten years; or

3. Etches, paints, draws upon or otherwise places a swastika, commonly exhibited as the emblem of Nazi Germany, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property;

4. Sets on fire a cross in public view; or

5. Etches, paints, draws upon or otherwise places or displays a noose, commonly exhibited as a symbol of racism and intimidation, on any building or other real property, public or private, owned by any person, firm or corporation or any public agency or instrumentality, without express permission of the owner or operator of such building or real property.

*Aggravated harassment in the first degree is a class E felony.*

#### §245.00 Public lewdness.

A person is guilty of public lewdness when he or she intentionally exposes the private or intimate parts of his or her body in a lewd manner or commits any other lewd act: (a) in a public place, or (b) (i) in private premises under circumstances in which he or she may readily be observed from either a public place or from other private premises, and with intent that he or she be so observed, or (ii) while trespassing, as defined in section 140.05 of this part, in a dwelling as defined in subdivision three of section 140.00 of this part, under circumstances in which he or she is observed by a lawful occupant.

*Public lewdness is a class B misdemeanor.*

#### §245.01 Exposure of a person.

A person is guilty of exposure if he appears in a public place in such a manner that the private or intimate parts of his body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola. This section shall not apply to the breast-feeding of infants or to any person entertaining or performing in a play, exhibition, show or entertainment.

##### Exposure of a person is a violation.

Nothing in this section shall prevent the adoption by a city, town or village of a local law prohibiting exposure of a person as herein defined in a public place, at any time, whether or not such person is entertaining or performing in a play, exhibition, show or entertainment.

#### §245.02 Promoting the exposure of a person.

A person is guilty of promoting the exposure of a person when he knowingly conducts, maintains, owns, manages, operates or furnishes any public premise or place where a person in a public place appears in such a manner that the private or intimate parts of his body are unclothed or exposed. For purposes of this section, the private or intimate parts of a female person shall include that portion of the breast which is below the top of the areola. This section shall not apply to the breast-feeding of infants or to any person entertaining or

performing in a play, exhibition, show or entertainment.

*Promoting the exposure of a person is a violation.*

Nothing in this section shall prevent the adoption by a city, town or village of a local law prohibiting the exposure of a person substantially as herein defined in a public place, at any time, whether or not such person is entertaining or performing in a play, exhibition, show or entertainment.

#### §245.03 Public lewdness in the first degree.

A person is guilty of public lewdness in the first degree when:

1. being nineteen years of age or older and intending to be observed by a person less than sixteen years of age in a place described in subdivision (a) or (b) of section 245.00 of this article, he or she intentionally exposes the private or intimate parts of his or her body in a lewd manner for the purpose of alarming or seriously annoying such person, and he or she is thereby observed by such person in such place; or
2. he or she commits the crime of public lewdness, as defined in section 245.00 of this article, and within the preceding year has been convicted of an offense defined in such section 245.00 or this section.

*Public lewdness in the first degree is a class A misdemeanor.*

#### §245.05 Offensive exhibition.

A person is guilty of offensive exhibition when he knowingly produces, operates, manages or furnishes premises for, or in any way promotes or participates in, an exhibition in the nature of public entertainment or amusement in which:

1. A person competes continuously without respite for a period of more than eight consecutive hours in a dance contest, bicycle race or other contest involving physical endurance; or
2. A person is held up to ridicule or contempt by voluntarily submitting to indignities such as the throwing of balls or other articles at his head or body; or
3. A firearm is discharged or a knife, arrow or other sharp or dangerous instrument is thrown or propelled at or toward a person.

*Offensive exhibition is a violation.*

#### §245.10 Public display of offensive sexual material; definitions of terms.

The following definitions are applicable to section 245.11:

1. "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
2. "Sexual conduct" means an act of masturbation, homosexuality, sexual intercourse, or physical contact

with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

3. "Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

4. "Transportation facility" means any conveyance, premises or place used for or in connection with public passenger transportation, whether by air, railroad, motor vehicle or any other method. It includes aircraft, watercraft, railroad cars, buses, and air, boat, railroad and bus terminals and stations and all appurtenances thereto.

#### §245.11 Public display of offensive sexual material.

A person is guilty of public display of offensive sexual material when, with knowledge of its character and content, he displays or permits to be displayed in or on any window, showcase, newsstand, display rack, wall, door, billboard, display board, viewing screen, moving picture screen, marquee or similar place, in such manner that the display is easily visible from or in any: public street, sidewalk or thoroughfare; transportation facility; or any place accessible to members of the public without fee or other limit or condition of admission such as a minimum age requirement and including but not limited to schools, places of amusement, parks and playgrounds but excluding rooms or apartments designed for actual residence; any pictorial three-dimensional or other visual representation of a person or a portion of the human body that predominantly appeals to prurient interest in sex, and that:

- (a) depicts nudity, or actual or simulated sexual conduct or sado-masochistic abuse; or
- (b) depicts or appears to depict nudity, or actual or simulated sexual conduct or sado-masochistic abuse, with the area of the male or female subject's unclothed or apparently unclothed genitals, public area or buttocks, or of the female subject's unclothed or apparently unclothed breast, obscured by a covering or mark placed or printed on or in front of the material displayed, or obscured or altered in any other manner.

*Public display of offensive sexual material is a Class A misdemeanor*

#### §245.15 Unlawful dissemination or publication of an intimate image.

1. A person is guilty of unlawful dissemination or publication of an intimate image when:

- (a) with intent to cause harm to the emotional, financial or physical welfare of another person, he or she intentionally disseminates or publishes a still or video image of such other person, who is identifiable from the still or video image itself or from information displayed in connection with the still or video image, without such other person's consent, which depicts: (i) an unclothed or exposed intimate part of such other person; or (ii) such other person engaging in sexual conduct as defined in subdivision ten of section 130.00 of this chapter with another person; and

(b) such still or video image was taken under circumstances when the person depicted had a reasonable expectation that the image would remain private and the actor knew or reasonably should have known the person depicted intended for the still or video image to remain private, regardless of whether the actor was present when the still or video image was taken.

2. For purposes of this section "intimate part" means the naked genitals, pubic area, anus or female nipple of the person.

2-a. For purposes of this section "disseminate" and "publish" shall have the same meaning as defined in section 250.40 of this title.

3. This section shall not apply to the following:

- (a) the reporting of unlawful conduct;
- (b) dissemination or publication of an intimate image made during lawful and common practices of law enforcement, legal proceedings or medical treatment;
- (c) images involving voluntary exposure in a public or commercial setting; or
- (d) dissemination or publication of an intimate image made for a legitimate public purpose.

4. Nothing in this section shall be construed to limit, or to enlarge, the protections that 47 U.S.C §230 confers on an interactive computer service for content provided by another information content provider, as such terms are defined in 47 U.S.C. §230.

*Unlawful dissemination or publication of an intimate image is a class A misdemeanor.*

## Appendix C

### Local Laws: Advertising, Alcoholic Beverages, Dogs, Firearms, Smoking, Noise, & Property Maintenance

#### Chapter 29 - Advertising

##### § 29-1. Posting prohibited.

No person shall paste or hang any handbill, notice, placard or other advertising matter (except legal notices) upon any post, utility pole, tree, fence or other object in the streets, ways or public grounds of the Village, except upon billboards authorized and located by the Board of Trustees of the Village of Geneseo.

##### §29-2. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of an offense, as defined in the Penal Law of the State of New York, and shall, upon conviction thereof, be subject to a fine not to exceed \$250.

#### Chapter 33 – Alcoholic Beverages

##### §33-1. Intent.

The Board of Trustees of the Village of Geneseo hereby finds and declares it to be in the public interest to

provide for the regulation of certain conduct in public places within the Village of Geneseo.

##### §33-2. Definitions.

For the purpose of this chapter, the following terms used herein shall have the following meanings:

ALCOHOLIC BEVERAGE—Any alcoholic beverage as so defined by the Alcoholic Beverage Control Law.

CONTAINER—Includes any bottle, can, cup or glass receptacle suitable for or used to hold any liquid.

PUBLIC PLACE—A place to which the public or a substantial group of persons has access, including but not limited to any highway, street, road, alley, bypass, sidewalk, parking area, shopping area, playground, park or recreation facility located within the Village of Geneseo, except that the definition of a "public place" shall not include those premises duly licensed for the sale and consumption of alcoholic beverages on the premises or within and on private property that is not a "public place" as defined in this section.

SPECIAL EVENT—Includes a fair, picnic, block party, sidewalk activity or other community gathering in any public place.

##### §33-3. Carrying of open containers prohibited.

No person shall carry, transport or have in his possession with the intent to consume in any public place, other than permitted public places, any open, resealed or partly empty bottle, can, container or similar article containing an alcoholic beverage of any kind or description as defined by the Alcoholic Beverage Control Law.

##### §33-4. Deposit of containers prohibited.

No person shall break, leave, discard or deposit in any manner any glass, bottle, glassware, crockery, can or container of any kind, make or description in any public place as herein defined in §33-2.

##### §33-5. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of an offense, as defined in the Penal Law of the State of New York, and shall, upon conviction thereof, be subject to a minimum fine of \$50, not to exceed \$250.

#### Chapter 44 - Dogs

##### §44-1.Title.

This chapter shall be known as the "Dog Control Chapter of the Village of Geneseo."

##### §44-2. Purpose.

The purpose of this chapter shall be to preserve the public peace and good order in the Village and to contribute to the public welfare, safety and good order of its people by establishing certain regulations and restrictions on the activities of dogs that are consistent with the rights and privileges of other residents of the Village.

#### §44-3. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONTROL -- That the dog will respond to the command, order or signal of the owner or other responsible person and that the owner or other responsible person shall at all times, by his command, order or signal, prevent his dog from bothering, worrying, annoying, chasing or barking at any person or animal.

DOG -- Includes any dog of either sex and of any age, unless otherwise indicated herein.

DOG WARDEN -- The person appointed to assist in the enforcement of this chapter.

OWNER -- Includes all persons owning, harboring or keeping a dog within the limits of the Village and the parent, guardian or other adult person with whom a minor dog owner resides.

PACK -- Three or more dogs.

RUN AT LARGE -- To move about, over, across or upon any public or private property, premises, street, alley or thoroughfare other than that of the owner, when not under the control of the owner or other responsible person.

#### §44-4. General restrictions.

A. The owner of any dog shall not allow, suffer or permit his dog to run at large within the Village at any time except when such dog is restrained by a leash or unless accompanied by its owner or other responsible person in full control of such dog.

B. No unsprayed female dog in season shall be permitted to be outside a building or fenced enclosure.

#### §44-5. Nuisances prohibited.

A. No person being the owner or agent of any dog shall permit such dog to commit any nuisance within the village or cause damage to the person or property of others. The following are declared public nuisances and are set forth herein for explanatory purposes only and are not to be considered as excluding other types of nuisances:

(1) Engaging in loud howling or habitual barking or conducting itself in such a manner as to disturb the public peace.

(2) Habitually chasing and/or barking at moving vehicles or persons on foot.

(3) Jumping upon any person or knocking any person over.

(4) Being found upon the school yard of any of the schools of the Village during the time of year when the schools are open between one hour prior to commencement of the school day and one hour after the end of the school day.

(5) Running together in a pack or in any way forming a pack.

(6) Causing damage to property of others, including, but not by way of limitation, the upsetting and strewing of garbage.

B. No owner or harbinger of a dog shall permit or allow such dog to urinate, defecate or commit any nuisances or damage to public property in any park, public

building, street, parking lot, alley, sidewalk or on any private property of another without the consent of such owner.

C. Any person owning, harboring or having the care, custody or charge of any dog, when such dog is housed or confined, shall so house and confine such dog in a place so constructed as to prevent the disturbance of persons residing in the neighborhood by the habitual or continued barking of such dog.

#### §44-6. Seizure of untagged dogs.

The Dog Warden or any peace officer of the Village or designated representative of the Commissioner of Agriculture and Markets shall seize any dog found at large not wearing a license tag required by Article 7 of the Agriculture and Markets Law of this state.

#### §44-7. Procedure for seizure; notice; redemption.

A. The Dog Warden or any peace officer of the Village or designated representative of the Commissioner of Agriculture and Markets shall seize any dog which is found at large in violation of §44-4 of this chapter or which is found at large and in violation of §44-5 of this chapter.

B. Every dog so seized shall be kept, properly fed and cared for at the expense of the Village of Geneseo at such kennel or other place as the Village may designate until disposition thereof as herein provided and in accordance with the applicable provisions of the Agriculture and Markets Law of the State of New York.

C. If a dog is seized for a violation §44-4 or 44-5 and the dog is wearing a license tag, the Dog Warden or peace officer shall ascertain the owner of the dog and shall give immediate notice to the owner or an adult member of his family with a notice, in writing, stating that the dog has been seized and will be destroyed unless redeemed as herein provided.

D. If a dog is seized for violation of §§44-4 and/or 44-5 and the dog is wearing a license tag, the owner may redeem the dog within 10 days by paying the Village Clerk, or such other official of the Village as the Dog Warden may indicate upon the notice to the owner, the sum of \$10 as a seizure fee, plus the cost of care. [Amended 6-17-1985 by L.L. No. 2-1985;-5-1989 by L.L. No. 4-4989]

E. If a dog is seized pursuant to §44-6 hereof only, the owner may redeem the dog within three days by producing to the person seizing the dog, or such person as may be designated by the Dog Warden in the notice of seizure, a license for the dog and by paying to the Village Clerk, or such Village official as the Dog Warden may designate in his notice of seizure, the sum of \$10, \$20 or \$30 as a seizure fee, plus the cost of care, as stipulated in §118, Seizure of dogs; redemption periods; impoundment fees; adoption, in Article 7 of the Agriculture and Markets Law. [Amended 6-17-1985 by L.L. No. 2-1985]

F. If an owner is entitled to redeem a dog pursuant to Subsection D and/or E above and if not so redeemed, the owner shall forfeit all title to the dog, and the dog shall be sold or caused to be destroyed by the peace officer or the Dog Warden. In the case of sale, the

purchaser must pay the purchase price to the Village Clerk or Village Treasurer and, if the dog is not licensed, obtain a license for such dog. The person who destroys a dog shall immediately dispose of the same and make a written report of such destruction and disposition to the Village Clerk of the Village of Geneseo, who shall keep a record thereof.

§44-8. Dangerous dogs.

Any dog which shall attack any person or domestic animal within the meaning of Article 7 of the Agriculture and Markets Law of the State of New York shall be dealt with in accordance with Article 7 of the Agriculture and Markets Law.

§44-9. Jurisdiction.

The Village Justice of the Village of Geneseo shall have jurisdiction to hear all complaints under this chapter and of all actions and proceedings hereunder and of all prosecutions for the violation of this chapter.

§44-10. Dog Warden.

The position of Dog Warden is hereby created. The Dog Warden shall be appointed by the Village Board and shall be removable at the pleasure of the Village Board. It shall be the duty of the Dog Warden to enforce the provisions of this chapter, as well as the Agriculture and Markets Law of the State of New York, with respect to dogs in the Village of Geneseo and to seize all dogs found at large in violation of this chapter or which are ordered seized by the Justice of the Village of Geneseo; and, for the purposes of this chapter, such a Dog Warden is deemed to be a peace officer.

§44-11. Complaints.

Any person who observes or has knowledge of a dog causing damage to property of a person other than its owner, violating any section of this chapter or permitting a nuisance upon the premises of a person other than its owner may file a signed complaint or affirmation under oath with the Dog Warden of the Village of Geneseo, specifying the objectionable conduct of the dog, the date thereof, the damage caused, the description of the dog and the name and residence, if known, of the owner or other person harboring the dog.

§44-12. Issuance of appearance tickets.

Upon receipt by the Dog Warden of any complaint against the conduct of any particular dog for a violation of any provision of this chapter or in the event that any dog is found by the Dog Warden of the Village of Geneseo to be in violation of any provision of this chapter, the Dog Warden may issue an appearance ticket to the alleged owner or other person harboring the dog to appear before the Village Justice of the Village of Geneseo, the appearance ticket to be issued by the Dog Warden or other peace officer of the Village and to state the name and residence, if known, of the owner or other person harboring the dog, the complaint, the date and time of the alleged violation, the nature of the violation and time and place at which the owner of the

dog is required to appear in court. If the appearance ticket is disregarded, the Dog Warden may file an information with the Justice of the Village of Geneseo, and the court shall then issue a warrant for the arrest of such person.

§44-13. Penalties for offenses.

A violation of this chapter shall be deemed an offense against this chapter and shall be punishable by a fine not to exceed \$50. Each separate offense shall constitute a separate additional violation. The provisions hereof are in addition to the regulations, restrictions, requirements and penalties contained in Article 7 of the Agriculture and Markets Law of the State of New York.

Chapter 57 – Firearms

§57-1 Discharge prohibited.

No person shall discharge or cause to be discharged any firearm within the limits of the Village of Geneseo at any time, without written permission from the Police Department

§57-2 Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of an offense, as defined in the Penal Law of the State of New York, and shall, upon conviction thereof, be subject to a fine not to exceed \$250.

§57-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AIRGUN

Any implement which by force of a spring, air or other non-ignited compressed gas expels a missile or projectile and has a rifled or smooth barrel.

FIREARM or GUN

Any rifle, pistol, shotgun or muzzle loading firearm which by force of gunpowder, or an airgun as defined herein, that expels a missile or projectile.

Chapter 77 - Noise

§77-1. Legislative intent.

The peace and tranquility of the Village has been continually and unnecessarily disrupted by excessive, disturbing and offensive noises, and the level and frequency of such disturbances continue to increase. The level of these noises adversely affects the health, comfort, convenience, safety and welfare of persons within the Village. All persons are entitled to an environment free of disturbing, excessive or offensive noises that are detrimental to life, health or personal peace and tranquility. This chapter is to be construed liberally, but is not intended to be construed so as to discourage the enjoyment of normal, reasonable and usual activities.



#### §77-2. Prohibited acts.

A. No person, acting with intent to cause public inconvenience, annoyance or alarm, or acting with reckless disregard of the effects on others, shall cause, suffer, allow or permit the creation of unreasonable noise. For purposes of this chapter, unreasonable noise is any disturbing, excessive or offensive sound that annoys a reasonable person of normal sensibilities.

B. The following acts are declared to be prime facie evidence of a violation of this chapter. This enumeration is not be deemed as exclusive.

(1) Any unnecessary noise from any source between the hours of 11:00 p.m. and 7:00 a.m. the following day.

(2) Noise from a dog or other privately owned animal that continues with only minor interruptions for 15 minutes or more.

(3) Noise from a burglar or other alarm system of any building, motor vehicle or boat which continues with only minor interruptions for five minutes or more. (See also § 77-3, *infra*.)

(4) Noise from any sound reproduction system operating or playing any radio, CD or tape player, television or similar device that reproduces or amplifies sound in such a manner as to be heard 60 feet from its source or beyond any property line.

(5) Noise from public bars, restaurants, public party houses, bowling alleys or the like so loud as to be annoying to a reasonable person when heard 60 feet from, or beyond the property line of, the establishment.

(6) The erection, including excavation, demolition, alteration or repair of any structure other than between 7:00 a.m. and 9:00 p.m. except in case of an emergency public safety requirement.

(7) The operation of a motor vehicle, motorcycle, lawn tractor or other gasoline or diesel engine that, due to modifications or through normal wear and tear, emits a sound greater than that emitted as originally manufactured.

(8) The operation of power equipment such as tractors, mowers, power saws and similar noise-producing equipment in residential zones on weekdays between the hours of 10:00 p.m. and 7:00 a.m. the following day, and on weekends between 10:00 p.m. and 8:00 a.m.

(9) The sounding of any horn or signaling device of an automobile, motorcycle or other vehicle for any unnecessary or unreasonable period of time.

(10) The making of improper noise or disturbance or operating an automobile or motorcycle in such a manner as to cause excessive motor roar, or excessive squealing of the tires.

(11) Shouting or other outcry or clamor upon the public streets or sidewalks for the purpose of selling or otherwise attracting attention.

#### §77-3. Abatement of excessive noise.

The Geneseo Police are directed to take any reasonably necessary action to abate the noise created by an unattended mechanical device such as an engine, alarm or the like when a person responsible for the device or a person who can silence the device is not present and cannot be contacted in a reasonably short time.

#### §77-4. Exceptions.

The provisions of this law shall not apply to the following acts:

A. The emission of sound for the purpose of alerting persons to the existence of an emergency.

B. Noise from municipally sponsored celebrations or events.

C. Noise from individually sponsored events where a permit for the event has been obtained from the Village Clerk. When authorized by the Village Board, the Village Clerk is authorized to issue a permit for a wedding reception or similar event to be held outdoors or in a tent, with music provided by a band, orchestra or sound reproduction equipment, provided that the sound levels are not annoying to a reasonable person when heard at a distance of 500 feet from its source and provided that the event does not continue beyond 10:00 p.m. and is limited to a maximum duration of four hours. The intended hours of the event shall be furnished to the Village Clerk at the time of application for permit and shall be listed on the permit which shall be submitted at least 3 weeks prior to the event with the property owner's signature. Other reasonable conditions which conform to the intent and purposes of this chapter may be imposed upon the issuance of such permits which are not authorized more frequently than once in any six-month period for the same property. The Village Board reserves the right to limit the number and frequency of permits granted in any geographic area of the Village of Geneseo. A copy of each permit along with the conditions limiting such permit will be provided to the Village Police Department. The Village of Geneseo shall have the right to revoke the permit at any time if the sound levels go beyond the five-hundred-foot guideline, causing a disturbance. The Village of Geneseo will not be held liable for the consequences of such revocation. [Amended 5-18-1998 by L.L. No. 5-1998; 10-15-2012 by L.L. No. 2-2012]

D. The operation or use of any organ, radio, bell, chimes or the like by any church, synagogue or school licensed or chartered by the State of New York, provided that such operation or use does not occur between the hours of 10:00 p.m. and 8:00 a.m.

E. Noise generated by the installation and maintenance of utilities.

F. Music in connection with a military or civic parade, funeral procession or religious service authorized by the Village.

G. Authorized sporting events.

#### §77-5 Penalties

Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to a minimum fine of \$50, not to exceed \$250, for each offense. The Village may also seek injunctive relief to prevent the continued violation of this chapter.

### Chapter 86 – Property Maintenance

#### §86-1. Title.

This chapter shall be known as the "Property Maintenance Code of the Village of Geneseo" and may

be referred to in this chapter as the "Property Maintenance Code" or as "this code."

#### §86-2. Purposes.

The purposes of this chapter shall be to:

- A. Provide for the public health, safety and welfare.
- B. Avoid, prevent and eliminate the maintenance or creation of hazards to the public health or safety.
- C. Avoid, prevent and eliminate conditions which, if permitted to exist or continue, will depreciate or tend to depreciate the value of adjacent or surrounding properties.
- D. Prevent the creation, continuation, extension or aggravation of blight.
- E. Preserve property values in the Village.
- F. Prevent the physical deterioration or progressive downgrading of the quality of housing facilities in the Village.
- G. Maintain the value and economic health of the commercial properties and businesses that serve and help to support the Village and its citizens.
- H. Prevent and eliminate physical conditions in or on property which constitute nuisances and are thereby potentially dangerous or hazardous to the life, health or safety of persons on or near the premises where such conditions exist.
- I. Establish minimum standards governing the maintenance and condition of land, buildings, structures and premises in the Village.
- J. Fix responsibilities and duties therefore upon owners, lessees, operators and occupants of property.
- K. Provide for administration and enforcement.
- L. Fix penalties for the violation of this code.

#### §86-3. Definitions.

For the specific purpose of this code, the following terms, whenever used herein or referred to in this code, shall have the respective meanings given to them hereunder, unless a different meaning clearly appears from the context:

**EXTERIOR OF PREMISES** -- Those portions of a building or structure which are exposed to public view or are visible from adjoining or adjacent lots, including all outside surfaces and appurtenances thereto, and the open land space of any premises outside of any building or structure erected thereon.

#### **NUISANCE:**

A. Any public or private condition that would constitute a nuisance according to the statutes, laws and regulations of the State of New York or its governmental agencies or the ordinances or local laws of the Village.

B. Any physical condition existing in or on the exterior of any premises which is potentially dangerous, detrimental or hazardous to the life, health or safety of persons on, near or passing within the proximity of the premises where such condition exists.

**OCCUPANT** -- Any person having actual possession, use or occupancy of a dwelling premises or rooming unit or any person or entity in possession of or using any premises or part thereof, whether or not the owner

thereof and regardless of the duration of time of such possession, use or occupancy.

**OPERATOR** -- Any person, persons or entity, not the owner, who has charge, care or control of a dwelling or premises or a part thereof, with or without the knowledge, consent or authority of the owner.

**OWNER** -- Any person, persons or entity who shall have legal title in any form whatsoever to any premises or part thereof, with or without accompanying actual possession thereof, or who shall have charge, care or control of any lot, premises, building or structure or part thereof as owner or agent of the owner or as a fiduciary, trustee, receiver, guardian, lessee or mortgagee in possession, regardless of how such possession was obtained. Any person, group of persons or entity who is a lessee, sublessee or assignee of a lessee of any part or all of any building, structure or land shall be deemed to be a co-owner with the lessor for the purposes of this chapter and shall have responsibility over the portion of the premises so sublet, leased or assigned.

**PREMISES** -- A lot, plot or parcel of land or right-of-way, including the building or structures thereon.

**REFUSE or RUBBISH** -- All discarded, useless, unusable, unused or worthless solid waste matter or materials, including but not limited to garbage, trash, ashes, paper, paper goods and products, wrappings, cans, bottles, containers, yard clippings, garden waste, debris, junk, glass, boxes, crockery, wood, mineral matter, plastic, rubber, leather, furniture, household goods, appliances, bedding, scrap lumber, scrap metal, construction material, inoperable machinery or parts thereof, garden or farming implements and supplies, dead or rotting vegetation, tires, abandoned, inoperative or unusable automobiles and vehicles and solid commercial or industrial waste.

#### §86-4. Compliance required.

Every residential and nonresidential building or structure and the premises or part of the premises on which it is situated, including vacant lots, are required to comply with the provisions of this code.

#### §86-5. Conflict with other provisions.

In any case where the provisions of this code impose a higher or stricter standard than set forth in any other ordinance, local law or regulation of the Village or under the laws or regulations of the State of New York or any of its agencies, then the standards as set forth herein shall prevail.

#### §86-6. Effect of compliance.

Compliance with this code shall not constitute a defense against any violation of any other ordinance or local law of the Village applicable to any structure or premises, nor shall any one act of compliance constitute a defense against any subsequent or other violation of this code.

#### §86-7. Responsibility for violations.

Owners, operators and occupants shall have all of the duties, obligations and responsibilities prescribed in this code, and no such person or entity shall be relieved

of any such duty, obligation or responsibility hereunder nor be entitled to assert, as a defense against any charge made against him or them for violation of this code, the fact that another owner, operator or occupant or any third person or entity is also responsible therefore and in violation thereof.

§86-8. Compliance with Uniform Fire Prevention and Building Code required.

Any alterations to buildings, structures or appurtenances thereto, or changes of use therein, which may be caused directly or indirectly by the enforcement of this code shall be done in accordance with all applicable sections of the New York State Uniform Fire Prevention and Building Code.

§86-9. Applicability of zoning provisions.

Nothing contained in this code or any requirement of compliance herewith shall be deemed to alter, impair or affect the application of the Zoning Ordinance or zoning laws of the Village.

§86-10. Effect on existing remedies.

Nothing in this code shall be deemed to abolish or impair existing remedies of the Village or its officers or agencies relating to the removal or demolition of any buildings or structures which are deemed to be dangerous, unsafe or unsanitary.

§86-11. Responsibility for compliance.

In furtherance of the purposes of this chapter, it shall be the duty and responsibility of the owner, operator or occupant of premises to comply with any or all of the requirements and standards of this chapter to keep the premises free from conditions which constitute violations hereof and to promptly remove, prevent or abate such conditions.

§86-12. Maintenance of exterior of premises.

The exterior of all premises shall be kept free of the following matter, material or conditions:

- A. Refuse or rubbish as hereinbefore defined.
- B. Abandoned, uncovered or structurally unsound wells, shafts, towers, exterior cellar openings, basement hatchways, foundations or excavations.
- C. Abandoned iceboxes, refrigerators, heaters, television sets and other similar major appliances.
- D. Structurally unsafe or unsound buildings, structures or fences.
- E. Rodents, vermin, pest infestations or rodent harborages.
- F. Nuisances as hereinbefore defined.
- G. Vehicles or parts thereof, including boats and trailers, motorized or not, licensed or unlicensed, registered or unregistered, which vehicles or parts thereof are or have been junked, abandoned, dismantled or are in a state of visible disrepair.
- H. Dangerously loose and overhanging objects, which would threaten the health and safety of persons if caused to fall, or other similar dangerously loose and overhanging objects which, by reason of their location

above ground level, constitute an actual hazard to persons or vehicles in the vicinity thereof.

I. Inadequate or unsafe foundation walls, retaining walls, piers and columns and other similar structurally unsound, damaged or defective load-bearing components which are incapable of bearing imposed loads safely at all points.

§86-13. Additional responsibilities.

Without limitation by the foregoing, it shall also be the duty and responsibility of owners, occupants and operators to keep the exterior of all premises structurally sound, in good general repair and sufficiently maintained, to an extent so as to prevent and avoid conditions that violate the purpose of this chapter as hereinabove set forth.

§86-14. Designation of enforcing official.

The Zoning Enforcement Officer of the Village is hereby designated as the officer charged with the enforcement of this chapter and is hereinafter referred to as the "Zoning Enforcement Officer."

§86-15. Notice of violation; issuance of summons.

A. Whenever the Zoning Enforcement Officer determines that there is or has been a violation of any provision of this chapter, he shall give notice of such violation to the person, persons or entities responsible therefore under this chapter. Such notice shall be in writing and shall include a concise statement of the reasons for its issuance. Such notice shall be deemed to be properly and sufficiently served if a copy thereof is sent by registered mail to the last known address of the person or entity upon which the same is served, as shown by the most recent tax lists of the municipality, or a copy thereof handed to such person or persons, or a copy thereof left at the usual place or abode or office of such persons or entities. Notice shall be given as aforesaid within or without the municipality. The notice shall also state that unless the violation is abated, removed, cured, prevented or desisted from within 10 days of the date of service of such notice (exclusive of the date of service) a summons shall be issued for such violation. The Zoning Enforcement Officer may, at the time he issues the notice, extend the period for compliance with the violation stated in the notice for a period in excess of the aforesaid 10 days if, in his judgment, the abatement, removal, prevention, cessation of or cure of the condition violated cannot reasonably be effected within the ten-day period. In such cases, the Zoning Enforcement Officer shall state such reasonably required extended period in the notice, which shall then be applicable instead of the aforesaid 10 days.

B. In the event that the violation is not abated, removed, cured, prevented or desisted from or otherwise fully remedied within the ten-day period or within such period as set forth in the notice, pursuant to the foregoing, a summons shall then issue against the person, persons, entity or entities so notified.

§86-16. Emergency conditions.

Whenever the Zoning Enforcement Officer finds that an emergency condition in violation of this chapter exists, which condition requires immediate attention in order to protect the public health or safety, he may issue an order by service of notice as set forth in §86-15 reciting the existence of such an emergency condition and requiring that such action be taken by the violator as soon as is reasonably necessary to meet the emergency. Notwithstanding any other provision of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but, upon objection in writing to the Zoning Enforcement Officer, any such persons shall be afforded a hearing before the Village Board of Trustees as soon as is reasonably possible. After such a hearing and decision by the Trustees as to the existence or nonexistence of the emergency condition, the Village Board of Trustees may continue such order in effect, or modify or withdraw it, subject to issuance of a summons for violation thereof, if such order is continued.

§86-17. Penalties for offenses.

A. Any person or entity who shall violate any of the provisions of this chapter or any order promulgated hereunder shall, after a summons is issued and upon conviction, be punishable by a fine of not more than \$1,000 per day of violation, in accordance with §382 of the Executive Law.

B. Each violation of any of the provisions of this chapter and each day that each such violation shall continue shall be deemed to be a separate and distinct offense.

Chapter 88 – Social Hosts

§88-2 Applicability.

The regulations of the Social Hosts chapter shall apply to and affect real property and structures thereon that are permitted to be used for residential uses, including residential uses that are located in nonresidential zones.

§88-3 Purpose.

It is the purpose of this chapter to protect the public interest, welfare, health and safety within the Village of Geneseo by prohibiting the service to and consumption of alcoholic beverages and illegal drugs by persons under age of 21 at private residences located in the Village. The Village Board finds that the occurrence of social gatherings at private residences where alcoholic beverages or illegal drugs are served to or consumed by persons under the age of 21 is harmful to such persons themselves and a threat to public welfare, health and safety. The Village Board finds further that persons under the age of 21 often obtain alcoholic beverages or illegal drugs at such gatherings and that such service and/or consumption will be more likely to ensure that alcoholic beverages and illegal drugs are neither served to nor consumed by persons under the age of 21 at these gatherings.

§88-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGES

Shall mean any liquor, wine, beer, spirits, cider or other liquid or solid, patented or not, composed of or containing alcohol or spirits, whether or not brewed, fermented or distilled, and capable of being consumed by a person; except that confectionery containing alcohol as provided in Section 12 of Section 200 of the Agriculture and Markets Law shall not be considered alcoholic beverage within the meaning of this chapter.

CONTROL

The actual or apparent authority and ability to regulate, direct or dominate private premises, including but not limited to the control exercised by tenants, lessees, owners and/or landlords who have noticed drinking on their premises.

ILLEGAL DRUG

Includes any substance listed in Section 3306 of the Public Health Law.

MINOR

Any person under the age of 21.

OPEN HOUSE PARTY

A party or gathering at a residence or other private premises of two or more persons.

PERSON

A human being and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

RESIDENCE

Any home, apartment, condominium, co-operative unit, dormitory unit or other dwelling unit of any kind, including yards and open areas adjacent thereto, vacant land and accessory structures.

§88-5 Prohibited acts.

No person having control of any residence shall allow an open house party to take place at said residence if such person knows or has reason to know that any alcoholic beverage or illegal drug is being unlawfully possessed, served to or consumed by a minor at said residence. Such person must take reasonable corrective action to ensure that the possession or consumption of alcoholic beverages or illegal drugs by any minor on such premises is prohibited. Reasonable corrective action shall include, but not limited to:

A.

Verifying the age of persons attending the social gathering by inspecting the driver's licenses or other governmental-issue identification cards;

B.

Making a prompt demand that such minor either forfeit the alcoholic beverages or illegal drugs and refrain from the consumption of such and promptly report such activity to the local law enforcement agency.

§88-6 Exceptions.

The provisions of this chapter shall not apply to:

A.

The possession or consumption of an alcoholic beverage by persons lawfully permitted to do so pursuant to Section 65-C of the New York State Alcoholic Beverage Control Law, or any other applicable law; or

B.

The possession or consumption of a drug for which the individual has a current, valid prescription or as otherwise permitted by other applicable law.

§88-7 Severability.

A.

If any part or provision of this chapter is inconsistent with any federal or state statute, law, rule or regulation, then such statute, law, rule or regulation shall prevail.

B.

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this section, or the application thereof to other persons or circumstances.

§88-8 Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of \$250, as shall be ordered by the court. Each and every subsequent occurrence shall constitute a violation punishable by a fine of \$500. In addition, for each offense, successful completion of a court-approved alcohol and drug awareness program is required.

Chapter 90 – Public Property, Damage to

§90-2 Interference with monuments, buildings and signs.

No person shall climb upon, intrude upon, tamper with, deface, break, damage, destroy, remove or possess any Village monument, building, fountain, fountain base, superstructure, sign, signpost or parking meter, except when authorized by the Village Superintendent of Public Works or the Chief of Police.

§90-3 Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of an offense, as defined in the Penal

Law of the State of New York, and shall, upon conviction thereof, be subject to a minimum fine of \$50, not to exceed \$250.

Chapter 100 - Smoking

§100-3 Term defined; prohibition of smoking.

"Smoking" shall mean inhaling of, exhaling of, burning of, or carrying of any lighted cigar, cigarette, pipe, weed, or other plant in any manner or in any form. Smoking shall be prohibited upon all real property owned by the Village of Geneseo, except when located within a moving motor vehicle that is in the process of exiting or entering real property owned by the Village of Geneseo.

Chapter 123 – Vehicles and Traffic

§123-16 Overnight parking.

A. The purpose of this section is to facilitate the removal of debris and snow from the streets, highways, alleys and public places by the Village of Geneseo and its employees.

B. No vehicle, motor-driven or otherwise, shall be parked or permitted to stand on any street, highway, sidewalk, alley, boulevard or public place within the corporate limits of the Village of Geneseo between the hours of 2:00 a.m. and 7:00 a.m., excepting the municipal lot.

**Appendix D**

**State Laws**

**Alcoholic Beverage Control Law**

§65. Prohibited sales.

No person shall sell, deliver or give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to:

1. Any person, actually or apparently, under the age of twenty-one years;
2. Any visibly intoxicated person;
3. Any habitual drunkard known to be such to the person authorized to dispense any alcoholic beverages.
4. Neither such person so refusing to sell or deliver under this section nor his or her employer shall be liable in any civil or criminal action or for any fine or penalty based upon such refusal, except that such sale or delivery shall not be refused, withheld from or denied to any person on account of race, creed, color or national origin. (*Eff. 9/29/10, Ch. 435, L.2010*)

5. The provisions of subdivision one of this section shall not apply to a person who gives or causes to be given any such alcoholic beverage to a person under the age of twenty-one years, who is a student in a curriculum licensed or registered by the state education department and is required to taste or imbibe alcoholic beverages in courses which are part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during on-campus or off-campus courses pursuant to such curriculum.

6. In any proceeding pursuant to section one hundred eighteen of this chapter to revoke, cancel or suspend a license to sell alcoholic beverages, in which proceeding it is alleged that a person violated subdivision one of this section;

(a) it shall be an affirmative defense that such person had produced a photographic identification card apparently issued by a governmental entity and that the alcoholic beverage had been sold, delivered or given to such person in reasonable reliance upon such identification. In evaluating the applicability of such affirmative defense, the authority shall take into consideration any written policy adopted and implemented by the seller to carry out the provisions of paragraph (b) of subdivision two of section sixty five-b of this article; and

(b) it shall be an affirmative defense that at the time of such violation such person who committed such alleged violation held a valid certificate of completion or renewal from an entity authorized to give and administer an alcohol training awareness program pursuant to subdivision twelve of section seventeen of this chapter. Such licensee shall have diligently implemented and complied with all the provisions of the approved training program. In such proceeding to revoke, cancel or suspend a license pursuant to section one hundred eighteen of this chapter, the licensee must prove each element of such affirmative defense by a preponderance of the credible evidence. Evidence of three unlawful sales of alcoholic beverages by any employee of a licensee to persons under twenty-one years of age, within a two year period, shall be considered by the authority in determining whether the licensee had diligently implemented such an approved program

7. In any proceeding pursuant to section one hundred eighteen of this chapter to revoke, cancel or suspend a license to sell alcoholic beverages, in which proceeding a charge is sustained that a person violated subdivision one or two of this section and the licensee has not had any adjudicated violation of this chapter at the licensed premises where the violation occurred within the previous five year period; and

(a) at the time of such violation the person that committed such violation held a valid certificate of completion or renewal from an entity authorized to give and administer an alcohol training awareness program pursuant to subdivision twelve of section seventeen of this chapter, the civil penalty related to such offense shall be recovery of, as provided for in section one hundred twelve of this chapter, the penal sum of the bond on file during the period in which the violation took place; or

(b) at the time of such violation the licensee has not had any adjudicated violations of this chapter at the licensed premises where the violation occurred within the previous five year period, any civil penalty imposed shall be reduced by twenty-five percent if the licensee submits written proof within ninety days of the imposition of such civil penalty that all of the licensee's employees involved in the direct sale or service of alcoholic beverages to the public at the licensed

premises where the violation occurred have obtained a valid certificate of completion or renewal from an entity authorized to give and administer an alcohol training awareness program pursuant to subdivision twelve of section seventeen of this chapter.

For the purposes of this subdivision, the five year period shall be measured from the dates that the violations occurred,

§65-a. Procuring alcoholic beverages for persons under the age of twenty-one years.

Any person who misrepresents the age of a person under the age of twenty-one years for the purpose of inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person, is guilty of an offense and upon conviction thereof shall be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than five days, or by both such fine and imprisonment.

§65-b. Offense for one under age of twenty-one years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.

1. As used in this section: (a) A device capable of deciphering any electronically readable format or device shall mean any commercial device or combination of devices used at a point of sale or entry that is capable of reading the information encoded on the magnetic strip or bar code of a driver's license or non-driver identification card issued by the commissioner of motor vehicles;

(b) Card holder means any person presenting a driver's license or non-driver identification card to a licensee, or to the agent or employee of such licensee under this chapter; and

(c) Transaction scan means the process involving a device capable of deciphering any electronically readable format by which a licensee, or agent or employee of a licensee under this chapter reviews a driver's license or non-driver identification card presented as a precondition for the purchase of an alcoholic beverage as required by subdivision two of this section or as a precondition for admission to an establishment licensed for the on-premises sale of alcoholic beverages where admission is restricted to person's twenty-one years or older.

2. (a) No person under the age of twenty-one years shall present or offer to any licensee under this chapter, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage.

(b) No licensee, or agent or employee of such licensee shall accept as written evidence of age by any such person for the purchase of any alcoholic beverage, any documentation other than: (i) a valid driver's license or non-driver identification card issued by the commissioner of motor vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada,

or (ii) a valid passport issued by the United States government or any other country, or (iii) an identification card issued by the armed forces of the United States. Upon the presentation of such driver's license or non-driver identification card issued by a governmental entity, such licensee or agent or employee thereof may perform a transaction scan as a precondition to the sale of any alcoholic beverage. Nothing in this section shall prohibit a licensee or agent or employee from performing such a transaction scan on any of the other documents listed in this subdivision if such documents include a bar code or magnetic strip that may be scanned by a device capable of deciphering any electronically readable format.

(c) In instances where the information deciphered by the transaction scan fails to match the information printed on the driver's license or non-driver identification card presented by the card holder, or if the transaction scan indicates that the information is false or fraudulent, the attempted purchase of the alcoholic beverage shall be denied.

3. A person violating the provisions of paragraph (a) of subdivision two of this section shall be guilty of a violation and shall be sentenced in accordance with the following:

(a) For a first violation, the court shall order payment of a fine of not more than one hundred dollars and/or an appropriate amount of community service not to exceed thirty hours. In addition, the court may order completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law.

(b) For a second violation, the Court shall order payment of a fine of not less than fifty dollars nor more than three hundred fifty dollars and/or an appropriate amount of community service not to exceed sixty hours. The court also shall order completion of an alcohol awareness program as referenced in paragraph (a) of this subdivision if such program has not previously been completed by the offender, unless the court determines that attendance at such program is not feasible due to the lack of availability of such program within a reasonably close proximity to the locality in which the offender resides or matriculates, as appropriate.

(c) For third and subsequent violations, the court shall order payment of a fine of not less than fifty dollars nor more than seven hundred fifty dollars and/or an appropriate amount of community service not to exceed ninety hours. The court also shall order that such person submit to an evaluation by an appropriate agency certified or licensed by the office of alcoholism and substance abuse services to determine whether the person suffers from the disease of alcoholism or alcohol abuse, unless the court determines that under the circumstances presented such an evaluation is not necessary, in which case the court shall state on the record the basis for such determination. Payment for such evaluation shall be made by such person. If, based on such evaluation, a need for treatment is indicated, such person may choose to participate in a treatment plan developed by an agency certified or licensed by

the office of alcoholism and substance abuse services. If such person elects to participate in recommended treatment, the court shall order that payment of such fine and community service be suspended pending the completion of such treatment.

(d) Evaluation procedures. For purposes of this subdivision, the following shall apply:

(i) The contents of an evaluation pursuant to paragraph (c) of this subdivision shall be used for the sole purpose of determining if such person suffers from the disease of alcoholism or alcohol abuse.

(ii) The agency designated by the court to perform such evaluation shall conduct the evaluation and return the results to the court within thirty days, subject to any state or federal confidentiality law, rule or regulation governing the confidentiality of alcohol and substance abuse treatment records.

(iii) The office of alcoholism and substance abuse services shall make available to each supreme court law library in this state, or, if no supreme court law library is available in a certain county, to the county court law library of such county, a list of agencies certified to perform evaluations as required by subdivision (f) of section 19.07 of the mental hygiene law.

(iv) All evaluations required under this subdivision shall be in writing and the person so evaluated or his or her counsel shall receive a copy of such evaluation prior to its use by the court.

(v) A minor evaluated under this subdivision shall have, and shall be informed by the court of, the right to obtain a second opinion regarding his or her need for alcoholism treatment.

4. A person violating the provisions of paragraph (b) of subdivision two of this section shall be guilty of a violation punishable by a fine of not more than one hundred dollars, and/or an appropriate amount of community service not to exceed thirty hours. In addition, the court may order completion of an alcohol training awareness program established pursuant to subdivision twelve of section seventeen of this chapter where such program is located within a reasonably close proximity to the locality in which the offender is employed or resides.

5. No determination of guilt pursuant to this section shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination.

6. In addition to the penalties otherwise provided in subdivision three of this section, if a determination is made sustaining a charge of illegally purchasing or attempting to illegally purchase an alcoholic beverage, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such license, in accordance with the following and for the following periods, if it is found that a driver's license was used for the purpose of such illegal purchase or attempt to illegally purchase; provided, however, that where a person is sentenced pursuant to paragraph (b) or (c) of subdivision three of



this section, the court shall impose such license suspension if it is found that a driver's license was used for the purpose of such illegal purchase or attempt to illegally purchase:

(a) For a first violation of paragraph (a) of subdivision two of this section, a three month suspension.

(b) For a second violation of paragraph (a) of subdivision two of this section, a six month suspension.

(c) For a third or subsequent violation of paragraph (a) of subdivision two of this section, a suspension for one year or until the holder reaches the age of twenty-one, whichever is the greater period of time. Such person may thereafter apply for and be issued a restricted use license in accordance with the provisions of section five hundred thirty of the vehicle and traffic law.

7. (a) In any proceeding pursuant to subdivision one of section sixty-five of this article, it shall be an affirmative defense that such person had produced a driver's license or non-driver identification card apparently issued by a governmental entity, successfully completed the transaction scan, and that the alcoholic beverage had been sold, delivered or given to such person in reasonable reliance upon such identification and transaction scan. In evaluating the applicability of such affirmative defense, the liquor authority shall take into consideration any written policy adopted and implemented by the seller to carry out the provisions of this chapter. Use of a transaction scan shall not excuse any licensee under this chapter, or agent or employee of such licensee, from the exercise of reasonable diligence otherwise required by this section. Notwithstanding the above provisions any such affirmative defense shall not be applicable in any other civil or criminal proceeding or in any other forum.

(b) A licensee or agent or employee of a licensee may electronically or mechanically record and maintain only the information from a transaction scan necessary to effectuate the purposes of this section. Such information shall be limited to the following: (i) name, (ii) date of birth, (iii) driver's license or non-driver identification number, and (iv) expiration date. The liquor authority and the commissioner of health shall jointly promulgate any regulations necessary to ensure quality control in the use of transaction scan devices.

8. A licensee or agent or employee of such licensee shall only use the information recorded and maintained through the use of such devices for the purposes contained in paragraph (a) of subdivision seven of this section and shall only use such devices for the purposes contained in subdivision two of this section. No licensee or agent or employee of a licensee shall resell or disseminate the information recorded during such scan to any third person. Such prohibited resale or dissemination includes, but is not limited to, any advertising, marketing or promotional activities. Notwithstanding the restrictions imposed by this subdivision, such records may be released pursuant to a court ordered subpoena or pursuant to any other statute that specifically authorizes the release of such

information. Each violation of this subdivision shall be punishable by a civil penalty of not more than one thousand dollars.

§65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of twenty-one years.

1. Except as hereinafter provided, no person under the age of twenty-one years shall possess any alcoholic beverage, as defined in this chapter, with the intent to consume such beverage.

2. A person under the age of twenty-one years may possess any alcoholic beverage with intent to consume if the alcoholic beverage is given:

(a) to a person who is a student in a curriculum licensed or registered by the state education department and the student is required to taste or imbibe alcoholic beverages in on-campus or off-campus courses which are a part of the required curriculum, provided such alcoholic beverages are used only for instructional purposes during class conducted pursuant to such curriculum; or

(b) to the person under twenty-one years of age by that person's parent or guardian.

3. Any person who unlawfully possesses an alcoholic beverage with intent to consume may be summoned before and examined by a court having jurisdiction of that charge; provided, however, that nothing contained herein shall authorize, or be construed to authorize, a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law or a police officer as defined in subdivision thirty-four of section 1.20 of such law to arrest a person who unlawfully possesses an alcoholic beverage with intent to consume. If a determination is made sustaining such charge the court may impose a fine not exceeding fifty dollars and/or completion of an alcohol awareness program established pursuant to section 19.25 of the mental hygiene law and/or an appropriate amount of community service not to exceed thirty hours.

4. No such determination shall operate as a disqualification of any such person subsequently to hold public office, public employment, or as a forfeiture of any right or privilege or to receive any license granted by public authority; and no such person shall be denominated a criminal by reason of such determination, nor shall such determination be deemed a conviction.

5. Whenever a peace officer as defined in subdivision thirty-three of section 1.20 of the criminal procedure law or police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law shall observe a person under twenty-one years of age openly in possession of an alcoholic beverage as defined in this chapter, with the intent to consume such beverage in violation of this section, said officer may seize the beverage, and shall deliver it to the custody of his or her department.

6. Any alcoholic beverage seized in violation of this section is hereby declared a nuisance. The official to whom the beverage has been delivered shall, no earlier than three days following the return date for initial

appearance on the summons, dispose of or destroy the alcoholic beverage seized or cause it to be disposed of or destroyed. Any person claiming ownership of an alcoholic beverage seized under this section may, on the initial return date of the summons or earlier on five days notice to the official or department in possession of the beverage, apply to the court for an order preventing the destruction or disposal of the alcoholic beverage seized and ordering the return of that beverage. The court may order the beverage returned if it is determined that return of the beverage would be in the interest of justice or that the beverage was improperly seized.

#### §65-d. Posting of signs

1. The authority shall prepare, have printed and distribute across the state to all persons with a license to sell alcoholic beverages for consumption on the premises or a license to sell alcoholic beverages for consumption off the premises a sign or poster with conspicuous lettering that states the following:

“No person shall sell or give away any alcoholic beverages to:

1. any person under the age of twenty-one years; or
  2. any visibly intoxicated person.
- IT IS A VIOLATION PUNISHABLE UNDER LAW FOR ANY PERSON UNDER THE AGE OF TWENTY-ONE TO PRESENT ANY WRITTEN EVIDENCE OF AGE WHICH IS FALSE, FRAUDULENT OR NOT ACTUALLY HIS OWN FOR THE PURPOSE OF ATTEMPTING TO PURCHASE ANY ALCOHOLIC BEVERAGE”.
- Such sign or poster shall be captioned with the word “warning” in at least two-inch lettering.
2. All persons with a license to sell alcoholic beverage for consumption on the premises or a license to sell alcoholic beverage for consumption off the premises shall display, in an upright position and in a conspicuous place, where it can be easily read by the clientele of the establishment, the sign or poster upon receiving it from the authority.
3. Any person with such license who violates the provisions of this section shall be subject to a civil penalty, not to exceed one hundred dollars for each day of violation.

#### **Penal Law**

##### **Section**

260.10 Endangering the welfare of a child.

A person is guilty of endangering the welfare of a child when:

1. He or she knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to his or her life or health; or
2. Being a parent, guardian or other person legally charged with the care or custody of a child less than eighteen years old, he or she fails or refuses to exercise reasonable diligence in the control of such child to

prevent him or her from becoming an "abused child," a "neglected child," a "juvenile delinquent" or a "person in need of supervision," as those terms are defined in articles ten, three and seven of the family court act.

3. A person is not guilty of the provisions of this section when he or she engages in the conduct described in subdivision one of section 260.00 of this article: (a) with the intent to wholly abandon the child by relinquishing responsibility for and right to the care and custody of such child; (b) with the intent that the child be safe from physical injury and cared for in an appropriate manner; (c) the child is left with an appropriate person, or in a suitable location and the person who leaves the child promptly notifies an appropriate person of the child's location; and (d) the child is not more than thirty days old.

*Endangering the welfare of a child is a class A misdemeanor.*

##### **Section**

260.20 Unlawfully dealing with a child in the first degree

A person is guilty of unlawfully dealing with a child in the first degree when:

1. He knowingly permits a child less than eighteen years old to enter or remain in or upon a place, premises or establishment where sexual activity is defined by article one hundred thirty, two hundred thirty or two hundred sixty-three of this chapter or activity involving controlled substances as defined by article two hundred twenty of this chapter or involving marihuana as defined by article two hundred twenty-one of this chapter is maintained or conducted, and he knows or has reason to know that such activity is being maintained or conducted; or
2. He gives or sells or causes to be given or sold any alcoholic beverage, as defined by section three of the alcoholic beverage control law, to a person less than twenty-one years old; except that this subdivision does not apply to the parent or guardian of such a person or to a person who gives or causes to be given any such alcoholic beverage to a person under the age of twenty-one years, who is a student in a curriculum licensed or registered by the state education department, where the tasting or imbibing of alcoholic beverages is required in courses that are part of the required curriculum, provided such alcoholic beverages are given only for instructional purposes during classes conducted pursuant to such curriculum.

It is no defense to a prosecution pursuant to subdivision two of this section that the child acted as the agent or representative of another person or that the defendant dealt with the child as such.

It is an affirmative defense to a prosecution pursuant to subdivision two of this section that the defendant who sold, caused to be sold or attempted to sell such alcoholic beverage to a person less than twenty-one years old, had not been, at the time of such sale or attempted sale, convicted of a violation of this section or section 260.21 of this article within the preceding five

years, and such defendant, subsequent to the commencement of the present prosecution, has completed an alcohol training awareness program established pursuant to subdivision twelve of section seventeen of the alcoholic beverage control law. A defendant otherwise qualifying pursuant to this paragraph may request and shall be afforded a reasonable adjournment of the proceedings to enable him or her to complete such alcohol training awareness program. (*Eff.9/29/10,Ch.435,L.2010*)  
*Unlawfully dealing with a child in the first degree is a class A misdemeanor.*

## General Obligations Law

### TITLE 1

#### COMPENSATION

##### Section

- 11-100. Compensation for injury or damage caused by the intoxication of a person under the age of twenty-one years.  
 11-101. Compensation for injury caused by the illegal sale of intoxicating liquor.

#### §11-100. Compensation for injury or damage caused by the intoxication of a person under the age of twenty-one years.

1. Any person who shall be injured in person, property, means of support or otherwise, by reason of the intoxication or impairment of ability of any person under the age of twenty-one years, whether resulting in his death or not, shall have a right of action to recover actual damages against any person who knowingly causes such intoxication or impairment of ability by unlawfully furnishing to or unlawfully assisting in procuring alcoholic beverages for such person with knowledge or reasonable cause to believe that such person was under the age of twenty-one years.
2. In case of the death of either party, the action or right of action established by the provisions of this section shall survive to or against his or her executor or administrator, and the amount so recovered by either a husband, wife or child shall be his or her sole and separate property.
3. Such action may be brought in any court of competent jurisdiction.
4. In any case where parents shall be entitled to such damages, either of such parents may bring an action therefore; but that recovery by either one of such parties shall constitute a bar to suit brought by the other.

#### §11-101. Compensation for injury caused by the illegal sale of intoxicating liquor.

1. Any person who shall be injured in person, property, means of support, or otherwise by any intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawful selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication; and in any such action

such person shall have a right to recover actual and exemplary damages.

2. In case of the death of either party, the action or right of action given by this section shall survive to or against his or her executor or administrator, and the amount so recovered by either a husband, wife or child shall be his or her sole and separate property.

3. Such action may be brought in any court of competent jurisdiction.

4. In any case where parents shall be entitled to such damages, either the father or mother may sue alone therefore, but recovery by one of such parties shall be a bar to suit brought by the other.

## Controlled Substances Offenses

### Section

- 220.00 Controlled substances; definitions.  
 220.03 Criminal possession of a controlled substance in the seventh degree.  
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- 220.72 Criminal possession of precursors of methamphetamine
- 220.73 Unlawful manufacture of methamphetamine in the third degree.
- 220.74 Unlawful manufacture of methamphetamine in the second degree.
- 220.75 Unlawful manufacture of methamphetamine in the first degree.
- 220.76 Unlawful disposal of methamphetamine laboratory material.
- 220.77 Operating as a major trafficker.
- 220.78 Witness or victim of drug or alcohol overdose

§220.00 Controlled substances; definitions.

- 1. "Sell" means to sell, exchange, give or dispose of to another, or to offer or agree to do the same.
- 2. "Unlawfully" means in violation of article thirty-three of the public health law.
- 3. "Ounce" means an avoirdupois ounce as applied to solids or semisolids, and a fluid ounce as applied to liquids.
- 4. "Pound" means an avoirdupois pound.
- 5. "Controlled substance" means any substance listed in schedule I, II, III, IV or V of section thirty-three hundred six of the public health law. (Eff.3/31/21,Ch.92,L.2021)
- 6. (Repealed, Eff.3/31/21,Ch.92,L.2021)
- 7. "Narcotic drug" means any controlled substance listed in schedule I(b), I(c), II(b) or II(c) other than methadone.
- 8. "Narcotic preparation" means any controlled substance listed in schedule II(b-1), III(d) or III(e).
- 9. "Hallucinogen" means any controlled substance listed in paragraphs (5), (17), (18), (19), (20) and (21) of subdivision (d) of schedule I of section thirty-three hundred six of the public health law. (Eff.3/31/21,Ch.92,L.2021)
- 10. "Hallucinogenic substance" means any controlled substance listed in schedule I(d) other than concentrated cannabis, lysergic acid diethylamide, or an hallucinogen.
- 11. "Stimulant" means any controlled substance listed in schedule I(f),II(d).
- 12. "Dangerous depressant" means any controlled substance listed in schedule I(e)(2), (3), II(e), III(c)(3) or IV(c)(2), (31), (32), (40).
- 13. "Depressant" means any controlled substance listed in schedule IV(c) except (c)(2), (31), (32), (40).
- 14. "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such school. For the purposes of this section an "area accessible to

the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

15. "Prescription for a controlled substance" means a direction or authorization, by means of an official New York state prescription form, a written prescription form or an oral prescription, which will permit a person to lawfully obtain a controlled substance from any person authorized to dispense controlled substances.

16. For the purposes of sections 220.70, 220.71, 220.72, 220.73, 220.74, 220.75 and 220.76 of this article:

(a) "Precursor" means ephedrine, pseudoephedrine, or any salt, isomer or salt of an isomer of such substances.  
 (b) "Chemical reagent" means a chemical reagent that can be used in the manufacture, production or preparation of methamphetamine.

(c) "Solvent" means a solvent that can be used in the manufacture, production or preparation of methamphetamine.

(d) "Laboratory equipment" means any items, components or materials that can be used in the manufacture, preparation or production of methamphetamine.

(e) "Hazardous or dangerous material" means any substance, or combination of substances, that results from or is used in the manufacture, preparation or production of methamphetamine which, because of its quantity, concentration, or physical or chemical characteristics, poses a substantial risk to human health or safety, or a substantial danger to the environment.

17. "School bus" means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

18. "Controlled substance organization" means four or more persons sharing a common purpose to engage in conduct that constitutes or advances the commission of a felony under this article.

19. "Director" means a person who is the principal administrator, organizer, or leader of a controlled substance organization or one of several principal administrators, organizers, or leaders of a controlled substance organization.

20. "Profiteer" means a person who: (a) is a director of a controlled substance organization; (b) is a member of a controlled substance organization and has managerial responsibility over one or more other members of that organization; or (c) arranges, devises or plans one or more transactions constituting a felony under this article so as to obtain profits or

expected profits. A person is not a profiteer if he or she is acting only as an employee; or if he or she is acting as an accommodation to a friend or relative; or if he or she is acting only under the direction and control of others and exercises no substantial, independent role in arranging or directing the transactions in question.

§220.03 Criminal possession of a controlled substance in the seventh degree.

A person is guilty of criminal possession of a controlled substance in the seventh degree when he or she knowingly and unlawfully possesses a controlled substance; provided, however, that it shall not be a violation of this section when a person possesses a residual amount of a controlled substance and that residual amount is in or on a hypodermic syringe or hypodermic needle; nor shall it be a violation of this section when a person's unlawful possession of a controlled substance is discovered as a result of seeking immediate health care as defined in paragraph (b) of subdivision three of section 220.78 of this article, for either another person or him or herself because such person is experiencing a drug or alcohol overdose or other life threatening medical emergency as defined in paragraph (a) of subdivision three of section 220.78 of this article. (Eff.10/7/21,Ch.433,L.2021)

*Criminal possession of a controlled substance in the seventh degree is a class A misdemeanor.*

§220.06 Criminal possession of a controlled substance in the fifth degree.

A person is guilty of criminal possession of a controlled substance in the fifth degree when he knowingly and unlawfully possesses:

1. a controlled substance with intent to sell it; or
2. one or more preparations, compounds, mixtures or substances containing a narcotic preparation and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
3. phencyclidine and said phencyclidine weighs fifty milligrams or more; or
4. (Repealed, Eff.3/31/21,Ch.92,L.2021)
5. cocaine and said cocaine weighs five hundred milligrams or more.
6. ketamine and said ketamine weighs more than one thousand milligrams; or
7. ketamine and has previously been convicted of possession or the attempt to commit possession of ketamine in any amount; or
8. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-eight grams or more.

*Criminal possession of a controlled substance in the fifth degree is a class D felony.*

§220.09 Criminal possession of a controlled substance in the fourth degree.

A person is guilty of criminal possession of a controlled substance in the fourth degree when he knowingly and unlawfully possesses:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or

2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or

3. one or more preparations, compounds, mixtures or substances containing a narcotic preparation and said preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or

4. a stimulant and said stimulant weighs one gram or more; or

5. lysergic acid diethylamide and said lysergic acid diethylamide weighs one milligram or more; or

6. a hallucinogen and said hallucinogen weighs twenty-five milligrams or more; or

7. a hallucinogenic substance and said hallucinogenic substance weighs one gram or more; or

8. a dangerous depressant and such dangerous depressant weighs ten ounces or more; or

9. a depressant and such depressant weighs two pounds or more; or

10. (Repealed, Eff.3/31/21,Ch.92,L.2021)

11. phencyclidine and said phencyclidine weighs two hundred fifty milligrams or more; or

12. methadone and said methadone weighs three hundred sixty milligrams or more; or

13. phencyclidine and said phencyclidine weighs fifty milligrams or more with intent to sell it and has previously been convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or

14. ketamine and said ketamine weighs four thousand milligrams or more; or

15. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of two hundred grams or more.

*Criminal possession of a controlled substance in the fourth degree is a class C felony.*

§220.16 Criminal possession of a controlled substance in the third degree.

A person is guilty of criminal possession of a controlled substance in the third degree when he knowingly and unlawfully possesses:

1. a narcotic drug with intent to sell it; or

2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide, with intent to sell it and has previously been convicted of an offense defined in article two hundred twenty or the attempt or conspiracy to commit any such offense; or

3. a stimulant with intent to sell it and said stimulant weighs one gram or more; or

4. lysergic acid diethylamide with intent to sell it and said lysergic acid diethylamide weighs one milligram or more; or

5. a hallucinogen with intent to sell it and said hallucinogen weighs twenty-five milligrams or more; or

6. a hallucinogenic substance with intent to sell it and said hallucinogenic substance weighs one gram or more; or
7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers with intent to sell it and said preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or
8. a stimulant and said stimulant weighs five grams or more; or
9. lysergic acid diethylamide and said lysergic acid diethylamide weighs five milligrams or more; or
10. a hallucinogen and said hallucinogen weighs one hundred twenty-five milligrams or more; or
11. a hallucinogenic substance and said hallucinogenic substance weighs five grams or more; or
12. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
13. phencyclidine and said phencyclidine weighs one thousand two hundred fifty milligrams or more.

*Criminal possession of a controlled substance in the third degree is a class B felony.*

§220.18 Criminal possession of a controlled substance in the second degree.

A person is guilty of criminal possession of a controlled substance in the second degree when he or she knowingly and unlawfully possesses:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of four ounces or more; or
2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and said preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or
3. a stimulant and said stimulant weighs ten grams or more; or
4. lysergic acid diethylamide and said lysergic acid diethylamide weighs twenty-five milligrams or more; or
5. a hallucinogen and said hallucinogen weighs six hundred twenty-five milligrams or more; or
6. a hallucinogenic substance and said hallucinogenic substance weighs twenty-five grams or more; or
7. methadone and said methadone weighs two thousand eight hundred eighty milligrams or more.

*Criminal possession of a controlled substance in the second degree is a class A-II felony.*

§220.21 Criminal possession of a controlled substance in the first degree.

A person is guilty of criminal possession of a controlled substance in the first degree when he or she knowingly and unlawfully possesses:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and said preparations, compounds, mixtures or substances are of an aggregate weight of eight ounces or more; or

2. methadone and said methadone weighs five thousand seven hundred sixty milligrams or more.

*Criminal possession of a controlled substance in the first degree is a class A-I felony.*

§220.25 Criminal possession of a controlled substance; presumption.

1. The presence of a controlled substance in an automobile, other than a public omnibus, is presumptive evidence of knowing possession thereof by each and every person in the automobile at the time such controlled substance was found; except that such presumption does not apply (a) to a duly licensed operator of an automobile who is at the time operating it for hire in the lawful and proper pursuit of his trade, or (b) to any person in the automobile if one of them, having obtained the controlled substance and not being under duress, is authorized to possess it and such controlled substance is in the same container as when he received possession thereof, or (c) when the controlled substance is concealed upon the person of one of the occupants.

2. The presence of a narcotic drug, narcotic preparation, marihuana or phencyclidine in open view in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, package or otherwise prepare for sale such controlled substance is presumptive evidence of knowing possession thereof by each and every person in close proximity to such controlled substance at the time such controlled substance was found; except that such presumption does not apply to any such persons if (a) one of them, having obtained such controlled substance and not being under duress, is authorized to possess it and such controlled substance is in the same container as when he received possession thereof, or (b) one of them has such controlled substance upon his person.

§220.28 Use of a child to commit a controlled substance offense.

1. A person is guilty of use of a child to commit a controlled substance offense when, being eighteen years old or more, he or she commits a felony sale or felony attempted sale of a controlled substance in violation of this article and, as part of that criminal transaction, knowingly uses a child to effectuate such felony sale or felony attempted sale of such controlled substance.

2. For purposes of this section, "uses a child to effectuate the felony sale or felony attempted sale of such controlled substance" means conduct by which the actor: (a) conceals such controlled substance on or about the body or person of such child for the purpose of effectuating the criminal sale or attempted sale of such controlled substance to a third person; or (b) directs, forces or otherwise requires such child to sell or attempt to sell or offer direct assistance to the defendant in selling or attempting to sell such controlled substance to a third person.

For purposes of this section, "child" means a person less than sixteen years of age.

*Use of a child to commit a controlled substance offense is a class E felony.*

§220.31 Criminal sale of a controlled substance in the fifth degree.

A person is guilty of criminal sale of a controlled substance in the fifth degree when he knowingly and unlawfully sells a controlled substance.

*Criminal sale of a controlled substance in the fifth degree is a class D felony.*

§220.34 Criminal sale of a controlled substance in the fourth degree.

A person is guilty of criminal sale of a controlled substance in the fourth degree when he knowingly and unlawfully sells:

1. a narcotic preparation; or
2. a dangerous depressant or a depressant and the dangerous depressant weighs ten ounces or more, or the depressant weighs two pounds or more; or
3. (Repealed, Eff.3/31/21,Ch.92,L.2021)
4. phencyclidine and the phencyclidine weighs fifty milligrams or more; or
5. methadone; or
6. any amount of phencyclidine and has previously been convicted of an offense defined in this article or the attempt or conspiracy to commit any such offense; or
- 6-a. ketamine and said ketamine weighs four thousand milligrams or more.
7. a controlled substance in violation of section 220.31 of this article, when such sale takes place upon school grounds or on a school bus; or
8. a controlled substance in violation of section 220.31 of this article, when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds. As used in this subdivision, the phrase "the grounds of a child day care or educational facility" shall have the same meaning as provided for in subdivision five of section 220.44 of this article. For the purposes of this subdivision, a rebuttable presumption shall be established that a person has knowledge that they are within the grounds of a child day care or educational facility when notice is conspicuously posted of the presence or proximity of such facility; or
9. one or more preparations, compounds, mixtures or substances containing gamma hydroxybutyric acid, as defined in paragraph four of subdivision (e) of schedule I of section thirty-three hundred six of the public health law, and said preparations, compounds, mixtures or substances are of an aggregate weight of twenty-eight grams or more.

*Criminal sale of a controlled substance in the fourth degree is a class C felony.*

§220.39 Criminal sale of a controlled substance in the third degree.

A person is guilty of criminal sale of a controlled substance in the third degree when he knowingly and unlawfully sells:

1. a narcotic drug; or
2. a stimulant, hallucinogen, hallucinogenic substance, or lysergic acid diethylamide and has previously been convicted of an offense defined in article two hundred twenty or the attempt or conspiracy to commit any such offense; or
3. a stimulant and the stimulant weighs one gram or more; or
4. lysergic acid diethylamide and the lysergic acid diethylamide weighs one milligram or more; or
5. a hallucinogen and the hallucinogen weighs twenty-five milligrams or more; or
6. a hallucinogenic substance and the hallucinogenic substance weighs one gram or more; or
7. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and the preparations, compounds, mixtures or substances are of an aggregate weight of one-eighth ounce or more; or
8. phencyclidine and the phencyclidine weighs two hundred fifty milligrams or more; or
9. a narcotic preparation to a person less than twenty-one years old.

*Criminal sale of a controlled substance in the third degree is a class B felony.*

§220.41 Criminal sale of a controlled substance in the second degree.

A person is guilty of criminal sale of a controlled substance in the second degree when he knowingly and unlawfully sells:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and the preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
2. one or more preparations, compounds, mixtures or substances containing methamphetamine, its salts, isomers or salts of isomers and the preparations, compounds, mixtures or substances are of an aggregate weight of one-half ounce or more; or
3. a stimulant and the stimulant weighs five grams or more; or
4. lysergic acid diethylamide and the lysergic acid diethylamide weighs five milligrams or more; or
5. a hallucinogen and the hallucinogen weighs one hundred twenty-five milligrams or more; or
6. a hallucinogenic substance and the hallucinogenic substance weighs five grams or more; or
7. methadone and the methadone weighs three hundred sixty milligrams or more.

*Criminal sale of a controlled substance in the second degree is a class A-II felony.*

§220.43 Criminal sale of a controlled substance in the first degree.

A person is guilty of criminal sale of a controlled substance in the first degree when he knowingly and unlawfully sells:

1. one or more preparations, compounds, mixtures or substances containing a narcotic drug and the preparations, compounds, mixtures or substances are of an aggregate weight of two ounces or more; or



2. methadone and the methadone weighs two thousand eight hundred eighty milligrams or more.

*Criminal sale of a controlled substance in the first degree is a class A1 felony.*

§220.44 Criminal sale of a controlled substance in or near school grounds.

A person is guilty of criminal sale of a controlled substance in or near school grounds when he knowingly and unlawfully sells:

1. a controlled substance in violation of any one of subdivisions one through eight of section 220.39 of this article, when such sale takes place upon school grounds or on a school bus; or
2. a controlled substance in violation of any one of subdivisions one through eight of section 220.39 of this article, when such sale takes place upon school grounds or on a school bus; or
3. a controlled substance in violation of any one of subdivisions one through six of section 220.34 of this article, when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds; or
4. a controlled substance in violation of any one of subdivisions one through eight of section 220.39 of this article, when such sale takes place upon the grounds of a child day care or educational facility under circumstances evincing knowledge by the defendant that such sale is taking place upon such grounds.
5. For purposes of subdivisions three and four of this section, “the grounds of a child day care or educational facility” means (a) in or on or within any building, structure, athletic playing field, a playground or land contained within the real property boundary line of a public or private child day care center as such term is defined in paragraph (c) of subdivision one of section three hundred ninety of the social services law, or nursery, prekindergarten or kindergarten, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such facility or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such facility. For the purposes of this section an “area accessible to the public” shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.
6. For the purposes of this section, a rebuttable presumption shall be established that a person has knowledge that they are within the grounds of a child day care or educational facility when notice is conspicuously posted of the presence or proximity of such facility.

*Criminal sale of a controlled substance in or near school grounds is a class B felony.*

§220.45 Criminally possessing a hypodermic instrument.

(REPEALED, Eff.10/7/21,Ch.433,L.2021)

§220.46 Criminal injection of a narcotic drug.

A person is guilty of criminal injection of a narcotic drug when he knowingly and unlawfully possesses a narcotic drug and he intentionally injects by means of a hypodermic syringe or hypodermic needle all or any portion of that drug into the body of another person with the latter's consent.

*Criminal injection of a narcotic drug is a class E felony.*

§220.48 Criminal sale of a controlled substance to a child.

A person is guilty of criminal sale of a controlled substance to a child when, being over twenty-one years old, he or she knowingly and unlawfully sells a controlled substance in violation of section 220.34 or 220.39 of this article to a person less than seventeen years old.

*Criminal sale of a controlled substance to a child is a class B felony.*

§220.50 Criminally using drug paraphernalia in the second degree.

A person is guilty of criminally using drug paraphernalia in the second degree when he knowingly possesses or sells:

1. Diluents, dilutants or adulterants, including but not limited to, any of the following: quinine hydrochloride, mannitol, mannite, lactose or dextrose, adapted for the dilution of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purposes of unlawfully mixing, compounding, or otherwise preparing any narcotic drug or stimulant; or
2. Gelatine capsules, glassine envelopes, vials, capsules or any other material suitable for the packaging of individual quantities of narcotic drugs or stimulants under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for the purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant; or
3. Scales and balances used or designed for the purpose of weighing or measuring controlled substances, under circumstances evincing an intent to use, or under circumstances evincing knowledge that some person intends to use, the same for purpose of unlawfully manufacturing, packaging or dispensing of any narcotic drug or stimulant.

*Criminally using drug paraphernalia in the second degree is a class A misdemeanor.*

§220.55 Criminally using drug paraphernalia in the first degree.

A person is guilty of criminally using drug paraphernalia in the first degree when he commits the crime of criminally using drug paraphernalia in the second degree and he has previously been convicted of criminally using drug paraphernalia in the second degree.

*Criminally using drug paraphernalia in the first degree is a class D felony.*

§220.60 Criminal possession of precursors of controlled substances.

A person is guilty of criminal possession of precursors of controlled substances when, with intent to manufacture a controlled substance unlawfully, he possesses at the same time:

- (a) carbamide (urea) and propanediol and malonic acid or its derivatives; or
- (b) ergot or an ergot derivative and diethylamine or dimethylformamide or diethylamide; or
- (c) phenylacetone (1-phenyl-2 propanone) and hydroxylamine or ammonia or formamide or benzaldehyde or nitroethane or methylamine.
- (d) pentazocine and methyliodide; or
- (e) phenylacetone nitrile and dichlorodiethyl methylamine or dichlorodiethyl benzylamine; or
- (f) diphenylacetone nitrile and dimethylaminoisopropyl chloride; or
- (g) piperidine and cyclohexanone and bromobenzene and lithium or magnesium; or
- (h) 2,5-dimethoxy benzaldehyde and nitroethane and a reducing agent.

*Criminal possession of precursors of controlled substances is a class E felony.*

§220.65 Criminal sale of a prescription for a controlled substance or of a controlled substance by a practitioner or pharmacist.

A person is guilty of criminal sale of a prescription for a controlled substance or of a controlled substance by a practitioner or pharmacist when:

1. being a practitioner, as that term is defined in section thirty-three hundred two of the public health law, he or she knowingly and unlawfully sells a prescription for a controlled substance. For the purposes of this section, a person sells a prescription for a controlled substance unlawfully when he or she does so other than in good faith in the course of his or her professional practice; or
2. being a practitioner or pharmacist, as those terms are defined in section thirty-three hundred two of the public health law, he or she, acting other than in good faith, while purporting to act within the scope of the power, authority and privileges of his or her license, as that term is defined in section thirtythree hundred two of the public health law, knowingly and unlawfully sells a controlled substance.

*Criminal sale of a prescription for a controlled substance or of a controlled substance by a practitioner or pharmacist is a class C felony.*

§220.70 Criminal possession of methamphetamine manufacturing material in the second degree.

A person is guilty of criminal possession of methamphetamine manufacturing material in the second degree when he or she possesses a precursor, a chemical reagent or a solvent with the intent to use or knowing another intends to use such precursor,

chemical reagent, or solvent to unlawfully produce, prepare or manufacture methamphetamine.

*Criminal possession of methamphetamine manufacturing material in the second degree is a class A misdemeanor.*

§220.71 Criminal possession of methamphetamine manufacturing material in the first degree.

A person is guilty of criminal possession of methamphetamine manufacturing material in the first degree when he or she commits the offense of criminal possession of methamphetamine manufacturing material in the second degree, as defined in section 220.70 of this article, and has previously been convicted within the preceding five years of criminal possession of methamphetamine manufacturing material in the second degree, as defined in section 220.70 of this article, or a violation of this section.

*Criminal possession of methamphetamine manufacturing material in the first degree is a class E felony.*

§220.72 Criminal possession of precursors of methamphetamine.

A person is guilty of criminal possession of precursors of methamphetamine when he or she possesses at the same time a precursor and a solvent or chemical reagent, with intent to use or knowing that another intends to use each such precursor, solvent or chemical reagent to unlawfully manufacture methamphetamine.

*Criminal possession of precursors of methamphetamine is a class E felony.*

§220.73 Unlawful manufacture of methamphetamine in the third degree.

A person is guilty of unlawful manufacture of methamphetamine in the third degree when he or she possesses at the same time and location, with intent to use, or knowing that another intends to use each such product to unlawfully manufacture, prepare or produce methamphetamine:

1. Two or more items of laboratory equipment and two or more precursors, chemical reagents or solvents in any combination; or
2. One item of laboratory equipment and three or more precursors, chemical reagents or solvents in any combination; or
3. A precursor:
  - (a) mixed together with a chemical reagent or solvent; or
  - (b) with two or more chemical reagents and/or solvents mixed together.

*Unlawful manufacture of methamphetamine in the third degree is a class D felony.*

§220.74 Unlawful manufacture of methamphetamine in the second degree.

A person is guilty of unlawful manufacture of methamphetamine in the second degree when he or she:

1. Commits the offense of unlawful manufacture of methamphetamine in the third degree as defined in section 220.73 of this article in the presence of another

person under the age of sixteen, provided, however, that the actor is at least five years older than such other person under the age of sixteen; or

2. Commits the crime of unlawful manufacture of methamphetamine in the third degree as defined in section 220.73 of this article and has previously been convicted within the preceding five years of the offense of criminal possession of precursors of methamphetamine as defined in section 220.72 of this article, criminal possession of methamphetamine manufacturing material in the first degree as defined in section 220.71 of this article, unlawful disposal of methamphetamine laboratory material as defined in section 220.76 of this article, unlawful manufacture of methamphetamine in the third degree as defined in section 220.73 of this article, unlawful manufacture of methamphetamine in the second degree as defined in this section, or unlawful manufacture of methamphetamine in the first degree as defined in section 220.75 of this article.

*Unlawful manufacture of methamphetamine in the second degree is a class C felony.*

§220.75 Unlawful manufacture of methamphetamine in the first degree.

A person is guilty of unlawful manufacture of methamphetamine in the first degree when such person commits the crime of unlawful manufacture of methamphetamine in the second degree, as defined in subdivision one of section 220.74 of this article, after having previously been convicted within the preceding five years of unlawful manufacture of methamphetamine in the third degree, as defined in section 220.73, unlawful manufacture of methamphetamine in the second degree, as defined in section 220.74 of this article, or unlawful manufacture of methamphetamine in the first degree, as defined in this section.

*Unlawful manufacturer\* of methamphetamine in the first degree is a class B felony.*

\*(So in original. Probably should read "manufacture".)

§220.76 Unlawful disposal of methamphetamine laboratory material.

A person is guilty of unlawful disposal of methamphetamine laboratory material when, knowing that such actions are in furtherance of a methamphetamine operation, he or she knowingly disposes of, or possesses with intent to dispose of, hazardous or dangerous material under circumstances that create a substantial risk to human health or safety or a substantial danger to the environment.

*Unlawful disposal of methamphetamine laboratory material is a class E felony.*

§220.77 Operating as a major trafficker.

A person is guilty of operating as a major trafficker when:

1. Such person acts as a director of a controlled substance organization during any period of twelve months or less, during which period such controlled substance organization sells one or more controlled

substances, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more; or

2. As a profiteer, such person knowingly and unlawfully sells, on one or more occasions within six months or less, a narcotic drug, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more.

3. As a profiteer, such person knowingly and unlawfully possesses, on one or more occasions within six months or less, a narcotic drug with intent to sell the same, and such narcotic drugs have a total aggregate value of seventy-five thousand dollars or more.

*Operating as a major trafficker is a class A-I felony.*

§220.78 Witness or victim of drug or alcohol overdose.

1. A person who, in good faith, seeks health care for someone who is experiencing a drug or alcohol overdose or other life threatening medical emergency shall not be charged or prosecuted for a controlled substance offense under this article or a cannabis offense under article two hundred twenty-two of this title, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years under section sixty-five-c of the alcoholic beverage control law, or for possession of drug paraphernalia under article thirty-nine of the general business law, with respect to any controlled substance, cannabis, alcohol or paraphernalia that was obtained as a result of such seeking or receiving of health care.

2. A person who is experiencing a drug or alcohol overdose or other life threatening medical emergency and, in good faith, seeks health care for himself or herself or is the subject of such a good faith request for health care, shall not be charged or prosecuted for a controlled substance offense under this article or a cannabis offense under article two hundred twenty-two of this title, other than an offense involving sale for consideration or other benefit or gain, or charged or prosecuted for possession of alcohol by a person under age twenty-one years under section sixty-five-c of the alcoholic beverage control law, or charged or prosecuted for possession of cannabis or concentrated cannabis by a person under the age of twenty-one under section one hundred thirty-two of the cannabis law, or for possession of drug paraphernalia under article thirty-nine of the general business law, with respect to any substance, cannabis, alcohol or paraphernalia that was obtained as a result of such seeking or receiving of health care.

3. Definitions. As used in this section the following terms shall have the following meanings:

(a) "Drug or alcohol overdose" or "overdose" means an acute condition including, but not limited to, physical illness, coma, mania, hysteria or death, which is the result of consumption or use of a controlled substance or alcohol and relates to an adverse reaction to or the quantity of the controlled substance or alcohol or a

substance with which the controlled substance or alcohol was combined; provided that a patient's condition shall be deemed to be a drug or alcohol overdose if a prudent layperson, possessing an average knowledge of medicine and health, could reasonably believe that the condition is in fact a drug or alcohol overdose and (except as to death) requires health care.

(b) "Health care" means the professional services provided to a person experiencing a drug or alcohol overdose by a health care professional licensed, registered or certified under title eight of the education law or article thirty of the public health law who, acting within his or her lawful scope of practice, may provide diagnosis, treatment or emergency services for a person experiencing a drug or alcohol overdose.

4. It shall be an affirmative defense to a criminal sale controlled substance offense under this article or a criminal sale of cannabis offense under article two hundred twenty-two of this title, not covered by subdivision one or two of this section, with respect to any controlled substance or cannabis which was obtained as a result of such seeking or receiving of health care, that:

(a) the defendant, in good faith, seeks health care for someone or for him or herself who is experiencing a drug or alcohol overdose or other life threatening medical emergency; and

(b) the defendant has no prior conviction for the commission or attempted commission of a class A-I, A-II or B felony under this article.

5. Nothing in this section shall be construed to bar the admissibility of any evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for the bar to prosecution or for the affirmative defense; nor with regard to other crimes committed by a person who otherwise qualifies under this section; nor shall anything in this section be construed to bar any seizure pursuant to law, including but not limited to pursuant to section thirty-three hundred eightyseven of the public health law.

6. The bar to prosecution described in subdivisions one and two of this section shall not apply to the prosecution of a class A-I felony under this article, and the affirmative defense described in subdivision four of this section shall not apply to the prosecution of a class A-I or A-II felony under this article. (Eff.3/31/21,Ch.92,L.2021)

## Cannabis

Section	
222.00	Cannabis; definitions
222.05	Personal use of cannabis
222.10	Restrictions on cannabis use
222.15	Personal cultivation and home possession of cannabis
222.20	Licensing of cannabis production and distribution; defense
222.25	Unlawful possession of cannabis
222.30	Criminal possession of cannabis in the third degree

222.35 Criminal possession of cannabis in the second degree.

222.40 Criminal possession of cannabis in the first degree

222.45 Unlawful sale of cannabis

222.50 Criminal sale of cannabis in the third degree

222.55 Criminal sale of cannabis in the second degree

222.60 Criminal sale of cannabis in the first degree

222.65 Aggravated criminal sale of cannabis

### §222.00 Cannabis; definitions.

1. "Cannabis" means all parts of the plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp or hemp extract as defined in section three of the cannabis law or drug products approved by the Federal Food and Drug Administration.

2. "Concentrated cannabis" means:

(a) the separated resin, whether crude or purified, obtained from a plant of the genus Cannabis; or

(b) a material, preparation, mixture, compound or other substance which contains more than three percent by weight of delta-9 tetrahydrocannabinol, or its isomer, delta-8 dibenzopyran numbering system, or delta-1 tetrahydrocannabinol or its isomer, delta 1 (6) monoterpene numbering system.

3. For the purposes of this article, "sell" shall mean to sell, exchange or dispose of for compensation. "Sell" shall not include the transfer of cannabis or concentrated cannabis between persons twenty-one years of age or older without compensation in the quantities authorized in paragraph (b) of subdivision one of section 222.05 of this article.

4. For the purposes of this article, "smoking" shall have the same meaning as that term is defined in section three of the cannabis law.

### §222.05 Personal use of cannabis.

Notwithstanding any other provision of law to the contrary:

1. The following acts are lawful for persons twenty-one years of age or older:

(a) possessing, displaying, purchasing, obtaining, or transporting up to three ounces of cannabis and up to twenty-four grams of concentrated cannabis;

(b) transferring, without compensation, to a person twenty-one years of age or older, up to three ounces of cannabis and up to twenty-four grams of concentrated cannabis;

(c) using, smoking, ingesting, or consuming cannabis or concentrated cannabis unless otherwise prohibited by state law;

(d) possessing, using, displaying, purchasing, obtaining, manufacturing, transporting or giving to any person twenty-one years of age or older cannabis paraphernalia or concentrated cannabis paraphernalia; (e) planting, cultivating, harvesting, drying, processing or possessing cultivated cannabis in accordance with section 222.15 of this article; and

(f) assisting another person who is twenty-one years of age or older, or allowing property to be used, in any of the acts described in paragraphs (a) through (e) of this subdivision.

2. Cannabis, concentrated cannabis, cannabis paraphernalia or concentrated cannabis paraphernalia involved in any way with conduct deemed lawful by this section are not contraband nor subject to seizure or forfeiture of assets under article four hundred eighty of this chapter, section thirteen hundred eleven of the civil practice law and rules, or other applicable law, and no conduct deemed lawful by this section shall constitute the basis for approach, search, seizure, arrest or detention.

3. Except as provided in subdivision four of this section, in any criminal proceeding including proceedings pursuant to section 710.20 of the criminal procedure law, no finding or determination of reasonable cause to believe a crime has been committed shall be based solely on evidence of the following facts and circumstances, either individually or in combination with each other:

- (a) the odor of cannabis;
- (b) the odor of burnt cannabis;
- (c) the possession of or the suspicion of possession of cannabis or concentrated cannabis in the amounts authorized in this article;
- (d) the possession of multiple containers of cannabis without evidence of concentrated cannabis in the amounts authorized in this article;
- (e) the presence of cash or currency in proximity to cannabis or concentrated cannabis; or
- (f) the planting, cultivating, harvesting, drying, processing or possessing cultivated cannabis in accordance with section 222.15 of this article.

4. Paragraph (b) of subdivision three of this section shall not apply when a law enforcement officer is investigating whether a person is operating a motor vehicle, vessel or snowmobile while impaired by drugs or the combined influence of drugs or of alcohol and any drug or drugs in violation of subdivision four or subdivision four-a of section eleven hundred ninetytwo of the vehicle and traffic law, or paragraph (e) of subdivision two of section forty-nine-a of the navigation law, or paragraph (d) of subdivision one of section 25.24 of the parks, recreation and historic preservation law. During such investigations, the odor of burnt cannabis shall not provide probable cause to search any area of a vehicle that is not readily accessible to the driver and reasonably likely to contain evidence relevant to the driver's condition.

#### §222.10 Restrictions on cannabis use.

Unless otherwise authorized by law or regulation, no person shall:

1. smoke or vape cannabis in a location where smoking or vaping cannabis is prohibited pursuant to article thirteen-E of the public health law; or

2. smoke, vape or ingest cannabis or concentrated cannabis in or upon the grounds of a school, as defined in subdivision ten of section eleven hundred twenty-five of the education law or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law; provided, however, provisions of this subdivision shall not apply to acts that are in compliance with article three of the cannabis law.

*Notwithstanding any other section of law, violations of restrictions on cannabis use are subject to a civil penalty not exceeding twenty-five dollars or an amount of community service not exceeding twenty hours.*

#### §222.15 Personal cultivation and home possession of cannabis.

1. Except as provided for in section forty-one of the cannabis law, and unless otherwise authorized by law or regulation, no person may:

- (a) plant, cultivate, harvest, dry, process or possess more than three mature cannabis plants and three immature cannabis plants at any one time; or
- (b) plant, cultivate, harvest, dry, process or possess, within his or her private residence, or on the grounds of his or her private residence, more than three mature cannabis plants and three immature cannabis plants at any one time; or
- (c) being under the age of twenty-one, plant, cultivate, harvest, dry, process or possess cannabis plants.

2. No more than six mature and six immature cannabis plants may be cultivated, harvested, dried, or possessed within any private residence, or on the grounds of a person's private residence.

3. The personal cultivation of cannabis shall only be permitted within, or on the grounds of, a person's private residence.

4. Any mature or immature cannabis plant described in paragraph (a) or (b) of subdivision one of this section, and any cannabis produced by any such cannabis plant or plants cultivated, harvested, dried, processed or possessed pursuant to paragraph (a) or (b) of subdivision one of this section shall, unless otherwise authorized by law or regulation, be stored within such person's private residence or on the grounds of such person's private residence. Such person shall take reasonable steps designed to ensure that such cultivated cannabis is in a secured place and not accessible to any person under the age of twenty-one.

5. Notwithstanding any law to the contrary, a person may lawfully possess up to five pounds of cannabis in their private residence or on the grounds of such person's private residence. Such person shall take reasonable steps designed to ensure that such cannabis is in a secured place not accessible to any person under the age of twenty-one.

6. A county, town, city or village may enact and enforce regulations to reasonably regulate the actions and conduct set forth in subdivision one of this section; provided that:

(a) a violation of any such a regulation, as approved by such county, town, city or village enacting the regulation, may constitute no more than an infraction and may be punishable by no more than a discretionary civil penalty of two hundred dollars or less; and  
(b) no county, town, city or village may enact or enforce any such regulation or regulations that may completely or essentially prohibit a person from engaging in the action or conduct authorized by subdivision one of this section.

*A violation of this section, other than paragraph (a) of subdivision six of this section, may be subject to a civil penalty of up to one hundred twentyfive dollars per violation.*

7. The office of cannabis management shall issue regulations for the home cultivation of cannabis. The office of cannabis management shall enact, and may enforce, regulations to regulate the actions and conduct set forth in this section including requirements for, or restrictions and prohibitions on, the use of any compressed flammable gas solvents such as propane, butane, or other hexane gases for cannabis processing; or other forms of home cultivation, manufacturing, or cannabinoid production and processing, which the office determines poses a danger to public safety; and to ensure the home cultivation of cannabis is for personal use by an adult over the age of twentyone in possession of cannabis plants, and not utilized for unlicensed commercial or illicit activity, provided any regulations issued by the office shall not completely or essentially prohibit a person from engaging in the action or conduct authorized by this section.

8. The office of cannabis management may issue guidance or advisories for the education and promotion of safe practices for activities and conduct authorized in subdivision one of this section.

9. Subdivisions one through five of this section shall not take effect until such a time as the office of cannabis management has issued regulations governing the home cultivation of cannabis. The office shall issue rules and regulations governing the home cultivation of cannabis by certified patients as defined in section three of the cannabis law, no later than six months after the effective date of this article and shall issue rules and regulations governing the home cultivation of cannabis for cannabis consumers as defined by section three of the cannabis law no later than eighteen months following the first authorized retail sale of adult-use cannabis products to a cannabis consumer.

#### §222.20 Licensing of cannabis production and distribution; defense.

In any prosecution for an offense involving cannabis under this article or an authorized local law, it is a defense that the defendant was engaged in such activity in compliance with the cannabis law.

#### §222.25 Unlawful possession of cannabis.

A person is guilty of unlawful possession of cannabis when he or she knowingly and unlawfully possesses cannabis and such cannabis weighs more than three

ounces or concentrated cannabis and such concentrated cannabis weighs more than twenty-four grams.

*Unlawful possession of cannabis is a violation punishable by a fine of not more than one hundred twenty-five dollars.*

#### §222.30 Criminal possession of cannabis in the third degree.

A person is guilty of criminal possession of cannabis in the third degree when he or she knowingly and unlawfully possesses:

1. cannabis and such cannabis weighs more than sixteen ounces; or
2. concentrated cannabis and such concentrated cannabis weighs more than five ounces.

*Criminal possession of cannabis in the third degree is a class A misdemeanor.*

#### §222.35 Criminal possession of cannabis in the second degree.

A person is guilty of criminal possession of cannabis in the second degree when he or she knowingly and unlawfully possesses:

1. cannabis and such cannabis weighs more than five pounds; or
2. concentrated cannabis and such concentrated cannabis weighs more than two pounds.

*Criminal possession of cannabis in the second degree is a class E felony.*

#### §222.40 Criminal possession of cannabis in the first degree.

A person is guilty of criminal possession of cannabis in the first degree when he or she knowingly and unlawfully possesses:

1. cannabis and such cannabis weighs more than ten pounds; or
2. concentrated cannabis and such concentrated cannabis weighs more than four pounds.

*Criminal possession of cannabis in the first degree is a class D felony.*

#### §222.45 Unlawful sale of cannabis.

A person is guilty of unlawful sale of cannabis when he or she knowingly and unlawfully sells cannabis or concentrated cannabis. *Unlawful sale of cannabis is a violation punishable by a fine of not more than two hundred fifty dollars.*

#### §222.50 Criminal sale of cannabis in the third degree.

A person is guilty of criminal sale of cannabis in the third degree when:

1. he or she knowingly and unlawfully sells more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis; or
2. being twenty-one years of age or older, he or she knowingly and unlawfully sells or gives, or causes to be given or sold, cannabis or concentrated cannabis to a person less than twenty-one years of age; except that in any prosecution under this subdivision, it is a defense that the defendant was less than three years older than the person under the age of twenty-one at the time of

the offense. This subdivision shall not apply to designated caregivers, practitioners, employees of a registered organization or employees of a designated caregiver facility acting in compliance with article three of the cannabis law.

*Criminal sale of cannabis in the third degree is a class A misdemeanor.*

§222.55 Criminal sale of cannabis in the second degree.

A person is guilty of criminal sale of cannabis in the second degree when:

1. he or she knowingly and unlawfully sells more than sixteen ounces of cannabis or more than five ounces of concentrated cannabis; or
2. being twenty-one years of age or older, he or she knowingly and unlawfully sells or gives, or causes to be given or sold, more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis to a person less than eighteen years of age. This subdivision shall not apply to designated caregivers, practitioners, employees of a registered organization or employees of a designated caregiver facility acting in compliance with article three of the cannabis law.

*Criminal sale of cannabis in the second degree is a class E felony.*

§222.60 Criminal sale of cannabis in the first degree.

A person is guilty of criminal sale of cannabis in the first degree when he or she knowingly and unlawfully sells more than five pounds of cannabis or more than two pounds of concentrated cannabis.

*Criminal sale of cannabis in the first degree is a class D felony.*

§222.65 Aggravated criminal sale of cannabis.

A person is guilty of aggravated criminal sale of cannabis when he or she knowingly and unlawfully sells cannabis or concentrated cannabis weighing one hundred pounds or more.

*Aggravated criminal sale of cannabis is a class C felony.*

<u>CLASS</u>	<u>MAXIMUM SENTENCE</u>
Violation	15 days
B misdemeanor	3 months
A misdemeanor	1 year
E felony	Not to exceed 4 years
D felony	Not to exceed 7 years
C felony	Not to exceed 15 years
B felony	Not to exceed 25 years
A felony	Life



Appendix E

Federal Trafficking Penalties									
CSA	PENALTY		Quantity	DRUG	Quantity	PENALTY			
	2nd Offense	1st Offense				1st Offense	2nd Offense		
II	Not less than 10 years. Not more than life.	Not less than 5 years. Not more than 40 years.	{ 5 - 49 gms pure or 50 - 499 gms mixture	METHAMPHETAMINE	{ 50 gms or more pure or 500 gms or more mixture	Not less than 10 years. Not more than life.	Not less than 20 years. Not more than life.		
I			{ 100 - 999 gms mixture	HEROIN	{ 1 kg or more mixture				
II			{ 500 - 4,999 gms	COCAINE	{ 5 kgs or more mixture				
II	If death or serious bodily injury, life imprisonment.	If death or serious bodily injury, not less than 20 years.	{ 28 - 279 gms mixture	COCAINE BASE	{ 280 gms or more mixture	If death or serious bodily injury, not less than 20 years.	Fine of not more than \$20 million if an individual,		
II			{ 10 - 99 gms pure or 100 - 999 gms mixture	PCP	{ 100 gms or more pure or 1 kg or more mixture			Not more than life.	\$75 million if not an individual.
I									
IV	individual, \$50 million if not an individual	If an individual, \$25 million if not an individual.	{ 40 - 399 gms mixture	FENTANYL	{ 400 gms or more mixture	If an individual, \$50 million if not an individual.	Fine of not more than \$20 million if an individual,		
I			{ 10 - 99 gms mixture	FENTANYL ANALOGUE	{ 100 gms or more mixture			\$75 million if not an individual.	
I and II	Drug	Quantity	First Offense		Second Offense				
	Others <sup>1</sup>	any	Not more than 20 years.		Not more than 30 years.				
	Flunitrazepam (Sch. IV)	1 gm	If death or serious bodily injury, not less than 20 years, not more than life.		If death or serious bodily injury, life imprisonment.				
	Any product containing Gamma Hydroxybutyric Acid	any	Fine \$1 million if an individual, \$5 million if not an individual.		Fine \$2 million if an individual, \$10 million if not an individual.				
III	All	any	Not more than 10 years. If death or serious injury, not more than 15 years. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.		Not more than 20 years. If death or serious injury, not more than 30 years. Fine not more than \$1 million if an individual, \$5 million if other than an individual.				
IV	All, other than Flunitrazepam	any	Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		Not more than 10 years. Fine not more than \$500,000 individual, \$2 million if other than an individual.				
	Flunitrazepam	Other than 1 gm							
V	All	any	Not more than 1 year. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.		Not more than 4 years. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.				

<sup>1</sup>Other Schedule I and II drugs; does not include marijuana, hashish, or hashish oil. (See separate chart)

Federal Trafficking Penalties-Marijuana

Quantity	Description	First Offense	Second Offense
1,000 kg or more mixture; or 1,000 or more plants	Marijuana	Not less than 10 years or more than life.  If death or serious bodily injury, not less than 20 years, or more than life.  Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 years or more than life.  If death or serious bodily injury, life imprisonment.  Fine not more than \$20 million if an individual, \$75 million if other than in individual.
100 kg to 999 kg mixture; 100-999 plants	Marijuana	Not less than 5 years or more than 40 years.  If death or serious bodily injury, not less than 20 years or more than life.  Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 years or more than life.  If death or serious bodily injury, life imprisonment.  Fine not more than \$20 million if an individual, \$75 million if other than an individual.
50 to 99 kg mixture	Marijuana	Not more than 20 years.	Not more than 30 years.
10 kg or more	Hashish	If death or serious bodily injury, not less than 20years or more than life.	If death or serious bodily injury, life imprisonment.
1 kg or more	Hashish Oil	Fine \$1 million if an individual, \$5 million if other than an individual.	Fine \$2 million if an individual, \$10 million if other than individual.
50-99 plants	Marijuana		
1 - 49 plants; Less than 50 kg (but does not include 50+ plants)	Marijuana	Not more than 5 years.	Not more than 10 years.
10 kg or less	Hashish	Fine not more than \$250,000, \$1 million if other than an individual.	Fine \$500,000 if an individual, \$2 million if other than individual.
1 kg or less	Hashish Oil		

(Marijuana is a Schedule I controlled substance.) \*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$8 million if an individual and \$20 million of other than an individual.

## Appendix F

### Caution: Drugs and Alcohol Don't Mix

For further information, contact your pharmacist.

#### • TRANQUILIZERS

Depressant drugs used to treat anxiety panic attacks and some muscular disorders e.g. meprobamate (Equanil), chlordiazepoxide (Librium), diazepam (Valium), oxazepam (Serax), alprazolam (Xanax II), lorazepam (alivan), etc.

+ ALCOHOL=

Decreased alertness and judgment can lead to household and auto accidents. An especially dangerous combination which even in small doses can lead to heart and breathing failure.

#### • OVER-THE-COUNTER PAINKILLERS

Non-narcotic analgesics like aspirin acetaminophen and ibuprofen.

+ ALCOHOL=

Increases possible irritation and bleeding in the stomach and intestines. Possible liver damage.

#### • PRESCRIPTION PAINKILLERS

Narcotic analgesics used to relieve pain such as morphine, codeine, hydromorphone (Diauid), oxycodone (Percodan); propoxyphene (Darvon), etc. Also used to suppress coughs and treat diarrhea.

+ ALCOHOL=

Alcohol increases the depressant effects of these drugs and reduces central nervous system functioning, which can lead to breathing failure and death.

#### • ANTIHISTAMINES

Contained in most cold and cough remedies- also used to treat allergies and motion sickness.

+ ALCOHOL=

Drowsiness and loss of alertness making driving and operation of machinery hazardous.

#### • TIMED-RELEASE CAPSULES & COATED PILLS

Many cold and allergy medications over the counter painkillers, vitamins etc.

+ ALCOHOL=

Alcohol dissolves the coating so the full dose may be felt immediately instead of properly delayed. May

cause excessive sedation or may have a cardiovascular effect.

#### • ANTIBIOTICS

A group of drugs used to treat infections, e.g. penicillin, erythromycin, amoxicillin tetracycline, cycloserine (Seromycin), furazolidone, griseofulvin, etc.

+ ALCOHOL=

A range of effects are possible when these drugs are combined with alcohol. Some can cause nausea and vomiting (especially those for urinary tract infections); some are rendered less effective. Other possible complications are shortness of breath, liver damage, risk of seizures.

#### • SLEEP MEDICINES

Non-prescription sleeping aids (e.g. Sominex, Unisom, etc.)

+ ALCOHOL=

Alcohol greatly increases drug potency which depresses the central nervous system.

#### • PRESCRIPTION SLEEP AIDS

Sedative hypnotics used to treat sleep disorders such as flurazepam (Dalmane), triazolam (Halcion), secobarbital (Seconal), pentobarbital (Nembutal), etc.

+ ALCOHOL=

Can be a fatal combination causing coma or breathing failure.

#### • ANTIPSYCHOTICS

Psychotropic drugs used in the treatment of mental disorders e.g. haloperidol (Haldol), chlorpromazine (Thorazine), fluphenazine (Prolixin), etc.

+ ALCOHOL=

Increased depression of central nervous system functioning including severe impairment of voluntary movements such as walking and use of the hands. Can cause respiratory failure and death as well as liver damage.

• CENTRAL NERVOUS SYSTEM STIMULANTS

Includes nonprescription diet pills, caffeine, and amphetamines and drugs used to treat obesity, narcolepsy, and attention deficit disorder.

+ ALCOHOL=

Used by an intoxicated person, stimulants may give drinker a false sense of alertness. These drugs do not help an intoxicated person "sober up".

• ANTIDEPRESSANTS

Drugs used to prevent or treat depression such as amitriptyline (Elavil), imipramine (Tofranil), desipramine (pertofrane), fluoxetine (Prozac), doxepin (Adapin), etc.

+ ALCOHOL=

A person's ability to operate normally is impaired. Certain combinations can cause blood pressure crisis.

• HIGH BLOOD PRESSURE MEDICATIONS

Anti-hypertensive agents like Serpasil, Aldomet, Apresoline (Capoten), Clonidine, catapres, Inderal, etc.

+ ALCOHOL=

Very hazardous; when taken with these medications, alcohol can lower blood pressure to dangerous levels.

• ANTICONVULSANTS

Drugs used to prevent seizures e.g. phenobarbital, Dilantin, clonazepam (Rivotril), Zonitoin, carbamazepine (Mezaxpine), etc.

+ ALCOHOL=

The drug's ability to stop seizures is lessened; possible liver damage. Blood disorder side effects may be exaggerated.

• ANTIDIABETIC/HYPOGLYCEMIC

Drugs used to treat diabetes and hypoglycemia including insulin, chlorpropamide, glyburide, tolbutamide, etc.

+ ALCOHOL=

Alcohol can decrease the rate at which the body breaks down insulin. Can cause severe and unpredictable reactions. Patients taking these medications should avoid alcohol.

• DIURETICS

Used to rid the body of excess water and also to treat high blood pressure, e.g. Dioril, Lasix, Hydromox, Hygroton, Esidrex etc.

+ ALCOHOL=

Reduction in blood pressure causing dizziness on standing.

• ANTICOAGULANTS

Drugs used to slow blood clotting, such as anisidione, panwarfin, dicumarol, etc.

+ ALCOHOL=

Alcohol increases the ability of these drugs to stop clotting which can lead to life threatening bleeding. In chronic drinkers the drug may be less effective.

NOTE: Many cough syrups, nighttime cold medicines, asthma medications, and other over-the-counter drugs contain alcohol. It is extremely important not to mix these products with any depressant drug, including alcohol.

## Appendix G

The following chart, reprinted from a brochure prepared by the New York State Division of Substance Abuse Service, provides information regarding the use of drugs, their symptoms, and the hazards of drug use:

### COMMON DRUGS: SYMPTOMS of ABUSE

Type of Drug	Drug Name	Street Names	Methods of Use	Symptoms of Use	Hazards of Use
<b>Marijuana Hashish</b>		Pot, Grass, Reefer, Weed, Colombian, Hash, Hash Oil, Sinsemilla Joint, Chiba, Herb, Spliff	Most often smoked, can also be swallowed in solid form	Sweet, burnt odor Neglect of appearance Loss of interest, motivation Possible weight change	Impaired memory perception Interference with psychological maturation Possible damage to lungs, heart, and reproduction and immune systems Psychological dependence
<b>Cocaine</b>		Coke, Snow Toot, White Lady, Blow, Rock, CRACK	Most often smoked or inhaled; also injected or swallowed in powder, pill or rock form	Restlessness, anxiety Intense, short-term high followed by depression	Intense psychological dependence Sleeplessness: anxiety Nasal passage damage Lung damage Death from overdose
<b>Stimulants</b>  Drugs that simulate the central nervous system *Includes look alike drugs that contain caffeine, phenylpropanolamine (PBA) & ephedrine	Amphetamines* Dextroamphetamine Methamphetamine	Speed, Uppers, Pep Pills Bennies Dexies Moth, Crystal Black Beauties	Swallowed in pill or capsule form, or injected into veins	Excess activity, Irritability, nervousness Mood swings Needle marks	Loss of appetite Hallucinations: paranoia Convulsions, coma Brain damage Death from overdose
	Nicotine	Coffin Nail Butt, Smoke	Found in cigarettes, cigars, pipe and chewing tobacco	Smell of tobacco High carbon monoxide levels Stained teeth Yellow fingers	Cancers of the lung, throat, mouth, esophagus Heart disease: emphysema
<b>Depressants</b>  Drugs that slow down the central nervous system	Barbiturates Pentobarbital Secobarbital Amobarbital	Barbs, Downers Yellow Jackets Red Devils Blue Devils	Swallowed in pill form or injected into veins	Drowsiness Confusion Impaired judgement Slurred speech Needle marks Constricted pupils	Infection Addiction with severe withdrawal symptoms Loss of appetite Death from overdose Nausea
	Quaalude Sopor	Ludes Soapers	Swallowed in pill form	Impaired judgement and performance Drowsiness Slurred speech	Death from overdose Injury or death from car accident: severe interaction with alcohol
<b>Narcotics</b>  Natural or synthetic drug that contain or resemble opium	Dilaudid, Percodan Demerol, Methadone		Swallowed in pill or liquid form, injected	Drowsiness Lethargy	Addiction with severe withdrawal symptoms Loss of Appetite Death from overdose
	Codeine	School Boy	Swallowed in pill or liquid form		
	Morphine Heroin		Injected into veins, smoked	Needle Marks	
<b>Hallucinogens</b>  Drugs that alter perceptions of reality	PCP (phencyclidine)	Angel Dust, Killer Hog, Weed, Supergrass, PeaCee Pill	Most often smoked: can also be inhaled, (snorted), injected or swallowed in tablets	Slurred speech: blurred vision, incoordination Confusion, agitation Aggression	Anxiety: depression Impaired memory, perception Death from accidents Death from overdose
	LSD	Acid, Cubes, Purple haze	Usually swallowed	Dilated pupils Illusions: hallucinations Mood swings	Breaks from reality Emotional breakdown
	Mescaline Psilocybin	Mesc. Cactus Magic Mushrooms	Usually swallowed in their natural form		Flashback
<b>Alcohol</b>		Booze, Hooch, Juice, Brew	Swallowed in liquid form	Impaired muscle coordination, judgment	Heart & liver damage Death from overdose and accidents. Addiction
<b>Inhalants</b>  Substances abused by sniffing	Gasoline Airplane Glue Paint Thinner Dry Cleaner Fluid		Inhaled or sniffed, often with use of paper or plastic bag or rag	Poor motor coordination Impaired vision, memory and thought	High risk of sudden death Drastic weight loss Brain, liver, and bone marrow damage
	Nitrous Oxide	Laughing Gas, Whippets	Inhaled or sniffed by mask or balloons	Abusive, violent behavior Lightheadedness	Death by anoxia Neuropathy, muscle weakness
	Amyl Nitrite Butyl Nitrite	Poppers, Snappers, Rush, Locker Room	Inhaled or sniffed from gauze or ampules	Slowed thought Headache	Anemia, death by anoxia

Note: Taking drugs of any type during pregnancy can be hazardous to the fetus

Adapted from "Children and Drugs": distributed by Blue Cross and Blue Shield Plans of Vermont and New Hampshire

## Appendix H

### Hate Crimes Act of 2000

#### TITLE Y HATE CRIMES ACT OF 2000 ARTICLE 485

##### HATE CRIMES

###### Section

485.00 Legislative findings.

485.05 Hate crimes.

485.10 Sentencing.

###### §485.00 Legislative findings.

The legislature finds and determines as follows: criminal acts involving violence, intimidation and destruction of property based upon bias and prejudice have become more prevalent in New York state in recent years. The intolerable truth is that in these crimes, commonly and justly referred to as "hate crimes", victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation. Hate crimes do more than threaten the safety and welfare of all citizens. They inflict on victims incalculable physical and emotional damage and tear at the very fabric of free society. Crimes motivated by invidious hatred toward particular groups not only harm individual victims but send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs. Hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes. In a democratic society, citizens cannot be required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them. Current law does not adequately recognize the harm to public order and individual safety that hate crimes cause. Therefore, our laws must be strengthened to provide clear recognition of the gravity of hate crimes and the compelling importance of preventing their recurrence.

Accordingly, the legislature finds and declares that hate crimes should be prosecuted and punished with appropriate severity.

###### §485.05 Hate crimes.

1. A person commits a hate crime when he or she commits a specified offense and either:

- (a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion,

religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

2. Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people's burden under paragraph (a) or (b) of subdivision one of this section.

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second

degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses. (*Eff. 11/11/10, Ch.405, L.2010*)

4. For purposes of this section:
- (a) the term “age” means sixty years old or more;
  - (b) the term “disability” means a physical or mental impairment that substantially limits a major life activity.

§485.10 Sentencing.

1. When a person is convicted of a hate crime pursuant to this article, and the specified offense is a violent felony offense, as defined in section 70.02 of this chapter, the hate crime shall be deemed a violent felony offense.
2. When a person is convicted of a hate crime pursuant to this article and the specified offense is a misdemeanor or a class C, D or E felony, the hate crime shall be deemed to be one category higher than the specified offense the defendant committed, or one category higher than the offense level applicable to the defendant’s conviction for an attempt or conspiracy to commit a specified offense, whichever is applicable.
3. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class B felony:
  - (a) the maximum term of the indeterminate sentence must be at least six years if the defendant is sentenced pursuant to section 70.00 of this chapter;
  - (b) the term of the determinate sentence must be at least eight years if the defendant is sentenced pursuant to section 70.02 of this chapter;
  - (c) the term of the determinate sentence must be at least twelve years if the defendant is sentenced pursuant to section 70.04 of this chapter;
  - (d) the maximum term of the indeterminate sentence must be at least four years if the defendant is sentenced pursuant to section 70.05 of this chapter; and
  - (e) the maximum term of the indeterminate sentence or the term of the determinate sentence must be at least ten years if the defendant is sentenced pursuant to section 70.06 of this chapter.

4. Notwithstanding any other provision of law, when a person is convicted of a hate crime pursuant to this article and the specified offense is a class A-1 felony, the minimum period of the indeterminate sentence shall be not less than twenty years.

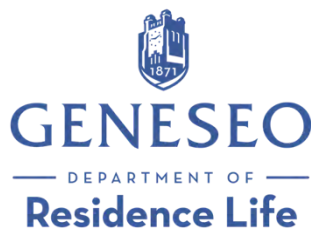
5. In addition to any of the dispositions authorized by this chapter, the court may require as part of the sentence imposed upon a person convicted of a hate crime pursuant to this article, that the defendant

complete a program, training session or counseling session is appropriate, available and was developed or authorized by the court or local agencies in cooperation with organizations serving the affected community. (*Eff. 11/1/10, Ch.158, L.2010*)

## **Appendix I**

### **2023 - 2024 Residential License**





## State University of New York at Geneseo Residential License 2023-2024

### I. Residence Life Core Purpose and Focus

<https://www.geneseo.edu/residence-life/student-life-core-purpose-and-focus>

- A. The SUNY Geneseo Department of Residence Life, in partnership with our residents, promotes an inclusive living and learning environment that fosters wellbeing and encourages engagement for all students who live on campus. Residence Life administers selected co-curricular educational and assessment initiatives within the residential experience. Opportunities for student engagement and learning within the department include the living-learning communities and residential college houses, as well as student leadership and applied learning opportunities. Our trained Residence Life team members pursue ways to collaborate with Geneseo faculty and staff to support our residents as they pursue their individual educational and personal goals. By providing challenges to better themselves, demonstrating an ethic of individual care, and building a strong, vibrant campus community, we hope to make a long-lasting positive impact on the lives of our students.

### II. General Terms and Conditions

- A. The Residential License is binding for the entire academic year. Once the Student (the “Student”) completes an application for housing they agree to abide by the regulations and policies set forth in these terms and conditions and to meet all financial responsibilities relating to room and meal plan charges for the academic year. SUNY Geneseo (the “College”) reserves the right to terminate this License at its discretion.
- B. SUNY Geneseo provides on-campus housing to every full-time, matriculated undergraduate who requests it (housing guarantee), providing they meet their financial obligations to the College and remain in compliance with College and residential policies, guidelines, standards, and the instructions of staff members. Graduate students are also eligible for housing. Full-time is defined as maintaining at least 12 credit hours per semester.
  - a. All residents must have a health history, physical examination, and complete immunization record on file at the Student Health Center.
  - b. Full payment or deferment for room and meal plan fees must be received by the College deadlines. Resident students are responsible for the financial obligation of living on campus and any balance not covered by financial aid. Note: A hold may be placed on the records of any student who has an outstanding financial obligation to the College.
  - c. Residents agree to read and abide by all College rules and regulations, policies and procedures, including but not limited to the SUNY Geneseo College Student Handbook and the Student Code of Conduct.

- d. Failure to do so may result in the termination or suspension of this license.
- C. This license creates a license allowing the resident to occupy campus housing. It is not a lease. The relationship between the College and the resident is that of a licensor-licensee and not that of landlord-tenant. The written terms and conditions of the license supersede all previous licenses, as well as any oral statements or telephone conversations related to this license. Applying for on-campus housing constitutes acceptance of the Residential License terms and conditions.
- D. Residency Requirement
  - 1. All full-time, first-time college students are required to reside on campus during their first four consecutive semesters of study at SUNY Geneseo.
    - a) Students admitted to SUNY Geneseo during the spring semester, are required to reside on campus for three consecutive semesters.
  - 2. College credits earned prior to enrollment at SUNY Geneseo are not considered college attendance, nor is enrollment in a college summer session between high school and enrollment at SUNY Geneseo.
  - 3. Students transferring with fewer than 30 credit hours from another college, exclusive of AP credits or credits obtained by testing are required to live on campus.
  - 4. Due to the residency requirement, even if the Student does not complete a housing application and returns to the College, this license will remain in effect covering the 2023-2024 and 2024-2025 academic years.
- E. Housing Contracts
  - a. Housing contracts are for the entire academic year (fall and spring semesters).
    - i. Contracts begun in August are effective until May. All students are expected to move out at the conclusion of the spring semester
    - ii. Contracts begun in January are effective until May.
  - b. Room rental charges are billed on a semester basis.
- F. Termination or Release from Contract
  - a. Residents who remain enrolled and vacate the halls prior to the expiration of the license without approval, remain liable for room and board charges which accrue against their account.
  - a) Moving Out
    - a. Student's deemed not eligible, released, or had their license terminated are expected to move out within 5 business days unless otherwise approved for further time.
    - b. Student's released from housing between the Fall and Spring semesters will be expected to move out at the end of the Fall semester.
  - b) Not Eligible
    - a. Students who are enrolled part time may request an exception to remain on campus with the Director of Residence Life (or designee) prior to the start of the semester.
  - c) Release from Housing (see below section)

### III. Occupancy Guidelines and Financial Obligations

Terms of occupancy are subject to change should future government directives so require. Residence Life reserves the right to relocate students to alternative housing as necessary to comply with public health directives or emergencies. Residence Life also reserves the right to administratively reassign residents as a result of conduct violations and applicable sanctions or consolidation purposes. Relocation does not constitute a termination of the Residential License Housing Agreement.

#### A. Deposits and Reservation of Residence Hall Space

1. New Students will need to submit a housing deposit along with their tuition deposit if they have a residency requirement or otherwise would like to reserve a residential space on campus.
  - i. This \$25.00 deposit is included in the initial \$175.00 deposit made with Admissions.
  - ii. The SUNY Geneseo Residential License Agreement and Housing Application must be completed online by July 1.
  - iii. Residence Hall and room preference are tied to the date of deposit and submission of the Residential License Agreement.
    1. Deposits received before May 1 are considered “on time”.
    2. The majority of students live in double rooms. If necessary, students may be placed in an expanded occupancy room.
2. Returning Students
  - a) In order for returning students to reserve a residential space for the next academic year, an application must be submitted using Symplicity housing software during the specified dates.
    - a. Students still bound by the residency requirement who have not submitted an application, will have an assignment created for them and are still bound by the Residential License.
  - b) Applicants must participate in the housing selection process.
    - a. Students who submit a housing application but do not participate in housing selection, will have an assignment created for them as they agreed to the Residential License
2. All Students
  - a) All full-time students are guaranteed on-campus housing for all years of enrollment.

#### B. Housing Assignments

1. To receive preference consideration for on-campus housing, requests must be received by applicable due dates.
2. Room assignments and changes are prerogatives of the College and are processed by written authorization from the Director of Residence Life or designee.
  - a) Requests for hall or room assignments/reassignments based on race, religion, sexual orientation, or ethnic background will not be honored.

3. The College reserves all rights with respect to the assignment and reassignment of room accommodations, and may, at its sole discretion, terminate such assignment. This includes the right to change the intended occupancy of an on-campus housing facility at any time to ensure the maximum utilization of the facility; to relocate residents within the on-campus housing system at its discretion for programmatic, financial, or disciplinary reasons; and/or reassign residents when the intended building or room occupancy is 50% or less.
  - a) In the instance of an on-campus housing reassignment, the resident(s) remaining in the residence agree(s) to accept and accommodate the new occupant(s). It is expected that a newly assigned student will be welcomed in a positive way
4. Residents may not change rooms without prior authorization from a Residence Life professional staff member.
5. Residents may be administratively removed from residence if they demonstrate an inability to abide by College policies necessary for effectively functioning in a group living environment.
6. Housing assignments for all first time students are delivered to the student's Geneseo email in early August.

C. Occupancy

1. Initial occupancy is required by the College's first day of classes each semester.
2. Rooms not claimed by this date may be reassigned unless written permission for late arrival has been given by the Director of Residence Life or designee.
3. A resident who has not notified the College of late arrival may be reassigned to any available space.
4. Residents have access to their assigned rooms during regular academic sessions from the designated move-in date in August to the designated move-out date in May.
  - a) College breaks are not considered regular academic sessions.
  - b) Break housing may be available for a daily or weekly fee based on the room rate with special permission.
5. Residence Hall Closing (for specific dates, see the Residence Life website)
  - a) Thanksgiving and Spring Breaks: All Residence Halls close at 10:00 a.m. on the morning following the last class day before vacation periods and open at 10:00 a.m. on the day preceding resumption of classes.
  - b) Winter Break: Residence Halls close on the day after the last final exam at 10:00 a.m. and reopen on the Saturday preceding the beginning of spring semester classes following Winter Break.
  - c) Saratoga Townhouses remain open throughout the duration of the academic year and do not close during college breaks.
6. At the end of each semester, residents are required to leave their residence hall space within twenty-four hours following the completion of their classes or examinations, or by hall closing, whichever comes first.
7. The Director of Residence Life or designee will grant special permission to international students and student athletes needing accommodations during vacation breaks as requested by the Department of International Student and

Scholar Services or the Department of Intercollegiate Athletics and Recreation respectively. Other students requesting break stay must meet eligibility requirements and apply as directed.

8. Residents leaving the college mid-year must remove all of their belongings at the end of the fall semester unless special permission is given by the Director of Residence Life or designee.
9. All items left behind after the residence halls closed will be considered abandoned and subsequently disposed of.

#### D. Subletting

1. Residents shall not assign or sublet this license to any part or all of the premises. Subletting includes short-term or temporary rental arrangements including, but not limited to, those offered through peer-to-peer accommodation services such as Airbnb, Craigslist, or Couchsurfing (list not exhaustive). Assigning or subletting will result in discipline and/or license revocation without compensation.
2. Students are not permitted to find other students to assume the remainder of their license.

#### E. Release from Housing

1. Permission to terminate this license is requested by submitting a Request for Release from Housing form located on our website. This request, if granted, is typically obtained at such time when the documented reason for the request is graduation, withdrawal from college, study abroad, or a similar situation. The Director of Residence Life designee may at their discretion approve or deny a properly completed Request for Release. An administrative fee, plus any related housing charges, may be assessed to any student requesting and receiving approval for termination for reasons other than graduation, transfer, withdrawal, or study abroad program. A resident's failure to obtain approval in advance of moving out may result in the request being denied, and a full room charge liability through the remainder of the license will be incurred.
2. Residents may be released from their housing agreement after the fall semester only under the one or more following conditions:
  - a) Academic program occurring off campus (study abroad; off-campus internship; student teaching not in the Geneseo area)
  - b) a medical condition that cannot be accommodated in campus housing;
  - c) commuting from permanent address (within 35 miles);
  - d) not eligible;
    - a. Students who are enrolled part time may request an exception to remain on campus with the Director of Residence Life (or designee) prior to the start of the semester.
    - b. Students who take a leave of absence, withdraw from the College, or graduate are not eligible for on campus housing and will be released.
  - e) or notable change or significant financial hardship.
3. All requests for release must include documentation.

- a) Documentation of financial hardships must demonstrate a significant change in financial circumstances since the original request for housing was submitted.
  - 4. A resident who is released from housing and remains enrolled in the College will be charged a \$150.00 administrative fee.
  - 5. Students who are not approved for release may appeal to the Director of Residence Life
- F. Vacancies, Room Changes, and Consolidations
- 1. The College reserves the right to administratively assign residents to fill vacancies and make changes in room assignments. Reasoning can include but is not limited to:
    - a) Health, safety, security, conduct, non-occupancy, or failure to remain actively enrolled without financial compensation to the student.
  - 2. Residents living in a residence hall room where a vacancy exists, may be given the opportunity to name a current resident to move in with them. Consideration is given to resident initiated requests for room changes through an established waitlist process.
    - a) Priority is given to residents housed in a temporary expanded occupancy room.
  - 3. All room changes must be approved by the Assistant Director of Residence Life for Housing Operations or their designee.
    - a) Residence Life's ability to accommodate room changes is limited.
  - 4. The College reserves the right to move residents residing in rooms which are occupied by fewer than the designed capacity to another standard room.
    - a) When vacancies occur, Residence Life may consolidate those vacancies. Consolidation of occupants may be employed. Residents living in a room where a vacancy exists may be subject to one of the following options, depending on the needs of Residence Life:
      - 1. Consolidate with another resident who resides where a vacancy exists.
      - 2. Effort will be made to move residents to a space in the same residence hall.
      - 3. Resident requests may not be accommodated.
    - b) Where consolidation is not deemed feasible by Residence Life staff, students may remain in the room with the understanding that a roommate/suite-mate/townhouse-mate may be assigned at any time.
- G. Room Rates
- <https://www.geneseo.edu/residence-life/residence-hall-room-rates>
- 1. Updated room rates are typically released by the College in the summer. They generally increase approximately 3% per year.
  - 2. Once a student completes a housing application or moves in, occupies their assigned residence hall space, they are obligated to pay their housing fee (also called room fee, charge, rate, cost, rent, etc.).
  - 3. Housing Deposit Refunds

- a) Current residents do not pay a housing deposit.
  - b) Incoming students not bound by the residency requirement will be guaranteed a full refund of the deposit if the request is submitted within 30 days of deposit date or by August 1, whichever comes first.
  - c) New spring residents: Prior to occupancy, new spring residential students (not bound by the residency requirement) who cancel their room reservations after December 15 and remain enrolled in the College will be charged a \$150.00 administrative fee.
  - d) Current students bound by the housing license: Students who are released from housing will be charged a \$150.00 administrative fee. After occupancy, students who are released will be subject to the below refund schedule in addition to the administrative fee.
  - e) Residents who are not released will be responsible for the full semester room charge.
4. Room Charges (semesterly)
- a) Once a residential space is occupied, 50% of the semester room charge is non-refundable.
  - b) After the mid-semester date (per the SUNY Geneseo academic calendar), 0% of the semester room charge is refundable.
  - c) Residents who remain enrolled and vacate the halls prior to the expiration of the license without approval, remain liable for room and board charges through the license period.
  - a) Exceptions:
    - i. The deposit and unused portion of paid rental fees may be refunded to a resident who withdraws upon being called to active military duty, at the discretion of the Director of Residence Life.
    - ii. Room rate charges are not affected by brief lapses in provided services.
5. Adjustments
- a) Residents assigned to expanded occupancy (tripled) rooms, safe rooms, or other temporary rooms, should be aware that they will be expected to move when vacancies occur.
    - i. Room rental rates will be adjusted to the standard rate.
  - b) Residents offered the opportunity to move into a standard space from an expanded occupancy room, may choose not to move, but will be charged for a standard space as per the billing dates listed in this license.
  - c) The date of notification of available space will be considered the date of occupancy change.
  - d) The College cannot guarantee double occupancy, including cases where a roommate fails to take occupancy of the room.
  - e) Whenever rooms are occupied by fewer persons than the designed capacity, such occupancy being at the request of the occupants and NOT resulting from room assignment by the College over which the resident has no control, the occupants shall pay the applicable room rate listed on the schedule of rates.



6. Accommodations for Students with Disabilities or Medical-Related Conditions  
<https://www.geneseo.edu/accessibility-office>

- a) All requests for accommodations must be made by the resident to the Office of Accessibility Services.
- b) Residence Life works with the Office of Accessibility Services to ensure that residents with documented physical or psychological disabilities are reasonably accommodated in accordance with federal law.

H. Campus Meal Plan

1. All students living on campus are required by SUNY Geneseo to purchase a meal plan. Meal plans are managed by Campus Auxiliary Services (CAS) - not Residence Life.
  - a. Students may choose from any of the following meal plans. Price listed is per semester. <https://www.geneseo.edu/cas/meal-plans>
  - b. All prices, terms, and conditions for the meal plans are subject to change.
2. Residents granted permission to remain in campus housing during College breaks may be required to purchase a break meal plan. Fees will be provided when the break stay request application is available.

I. Break Housing

1. The College accommodates break housing for all residents who meet the eligibility criteria. Residents who request approval to remain on campus for any period of time during one of the college breaks are required to complete an application requesting authorization to stay.
2. The right to reside on campus while classes are not in session is a privilege. Residents with a history of student conduct violations may not receive break housing accommodations.
3. Student Code of Conduct or Residence Life policy violations committed during a break may lead to loss of the privilege to reside in campus housing for future breaks. Depending on the severity, residents who violate the Student Code of Conduct or a Residence Life policy may lose the privilege to reside on campus during the break in which the incident occurs. All violations to the student code of conduct will be referred to the office of the Dean of Students.
4. Break housing fees may be charged at the daily or weekly room rate. All prices, terms, and conditions are subject to change.
5. Residents who remain in campus housing between semesters may be required to purchase a break meal plan. Fees will be provided when the break stay request application is available. All prices, terms, and conditions for the meal plans are subject to change.

J. Summer Housing

[https://www.geneseo.edu/campus\\_living/summer-session-housing](https://www.geneseo.edu/campus_living/summer-session-housing)

1. The Residential License is also in effect for all summer sessions if a student is residing in the residence halls.
2. Residents who have paid for summer housing will be allowed to stay in their residence hall through commencement weekend. Residents will be asked to move to the assigned summer housing the week following commencement. Moving into

summer housing and then into their fall assignments is done when Facilities and Residence Life can accommodate and will be communicated in advance.

- a) Check-in for each session begins at 12:00 p.m. on the Sunday before the start of the first class.
- b) Check-out for each session is by 10:00 a.m. on the Saturday following the last class for that particular session.

#### IV. Arrival and Departure from the Residence Halls

##### K. Check-In

1. Move-in dates for first-year and returning students are posted on our website. Times may be staggered. Students should arrive during their scheduled move-in time.
2. For verification, each resident must produce their SUNY Geneseo ID Card prior to being given access to their assigned room.
3. Room Condition Report (RCR)
  - a) Each resident of the College must complete and submit an assessment and verification of their assigned residential space within their first week of occupancy.
  - b) Incomplete RCRs or the failure to submit an RCR will result in the assumption of responsibility for any damage(s) evident to or loss of college issued property, furniture, or items to the resident of that assigned residence.
  - c) RCRs are the basis for assessment of any damage and/or loss attributable to the resident at the termination of occupancy.

##### L. Early Arrivals

1. Residents may not occupy or deliver items to their rooms, suites, or apartments prior to the official opening date unless an early arrival application request has been submitted and approved by the Department of Residence Life.
2. Residents approved for early arrival will be charged a daily room fee from the date they arrive and check-in until the date the residence halls officially open for the semester.
3. Residents must apply for and be authorized for early arrival based on eligibility criteria.

##### M. Late Arrivals

1. Residents arriving beyond the scheduled hours for check-in should contact their respective Residence Life Professional to communicate their arrival time. This is to ensure that residents make a connection with the staff of their assigned residence hall, receive their room key, and pick up any applicable information.
2. Residents who do not arrive by the first day of the academic semester without notice to the Department of Residence Life, will lose access to their residence hall room and may be reassigned to a new space.

##### N. Check-Out

1. Residents must vacate their residence hall within 24 hours following their last examination or by the date and time stipulated in the official academic calendar, whichever comes first.

- a) Residents who depart and move out at unexpected times (e.g., in the middle of a semester) are expected to contact their AC/RD and ensure they check-out properly. Failure to do so will result in charges.
2. The College reserves the right to remove the belongings of residents or charge for occupancy beyond this time.
  - a) Residence Life will not store, hold, or bag & tag items left behind. They will be discarded regardless of value within 24 hours of the official Residence Life closing date.
3. Residents who do not properly vacate their residence will incur daily housing charges until they depart and will be assessed a \$50.00 improper check-out charge.
4. Failure to return keys upon check-out will result in charges assessed for lock and/or key replacement. Late key returns will not be accepted.
5. Residents must remove and discard all refuse and personal items leaving the entire room, suite, or apartment in the same condition it was in upon their arrival at check-in. Failure to comply will result in charges.
6. Residents may identify and accept responsibility for any changes in the condition of their room based on the RCR prior to check-out.
7. Room damages will result in charges.

## V. Policies: Use, Care, and Responsibilities

### A. Cleaning

1. Residents are responsible for removing trash and recyclable items regularly.
2. Residents are responsible for maintaining satisfactory health and life safety standards and cleaning their own rooms, suites and all common areas (i.e. kitchens, bathrooms, and living rooms) within residential spaces, including all furniture, fixtures, and appliances not routinely cleaned by custodial staff.
3. Syringes and other sharp objects must be placed in a rigid container for disposal. These items should never be placed in a plastic trash bag, which could result in the object penetrating the container, resulting in the possibility of a puncture wound to another individual. Personal use syringes (e.g., insulin, medication, etc.) should be placed in a sharps disposal container. Containers are available at the Lauderdale Health Center and in each residence hall.
4. Campus custodial staff may enter suites or apartments to clean bathrooms and rooms when needed.

### B. Damage

1. Each resident is responsible for indicating the condition of room and common area upon moving in and will be billed for damage to College property.
2. All residents assigned to a particular residence hall room or suite will be charged for damages when individual responsibility cannot be determined and any assigned resident within the room or suite could have been reasonably responsible for or expected to prevent the damage or report its cause.
3. Residents are responsible for reporting needed repairs immediately to a residence hall staff member. Self-repair is not permitted.
4. To view costs for damages, please visit: [go.geneseo.edu/damagecosts](http://go.geneseo.edu/damagecosts)

5. Damages caused to the common areas of the building that one of multiple floors use may result in common area damage billing.
6. It is not permitted to chalk or paint exterior or interior walls, doors, floors, furniture, and general College Property.

#### C. Reporting Repairs

1. For urgent repairs, residents must contact their Resident Assistant immediately.
2. Residents can report repairs by submitting a work order.
  - a) Residents must submit a work order form to have college property within a suite, bedroom, or general area within a residence hall fixed or repaired.
3. Work order submission to completion of request is generally 24 to 48 hours. Repairs not completed by Facilities within 5 business days should be reported to Residence Life professional staff for follow up.

#### D. Decorations

1. Residents may decorate their room, suite or apartment, with the understanding that any damages to the room, suite or apartment will be assessed to the resident or residents responsible.
2. Wall decorations cannot cover more than 20% of the available area.
3. Tapestries and curtains are not permissible.
4. It is not permitted to chalk or paint exterior or interior walls, doors, floors, furniture, and general College Property.

#### E. Furniture and Equipment

1. Each resident is provided with a bed, desk, chair, closet space, and dresser.
2. Furniture provided by the College may not be removed from rooms, suites, townhouses, or common areas.
3. Furniture or equipment may not be disassembled.
4. Charges for moving common area or assigned furniture back to its proper location and for the loss or damage of such furniture are assessed against those responsible or if unknown as common area damage.

#### F. Guest Policy

Visitation is permitted as authorized by College and residence hall policies and regulations.

1. A guest is considered to be any person present who is not assigned to that space.
2. All guests are to be escorted by resident hosts at all times within the residence halls.
3. The right of a resident to reasonably live in privacy supersedes the right of a roommate to entertain guests. Roommates must receive each other's permission before inviting anyone to spend the night in the room.
4. Inappropriate behavior or visitation which infringes on the rights of other residents to have full use of any facility may lead to conduct action and/or removal from residence for the guest as well as the host.
5. A resident may host overnight visitors no more than three nights per month.
6. Guests are subject to any current health or safety policies (i.e., COVID-19).

#### G. Noise

1. While residents are permitted to have a reasonable amount of sound equipment (e.g., speakers), consideration of others and the right to quiet supersede its use.
2. Use of musical instruments may be limited, and excessive noise may result in conduct.

#### H. Courtesy Hours and Quiet Hours

1. Courtesy hours are in effect 24 hours a day 7 days a week.
2. Quiet hours are in effect:
  - a) Sunday - Thursday from 10:00 p.m. - 8:00 a.m.
  - b) Friday - Saturday from 12:00 a.m. - 10:00 a.m.
3. 24-hour Quiet Hours begin on the last day of classes at the designated time and remain in effect through the end of the last final examination.

#### I. Smoking

1. Smoking is prohibited in all on-campus residences at SUNY Geneseo.
2. While smoking, smokers must position themselves at least twenty-five feet away from any residence hall regardless of the weather.
3. “Smoking” includes any lit or vaporizing device that delivers any substance, including, but not limited to cigarettes, water pipes, hookah, and e-cigarettes or vapor cigarettes (which are not lit but deliver nicotine or any other substances through water vapor). E-cigarettes are prohibited because they can trigger smoke alarms and they affect some residents with allergies and respiratory sensitivities.

#### J. Pets

1. Possession of pets other than fish are not permitted in the residence halls.
  - a) Fish bowls and aquariums, less than 10 gallons in capacity are permitted for fish only.
  - b) [Emotional Support/Assistance Animals](#) are not trained to perform specific tasks but provide comfort to a person with a psychiatric disability. Any animal can be an “Emotional Support Animal” (ESA) as long as it does not pose a direct threat to the health and safety of others; will not cause substantial physical damage to the property of others; and will not fundamentally affect the operations of the residence hall. Students who need an assistance animal must submit medical documentation to the Office of Accessibility Services. ESAs are approved as a “reasonable accommodation” in housing. Students and animals must be able to follow the College’s policy.
    - i. Any animal may be excluded from an area in which it was previously authorized to be if it is:
      1. Out of control and effective action is not taken to control the animal.
      2. If the animal is not housebroken or if the owner does not dispose of waste properly.
      3. If the cleanliness of the residence hall room is not maintained.
      4. If the animal poses a direct threat to the health or safety of others that cannot be mitigated by reasonable modifications of policies, practices, or procedures, or the provision of auxiliary aids or services.

5. In considering whether a ESA poses a direct threat to the health or safety of others, Geneseo will make an individualized assessment, based on reasonable judgment, current medical knowledge, or the best available objective evidence, to determine: (1) the nature, duration, and severity of the risk; (2) the probability that the potential injury will actually occur; and (3) whether reasonable modifications of policies, practices, procedures, or the provision of auxiliary aids or services, will mitigate the risk. The College President shall name a designee who shall provide a written statement of explanation to any person with a disability if a determination is made that the presence of that person's Service or Emotional Support Animal would fundamentally alter the nature of a program, service, or activity.
6. In the event that restriction or removal of an animal is determined to be necessary, the person with a disability will still be given the opportunity to participate in the service, program, or activity without having the assistance animal present.
7. The above provisions on restrictions and exclusions are not intended to cover modifications to reasonable accommodations. The reasonable accommodation process and modifications to reasonable accommodations are covered under Geneseo's policy on Accessing Services.
8. Students are encouraged to visit the [Office of Accessibility Services](#) website

#### K. Personal and Abandoned Property

1. The College is not responsible for damage or loss of personal property.
2. Residents are strongly encouraged to check family homeowner's or personal renter's insurance policies for coverage.
3. Items left behind after resident departure are considered abandoned and will be disposed of.
4. If deemed necessary, a resident's items may be moved and stored to allow for continuity of operations.

#### L. Bicycles

1. Indoor bicycle storage is available in many of the residence halls, and outdoor racks can be found outside all residence halls and around campus. These are free for use on a first come, first served basis and at the Student's own risk.
2. Students should register their bike with Parking and Transportation when utilizing on-campus storage.
3. Indoor storage locations are for use by residents of that building only.
4. Bicycles left in indoor storage after residential closing in May will be removed by University Police Department officers and/or Facilities Services staff.
5. Outdoor bicycle racks are maintained by the Grounds Staff. When bicycles are left on outdoor racks for more than 2 semesters, they will also be removed.

6. Residents staying in the residence halls for the summer also have access to storage, but must register their bicycle with the Department of Residence Life so that it will not be removed.

#### M. Laundry Facilities

1. There is at least one laundry facility in each residence hall and one for the Saratoga Townhouse Community.
2. Respectful and proper use of the Laundry Facilities is expected.
3. Use of residence hall laundry facilities is exclusively for resident students. Guests are not permitted to use the residence hall laundry facilities.

### VI. Safety and Security

#### A. Students must adhere to the code of conduct for SUNY Geneseo

[https://www.geneseo.edu/handbook/policies\\_procedures](https://www.geneseo.edu/handbook/policies_procedures)

<https://www.geneseo.edu/handbook>

#### B. Residence Hall Security: The following acts are prohibited as they compromise residential security:

1. Unauthorized key or access card possession - Possession or use of a key or non-University duplicated key to any residence room or apartment other than the one to which the student is currently assigned or the loaning of a University key to anyone.
2. Screen removal – removal of and/or tampering with window screens.
3. Defenestration - throwing objects from a window.
4. Tampering or vandalism - tampering with, vandalism of, locks, security mechanisms, furnishings, such as window screens, cranks, stops, locks, door closing devices.
5. Unauthorized locks- Installing an unauthorized lock on a bedroom, bathroom, closet, or suite door.
6. Unauthorized Access / Use or Trespassing – Trespassing or access to restricted areas or gaining access to the residence halls by any means other than card access doors. This includes but not limited to roofs, ledges, terraces, basements, storage areas, emergency exits, or other prohibited areas.
7. Door propping - Propping doors to or within the residence halls is prohibited.
8. Sharps disposal - The disposal of hypodermic needles, syringes or other ‘sharps’ anywhere except specifically approved “sharps” containers.
9. Unauthorized room changes - Moving to a residence hall room without approval from a Residence Life administrator.

#### C. Keys

1. Residents are responsible for all keys issued to them.
2. If a key is misplaced or broken, the resident will be issued a new key and the cost of replacement will be charged to the resident’s account.
3. Students are expected to keep their rooms locked and carry their keys.
4. Room keys, ID cards granting access, etc., cannot be transferred, duplicated, or altered. Giving keys to another person is prohibited. Anyone transferring, duplicating, or altering a key or card will be charged a replacement cost, and conduct charges with applicable sanctions will follow if appropriate.

5. Keys must be returned upon departure or the resident will be charged to replace the key and for a lock change.

#### D. Prohibited Activities

1. The following activities are prohibited in SUNY Geneseo residences:
  - a) gambling
  - b) participating in drinking games
  - c) smoking, vaping, huffing, puffing, or the like
  - d) soliciting or sales (commercial, political, and religious)
  - e) playing audio speakers out windows
  - f) bed-raising on furniture or on blocks more than 12"
  - g) compromising the security of the residential facility
  - h) playing sports inside residence halls
  - i) removing of College property from its assigned location without permission from a Residence Life professional staff member
  - j) removing screens or windows or breaking a security screen seal for non-emergency purposes
  - k) using tacks, nails, or adhesives (except easily removable tape) on walls or doors
  - l) chalking or painting exterior or interior walls, doors, floors, furniture, and general College Property
  - m) entering or exiting a building through a window or unauthorized entrance or exit
  - n) sub-letting or allowing a portion of a residence hall room to be used or occupied by others
  - o) occupying a room by persons other than those assigned

#### E. Prohibited Items

1. The following items are strictly prohibited in SUNY Geneseo residences:
  - a) guns and firearms - rifle, shotgun, pistol, revolver, BB gun, pellet gun, paintball gun
  - b) weapons - martial arts weapons, knives (except for kitchen knives and folding pocket knives), metal tip darts and dart boards
  - c) explosives - dangerous chemicals, explosive devices of any kind, and fireworks
  - d) live non-potted trees (holiday trees)
2. Incense and Candles
  - a) Candles, open flames, and incense of any type are not permitted in resident rooms, suites, or apartments.
  - b) Permission must be obtained from a Residence Life professional to use candles for observing religious holidays. With this prior permission, residents will be able to light candles or incense in a location established by the Department of Residence Life. In these instances, candles and incense may never be left unattended and any un-burnt remains must be extinguished and disposed of safely. These items cannot be brought back to a residential space - room, suite, townhouse, or apartment.

#### F. Health & Hygiene Safety



1. Sanitary standards - Students are required to comply with University health standards and local health codes. Residents are expected to maintain their rooms in an orderly and sanitary condition. Unhealthy living conditions include but are not limited to: hoarding behaviors, rotting food, unclean bathroom facilities, odors, excessive garbage or clutter that has not been removed. Any accumulation or placement of trash, dirt, mold, mildew, etc., is prohibited. Residents who are in need of assistance can contact a Residence Life staff member for guidance.
2. Personal hygiene - Failure to maintain acceptable standards of personal hygiene or room cleanliness to the extent that such failure interferes with the general comfort, safety, security, health or welfare of a member or members of the residence hall community.
3. Dangerous materials - materials and chemicals such as gunpowder, fertilizer, Drano, laboratory chemicals, ammonia, ether, acid, fireworks, gasoline, lighter fluid, oil, kerosene, propane, charcoal, turpentine and other combustibles are not permitted. Motorcycles and other fuel-driven engines may not be placed or operated anywhere inside residence halls or on porches.
4. Elevators - Persons are not permitted to ride any elevator designated as freight. Misuse, tampering, or defacing of the elevators or entering the elevator shaft is prohibited. Actions such as tugging on the doors or jumping up and down in the car are also prohibited. If an elevator door is closing, do not force it back open. Inappropriate use of the emergency call button or phone is not permitted.
5. Trash must be placed in appropriate receptacles inside the Trash Room in the resident's assigned residence hall - not in bathroom, hallway, or entryway receptacles. Residents must remove trash and garbage from their room on a regular basis.
6. Residents will be charged for excessive trash removal, extermination of rodents, insects, and pests, and any damage.

#### G. Alcohol

1. Possession and consumption of alcoholic beverages by persons under the age of 21 and cannabis is prohibited on the SUNY Geneseo campus.
2. Residents 21 years of age and over may possess and consume alcoholic beverages only in their own residence hall rooms or the rooms of other residents who are at least 21 years of age.
3. Resident behavior not in accordance with the Student Code of Conduct, resulting from alcohol use or abuse, may lead to conduct action and/or removal from residence halls.
4. Residents and guests must abide by the [SUNY Geneseo Policy on Alcohol and Illicit Drugs](#).

#### H. Cannabis: UPD and Residence Life will determine if an incident involving cannabis is criminal or non-criminal.

1. Criminal Incidents: The following incidents are examples of common criminal incidents involving cannabis:
  - a) Underage Use or Possession. Use or possession of cannabis by a person under twenty-one years of age.

- b) Possession of Cannabis Plants. Possession of cannabis plants is not lawful “until such a time as the office of cannabis management has issued regulations governing the home cultivation of cannabis.”
  - c) Sale. Unlawful or criminal sale of cannabis or concentrated cannabis.
  - d) Tampering. Tampering with smoke detectors.
- 2. Criminal Incidents Procedure
  - a) UPD. If UPD observes or receives a report of a criminal incident involving cannabis, UPD will respond to the incident and report the incident to Residence Life as soon as practicable.
    - i. Property Subject to Seizure. UPD staff will seize the following:
      - a. Cannabis, concentrated cannabis, or cannabis plants possessed by a person under twenty-one years of age.
      - b. Cannabis or concentrated cannabis that is possessed in excess of the amount authorized under the Penal Law;
      - c. Cannabis Plants;
      - d. Evidence of a crime.
    - ii. Property Not Subject to Seizure. UPD staff will not seize the following:
      - a. Paraphernalia;
      - b. Cannabis or concentrated cannabis lawfully possessed by a person over twenty-one years of age;
      - c. Other personal property that does not violate the Penal Law, regardless of whether the personal property is prohibited by the Student Code of Conduct.
- 3. Non-Criminal Incidents
  - a) Personal Use of Cannabis. A person twenty-one years of age or older may lawfully engage in personal use of cannabis. Personal use of cannabis includes:
    - i. Use.
    - ii. Possession.
      - a. Cannabis. Possession of up to 3oz of cannabis.
      - b. Concentrated Cannabis. Possession of up to 24g of concentrated cannabis.
      - c. Private Residence. Under PL § 222.15(5), a person twenty-one years of age or older may possess up to 5lbs of cannabis in their private residence. However, this section does “not take effect until such a time as the office of cannabis management has issued regulations governing the home cultivation of cannabis.” PL § 222.15(9).
    - iii. Giving. A person twenty-one years of age or older may lawfully give cannabis to another person twenty-one years of age or older.
- 4. Non-Criminal Incidents Procedure

- a) UPD. If UPD receives a complaint or observes a non-criminal incident involving cannabis, UPD will report the incident to Residence Life. UPD will not respond to the incident unless requested by Residence Life.
- b) Residence Life. If Residence Life receives a complaint or observes a non-criminal incident involving cannabis, Residence Life will respond to the incident and document violations of the Student Code of Conduct.
- c) Cannabis Possessed in Violation of the Student Code of Conduct. Residence Life will provide students in possession of cannabis the following options:
  - i. Removal. Students twenty-one years of age or older may immediately remove cannabis from campus.
  - ii. Surrender. Students twenty-one years of age or older may choose to surrender cannabis to UPD for destruction.
  - iii. Refusal. If students twenty-one years of age or older refuse to remove, destroy, or surrender cannabis, Residence Life staff shall advise the students that they will face additional charges under the Student Code of Conduct and potential disciplinary action for non-compliance.

## G. Fire Safety

### 1. Prohibited Actions

- a) Misuse or tampering – misuse or tampering with fire safety equipment including: fire hoses, fire extinguishers, heat detectors, smoke detectors, fire alarm bells, pull boxes, exit lights, emergency lights, fire escapes, sprinkler heads, etc.
- b) Cooking in any residence hall room (other than via a microfridge).
  - i. Residents have access to at least one community kitchen in each residence hall.
- c) Affixing anything to the ceiling or on a wall within 18 inches of the ceiling.
- d) Failure to evacuate – failure to evacuate residence facilities or adhere to the instructions of University officials while a fire alarm is sounding.
- e) Overcapacity – failure to adhere to fire code maximum number of guests per apartment/room.
- f) Causing a fire - initiating a fire in or about a residence hall.
- g) Possessing unauthorized furniture.
- h) Creating an inhibited egress - arranging furniture or other items that prevents or inhibits egress.

### 2. Prohibited Items

- a) non-college beds and mattresses
- b) bead curtains in doorways
- c) cinder or cement blocks
- d) lighting and lamps: neon lights, halogen lamps, or multi-headed lamps
- e) heating or cooling units: air conditioning unit, immersion heaters, or space heaters (unless provided by the College or as an approved accommodation)
- f) non-portable electrical appliances

- g) cooking appliances: toaster ovens, microwave ovens (except in townhouse or communal kitchens), hot plates/pots, pop-up toasters (except in townhouse or communal kitchens), George Foreman-type grills, outdoor cooking grills
  - h) lighter fluid, charcoal, and propane tanks or cylinders
    - i. Residents are encouraged to use non-fuel charcoal "chimneys" to light coals for use in the outdoor grills.
    - ii. Residents should contact a Residence Life professional staff member or Environmental Health and Safety to dispose of leftover barbeque fuel or charcoal.
  - i) gasoline-operated vehicles: motorbikes, scooters, etc.
  - j) hoverboards powered by lithium ion batteries
    - i. Residents may not store hoverboards due to overheating and explosion concerns.
  - k) extension cords and multi-plug wall outlets
3. Allowable Items
- a) UL-approved, electrical, polarized, grounded power strips with fuses (or circuit breakers)
  - b) Residents must never "daisy-chain" or plug approved power strips together.
  - c) The maximum fused amperage of such devices must not exceed 15 amps.
  - d) Refrigerators less than 2.0 amps at 120 volts AC/3.6 cubic feet (including approved micro-fridge units)
  - e) Refrigerators must be plugged directly into a wall outlet, not into a power strip.
  - f) The following small electrical appliances are permitted for use in residence hall rooms:
    - i. gaming systems, DVD/Blu Ray player
    - ii. electric blankets
    - iii. coffee maker or water kettle with temperature control and automatic shut off
    - iv. television, stereo, etc.
    - v. air popcorn maker
    - vi. hair care appliances
    - vii. personal computer
    - viii. electric fans
    - ix. iron with automatic shut-off

#### H. Emergencies

1. In the case of an emergency, residents should call the University Police Department at 585-245-5222.
2. Residents should inform the RA on duty or a member of the Residence Life professional staff of the situation for further assistance.

#### I. Criminal Conviction or Protective Order

1. If you are convicted of any felony or any crime requiring your registration on the Sex Offender or Crimes Against Minors Registry (SOR), or if you become the subject to a protective order at any time during the term of your housing

agreement, you are required within seventy-two (72) hours of the conviction or entry of the protective order, to notify in writing the Director of Residence Life (or designee). Residence Life reserves the right to cancel any housing agreement if, in the sole judgment of the College, a resident may pose a threat of substantial harm to persons or to College property or if the College determines that the housing agreement was granted on the basis of inaccurate or incomplete information in the application.

#### J. Inspections

1. Inspection of rooms for health and safety or maintenance will be made during vacations and may occur at any time with advance notice (except in an emergency situation or when a work order has been submitted).
  - a) Routine inspections do not include searches. College officials, including University Police Department Officers, may request to search residents' rooms when they have a specified probable cause. Unless a court-ordered search warrant is being executed, residents have the right to grant or refuse requests to enter or search their rooms or possessions.
  - b) Routine Fire Inspections of residence halls will occur with the State Fire Marshal once or twice a semester.
2. Residence Life staff members, University Police Officers, and Facilities staff members must carry SUNY Geneseo identification, present it upon request, and announce their purpose for entry.
3. Residence Life staff members will first knock on the door and allow a reasonable period of time for response by the residents before entering any room.
4. Residents are entitled to 24-hour notification of a need to enter their room for non-emergency circumstances.
5. A resident's obligation includes:
  - a) care and cleaning of assigned room/suite/townhouse
  - b) maintenance of health and safety standards
  - c) responsibility for and awareness of all activities and items in the room/suite/townhouse about which they could reasonably be expected to know
  - d) responsibility to respond to the official directions of Residence Life staff, who have broad supervisory authority for the administration of their residence
  - e) adherence to SUNY Geneseo recycling guidelines
  - f) adherence to the SUNY Geneseo Code of Conduct

#### VII. Cancellation of Agreement

- A. Residence Life may terminate this agreement for breach of the terms by the resident, as herein stipulated, or for any of the following reasons or conditions:
  1. The resident ceases to be enrolled as a student and is not involved in a documented legitimate academic activity.
  2. The resident is responsible for a health or safety violation, such as a false fire alarm, illegal discharge of fire extinguisher, or use or possession of fireworks. Any

tampering with or misuse of health and safety equipment is prohibited and punishable by College and/or civil court action. Action can also be taken by Residence Life under the terms of this agreement.

3. The resident or any guests, visitor, or invitee of the resident are a clear and present danger to the on-campus student population. Examples include incidents involving assault and related offenses, possession or use of a weapon, possession or distribution of a controlled substance or other conduct as may be determined to have serious or dangerous implications for the students living on campus. Continued and/or serious violations of on campus security systems or procedures may also be cause for termination of this agreement, in accordance with this section.
4. Students diagnosed with a contagious medical condition must vacate their rooms until the condition is corrected.
5. Willful destruction of university property in excess of \$200 in value.
6. Campus determination that continued occupancy would likely present health problems that create an unreasonable risk to the health and safety of the campus community. Such a judgment would be made by the Director of Residence Life (or designee) with advice from other campus sources.
7. College rules and regulations and the student code of conduct are part of this agreement in that violations may be referred to the Department of Student Conduct and Community Standards, Dean of Students, or Student Conduct Board. It is within the jurisdiction of these bodies to recommend to the Director of Residence Life that a resident be dismissed from on-campus housing.
8. The resident is determined to be in violation of Conduct Probation.

#### VIII. Failure to Comply

- A. Students who fail to comply with the terms of this license, including violation of physical distancing standards and quarantine/isolation requirements in the addendum, may be administratively removed from on campus housing. Such action will ordinarily be taken only after prior warning and repeated noncompliant behavior; however, Residence Life reserves the right to remove a student on the basis of a single substantial and intentional violation of the residential license and COVID-19-related safety measures noted here and in other College official communications. Students administratively removed from on campus housing will not be considered in good standing as it pertains to eligibility for credits or refunds and will be financially liable for their housing for the entire academic year.

#### IX. Hold Harmless

- A. You agree to release the College, its agents and employees from any and all damages, liability, claims, expenses or loss (collectively, "Claims") resulting from or arising out of your use of space within College housing, including those related to the potential exposure to contagious viruses like COVID-19, and to indemnify and hold harmless the College, its agents and employees from any claims resulting from or arising out of your breach of the terms and conditions of your housing agreement. You understand that, by

residing on campus, you are assuming the risks associated with communal living and, as in any shared living environment, those risks include potential exposure to contagious viruses, including COVID-19.

X. Force Majeure

- A. If SUNY Geneseo (the Licensor) is unable to perform its obligations hereunder, or if such performance is hampered, interrupted, or rendered impossible, hazardous or interfered with by reason of fire, casualty, lockout, act(s) of God, riots, strikes, labor difficulties, epidemics, pandemics, earthquakes, any act or order of any public authority, administrative or judicial regulations, order or decree or by any local or national emergency, or any other cause or event beyond such licensor's control, then such party shall be excused from performance of this License Agreement and will not have any liability in connection herewith.

By submitting a housing application, I understand that I am financially responsible for the housing and meal charges for this academic year. I am also responsible for abiding by the residential license terms and conditions, Residence Life Policies and Procedures, and the College Student Code of Conduct.

COVID-19 Addendum

Students living on campus for the academic year are subject to the terms and conditions below and as amended in keeping with any new state, federal or local public health directives. Except as modified herein either explicitly or implicitly, all terms and conditions remain in effect. In the event of a conflict between General Terms and Conditions and the Addendum, this addendum will control.

The College has put in place measures to meet public health standards established by state and local public health officials, the State University of New York (SUNY) and the State of New York as a result of COVID-19. Students choosing to live on campus agree to comply with Residence Life policies and procedures established to support compliance with public health standards. Adherence to health and safety requirements applies to all residents and extends to all aspects of campus, including, but not limited to, occupancy and use of bedrooms, bathrooms, common areas in living units, community kitchens, lounges, computer rooms, courtyards and other common spaces. By choosing to live on campus, students acknowledge and assume the risks that cannot be fully mitigated by reasonable measures.

Safety and Security

To reduce the spread of COVID-19 and to protect the health and safety of the entire community the following will apply:

- At any time, the College may request or require a resident to leave housing when that resident's continued presence in campus housing poses a health or safety risk related to COVID-19. On-campus students are required to comply with requests from the University to move from their assigned space due to COVID-19 or other public health emergency.
- Residence Life may reassign students to a different room or building on or off campus as necessary to effectuate quarantine or isolation, or to otherwise follow public health guidelines and directives related to COVID-19.
- Students who are required by College or public health officials to isolate or self-quarantine must comply with all instructions and protocols related to isolation and quarantine.

- Residents agree to comply with current and future federal, state and local government executive orders and directives as well as SUNY and SUNY Geneseo requirements, as pertained to COVID-19.
- Residents shall comply with all the following obligations under the College's COVID-19 guidelines - <https://www.geneseo.edu/covid>.
- New York State and SUNY System requirements related to COVID-19, the following physical distancing expectations will be in place. These expectations are subject to change as guidance and requirements from the State of New York, Livingston County and SUNY system are modified.
  - Interactions with others MUST be limited and physical distancing requirements to remain at least 6 feet from others when outside of the student's room must ALWAYS be followed, except as specifically permitted otherwise by the College.  
<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>).
  - There will be limitations on capacity placed on indoor space. Maximum signage capacity will be posted.
  - Students who enter a common space where others are present must maintain physical distancing requirements, and maximum capacity signage or leave the space.
- All Residents must cover their noses and mouths with a mask or cloth face covering when in public spaces in the residence halls and apartments including but not limited to hallways, community bathrooms, kitchens, lounges, laundry rooms and elevators.
- Students must notify Student Health and Counseling if they develop symptoms related to COVID-19 and proceed to isolate in their room until provided with further instructions.
  - The resident will be directed to pack their Community Bag and proceed to Lauderdale Health Center. The resident will follow all guidance provided by Student Health and Counseling staff, Livingston County Department of Health, and Residence Life.
- If there is a College directive to remain in your room for an extended period of time, you must comply.

#### Failure to Comply

Students who fail to comply with the terms of this addendum including violation of physical distancing standards and quarantine/isolation requirements may be administratively removed from on campus housing. Such action will ordinarily be taken only after prior warning and repeated noncompliant behavior; however, Residence Life reserves the right to remove a student on the basis of a single substantial and intentional violation of the COVID-19-related safety measures noted here and in other College official communications. Students administratively removed from on campus housing will not be considered in good standing as it pertains to eligibility for credits or refunds and will be financially liable for their housing for the entire academic year.

#### Hold Harmless

You agree to release the College, its agents and employees from any and all damages, liability, claims, expenses or loss (collectively, "Claims") resulting from or arising out of your use of space within University housing, including those related to the potential exposure to contagious viruses like COVID-19, and to indemnify and hold harmless the College, its agents and employees from any claims resulting from or arising out of your breach of the terms and conditions of your housing agreement. You understand that, by residing on campus, you are assuming the risks associated with communal living and, as in any shared living environment, those risks include potential exposure to contagious viruses, including COVID-19.

#### Force Majeure



If SUNY Geneseo (the Licensor) is unable to perform its obligations hereunder, or if such performance is hampered, interrupted, or rendered impossible, hazardous or interfered with by reason of fire, casualty, lockout, act(s) of God, riots, strikes, labor difficulties, epidemics, pandemics, earthquakes, any act or order of any public authority, administrative or judicial regulations, order or decree or by any local or national emergency, or any other cause or event beyond such licensor's control, then such party shall be excused from performance of this License Agreement and will not have any liability in connection herewith.

## Appendix A: Definitions

1. Residence Life professional staff member refers to any or all of these Residence Life staff members: Area Coordinator (AC), Residence Director Intern (RDI), and Townhouse Director Intern (TDI).
2. Expanded Occupancy is a term used to describe a temporary circumstance when three residents are assigned to a standard double (two-person) room. This type of residential space is also commonly referred to as “Triple”.
3. First-time college students are those who are attending a college for the first time.
4. First-year college students are those who are in their first year of college.
5. Full-time college students are registered for 12 or more credit hours.
6. Rent refers to the cost of housing or room fees.
7. Residence means building, room, suite, apartment, and/or common area depending on context. This term is used interchangeably with residence hall and residential community.
8. Residency refers to time residing in on-campus housing at SUNY Geneseo. All students are required to live on campus for two academic years (four semesters).
9. Resident is a student who resides in an on-campus residence. Student and resident may be used interchangeably.
10. Residential space or Residence Hall space refers to a room in a residence hall.
11. When referred to as “The College”, regard this term as SUNY Geneseo.
12. Superior Single refers to a room that is designed to be a double (two person) room being occupied by one resident for an increased fee. A superior single is not a guaranteed option, nor is it an automatic result of another resident moving out of their assigned space.

## **Appendix J**

### **2022 Campus Security & Fire Safety Report**

# 2022 ANNUAL SECURITY AND FIRE SAFETY REPORT



This report was issued on October 1, 2023, with information and statistics regarding calendar year 2022, by the SUNY Geneseo University Police Department, a department in the Division of Student and Campus Life.

Published in compliance with United States Code §1092(f), the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act and the Code of Federal Regulations (CFR).

This report is accessible online at [geneseo.edu/police](https://geneseo.edu/police). Printed copies are available at the University Police Department in Schrader Hall, Room 19 and the Office of Admissions in Doty Hall, Room 200.



**GENESEO**  
THE STATE UNIVERSITY OF NEW YORK

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## THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS STATISTICS ACT

The 'Student Right-to-Know and Campus Security Act' was signed into law in 1990 and was amended and renamed in 1998 to "[The Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act](#)" (hereinafter referred to as "Clery Act").

Further amendments were made in 2013 to add additional reportable crimes regarding the Violence Against Women Reauthorization Act (VAWA).

This law mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain serious offenses that occur on-campus and in campus adjacent areas for the current and two previous calendar years. The purpose of this report is to provide current and prospective faculty, staff and students with campus safety information, including crime statistics and procedures to follow to report a crime.

The following information was compiled by the Chief of [University Police](#) after consultation with the [Dean of Students](#), the [Title IX Coordinator](#) and the Director of [Environmental Health and Safety](#), in addition to the Geneseo Police Department, Livingston County Sheriff's Office, New York State Police and New York State Park Police.

## SAFETY AND SECURITY RESPONSIBILITY

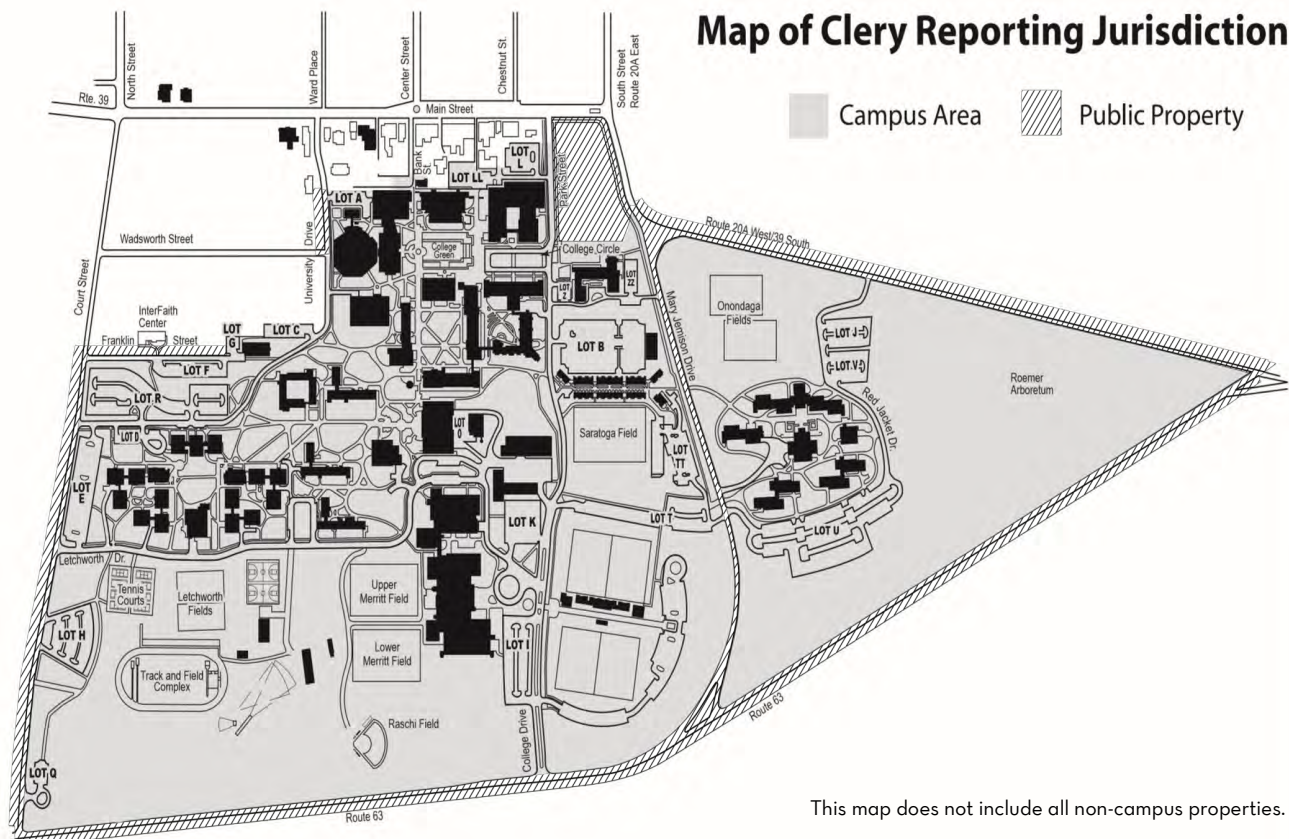
### REPORTING LOCATIONS

The Clery Act requires that the College report specific criminal activities that occur in specific areas. Please note that crimes occur in the community beyond what is required to be reported in this document. All members of the College community are advised to exercise caution in ALL locations.

**On-campus** locations include the main campus property and buildings.

**Non-campus** locations include property owned by student organizations officially recognized by the College and those owned by the College outside of campus boundaries.

**Public property** locations include thoroughfares, streets, sidewalks, parking facilities and public park settings immediately adjacent to and accessible from campus.



## UNIVERSITY POLICE JURISDICTION

The University Police Department is responsible for coordinating campus safety and all law enforcement activities at SUNY Geneseo. University Police is a fully staffed, equipped and accredited law enforcement agency. University Police Officers are sworn police officers whose authority is specifically listed in the New York State Criminal Procedure Law §1.2, subsection 34(s) and the New York Education Law §355, subsection 2.

All University Police Officers must meet the highest standards in New York State for law enforcement. Officers have successfully completed the basic course for police training program administered local regional academies. Once hired Officers undergo continuous training to upgrade their skills, advance their professional development and form additional specialized areas of expertise.

University Police Officers respond to all emergency calls for service. Officers have been trained in emergency medical procedures and first aid including CPR/AED and Naloxone administration. They conduct foot, bike and vehicular patrols on the campus and residence hall areas 24-hours a day, 365 days a year. The objective of the University Police Department is to provide a safe environment for teaching, research, learning, social endeavors and to protect the lives and property of the students, employees and visitors of the college. This objective is pursued within the framework of the State University rules and regulations and all local, state, and federal laws.

The investigation of crimes committed on campus falls under the jurisdiction of University Police. A log of crimes that occur within University Police jurisdiction is available for the public to view on the University Police website or you can request a hardcopy by contacting University Police. The log includes the date, time, incident type, general location and disposition of the case. Information may be withheld from the log only if there is clear and convincing evidence that the release of information would jeopardize an on-going investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

University Police works closely with the Geneseo Police Department, the Livingston County Sheriff's Office and the New York State Police who assist with incidents that may occur off-campus but involve campus students or employees. The Clery Act requires all public, private, community colleges and universities in New York to have a formal plan that provides for the investigation of missing students and violent felony offenses on campus. This involves written agreements between university and college authorities and the municipal law enforcement agencies having concurrent jurisdiction that could be called upon to assist in a complete investigation should such a report be received. University Police has signed Memorandum's of Understanding (MOU) with both the Geneseo Police Department and the Livingston County Sheriff's Office, which are routinely utilized.

## CAMPUS SECURITY AUTHORITIES (CSA)

Campus Security Authorities (CSA) are individuals or organizations that have significant responsibility for student and campus activities. CSA's assist victims with the reporting process and provide appropriate support and/or support resources. CSA's are also responsible for reporting any Clery Act reportable crime information they receive to University Police as soon as possible without delay for data collection purposes. Names or other identifying features do not need to be disclosed when reporting the incident.

The offices below will accept reports of criminal behavior in a voluntary, respectful manner.

Vice President for Student and Campus Life  
Doty Hall, Room 314  
Phone: (585) 245-5618  
Email: sclife@geneseo.edu

Coordinator of Health Promotion  
Lauderdale Health Center, Room 208A  
Phone: (585) 245-5747

Dean of Students  
MacVittie College Union, Room 354  
Phone: (585) 245-5706  
Email: deanstu@geneseo.edu

Fraternal Life and Off-Campus Living  
MacVittie College Union, Room 353B  
Phone: (585) 245-5968

Intercollegiate Athletics and Recreation  
Merritt Athletic Center, Room 213  
Phone: (585) 245-5343

Residence Life  
MacVittie College Union, Room 321  
Phone: (585) 245-5726  
Email: reslife@geneseo.edu

Student Conduct and Community Standards  
MacVittie College Union, Room 354  
Phone: (585) 245-5714  
Email: conduct@geneseo.edu

Student Life  
MacVittie College Union, Room 305  
Phone: (585) 245-5851  
Email: life@geneseo.edu

Title IX  
Blake C, Room 118  
Office Phone: (585) 245-5023  
Cell Phone: (585) 502-4581  
Email: titleix@geneseo.edu

University Police  
Schrader Hall, Room 19  
Emergency Phone: (585) 245-5222 or 911  
Administrative Phone: (585) 245-5651  
Email: police@geneseo.edu

**Note: All club advisors are also CSA's that will accept reports.**

## SILENT WITNESS

The Silent Witness program is a way to anonymously provide University Police with information regarding suspicious or criminal activity that has occurred either on-campus or off-campus. DO NOT use Silent Witness to report emergencies or crimes in-progress – those should be reported by calling University Police at (585) 245-5222 or 911.

[geneseo.edu/police/silent\\_witness](https://geneseo.edu/police/silent_witness)

## GOOD SAMARITAN

The health, safety and wellbeing of every member of the College community is the highest priority of the College. The College aims to provide assistance and support to members of its community and our students are expected to “stand up” for each other and take action by seeking assistance in the event of a medical emergency or when they perceive that a member of the community may be in danger. Contacting College authorities or emergency medical responders for others in good faith will exempt the reporting student from student conduct sanctions for the possession and/or use of alcohol and/or drugs.

[https://www.geneseo.edu/handbook/policies\\_procedures](https://www.geneseo.edu/handbook/policies_procedures)

## BYSTANDER INTERVENTION

A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence or stalking. Bystanders, if active, can prevent harm or intervene with safe and positive options before a situation gets worse. Examples of active bystander intervention include not leaving an overly intoxicated person in a bar or party alone, walking a classmate to their car after class, calling police when a potentially violent situation is unfolding or not leaving an unconscious person alone (alerting an RA or calling for medical help).

<https://www.geneseo.edu/titleix/bystander-intervention>

## CARE(S) TEAM

The purpose of the CARE(S) Team, which stands for Campus Assessment Response and Evaluation, is to have a multi-behavioral assessment committee related to the identification of and services provided to students who are at-risk or distressed in any area – mental or physical health, behavioral or academic. These are students whose behavior does not rise to the level sufficient to initiate a Code of Conduct review, yet whose behavior is worrisome to one or more members of the College community.

The Team consists of College employees identified as key to the effective sharing of information about at-risk students and positioned in roles that can contribute to the clarification and evaluation of relevant situations. They provide advocacy and offer guidance and consultation to help students navigate challenges and connect to appropriate resources both on- and off-campus. The Team meets weekly during the academic year.

Referrals can be made online by students or employees who notice unusual changes in a student's behavior or have

concerns about a student's well-being. Student may also self-refer or contact the Dean of Students directly.

[geneseo.edu/dean\\_students/geneseo-cares](https://geneseo.edu/dean_students/geneseo-cares)

## ADVISORY COMMITTEE ON CAMPUS SAFETY

The Advisory Committee on Campus Safety is a required of each state university campus by the State University of New York Board of Trustees with the purpose of reviewing policies and procedures pertaining to the maintenance of a safe and secure campus environment and to make recommendations for improvement.

The committee is co-chaired by the Vice President for Student and Campus Life and the Chief of University Police. They submit an annual report and recommendations to the College President. One of the yearly charges is for the Office of the President and the committee to host a Campus Safety Review, which is open to everyone within the College community. The group meets near dusk and walks campus to assess factors related to campus safety such as lighting, landscaping, pavement conditions, construction sites and recent physical improvements.

## PERSONAL RISK REDUCTION

SUNY Geneseo is committed to raising awareness and knowledge about personal safety and responsibility on campus. Awareness programs are offered to enhance the understanding of related topics. Prevention programs are aimed at helping avert personal physical injury or property damage before it occurs and risk reduction efforts to help identify and reduce at-risk behavior that put one in harm's way.

Programs are offered through annual student awareness programming and regular hall meetings. Students are informed of safety programs and risk reduction behaviors such as the blue light emergency phone system, the campus shuttle bus, Operation ID, emergency notification procedures, fire safety, Rape Aggression Defense (RAD) training, securing personal items, the “buddy system,” protecting your drink, sexual assault awareness, locking vehicles and parking in well-lit areas.

Students and employees should notify University Police or their RD/AC/RA on duty immediately of any person who does not appear to have legitimate business in a building or on campus grounds.

In 2015, the SUNY Geneseo University Police Department became the 9th NYSUPD to achieve accreditation from the NYS Department of Criminal Justice Services; and recertified in 2020.

Law enforcement accreditation is a method, and ongoing process, that recognizes police departments in compliance with national best practices in policing, covering all aspects of law enforcement policies, procedures and operations.

Accreditation ensures that the SUNY Geneseo University Police Department meets the highest standards of professionalism.



## CAMPUS FACILITIES

### STANDARD BUILDING ACCESS

Apart from residence halls, most campus facilities are open to the public during the day and evening hours when classes are in session. The public is welcome to attend cultural and recreational events on campus. During non-operational hours, campus facilities are locked and only students and employees with proper authorization are admitted by utilizing campus ID cards to electronically enter buildings. Employees with assigned offices are issued brass keys, which they are responsible for reporting missing or stolen.

Residence halls are locked 24-hours a day and require a campus ID card to use a card access system to gain entry to exterior doors. From 7:30 a.m. to 7:30 p.m., residential students can access any residence hall, but from 7:30 p.m. to 7:30 a.m. they can only access their own residence hall. Individual student room locks may be electronic, mechanical or brass key. No matter which types of locking devices are utilized, it is essential that students lock their rooms and suites routinely. When necessary, this system allows University Police to track an individuals access to buildings. All guests to residence halls, which is any person who is not a resident of a particular hall, must be accompanied by a host, who is a resident of that hall, at all times.

### FACILITIES SERVICES

Facilities Services maintains the campus buildings and grounds with a priority on safety and security. Campus facilities are inspected regularly, and any needed repairs are made promptly. They also respond immediately to reports of potential safety and security hazards such as broken windows, locks or doors. Issues can be reported to Facilities Monday – Friday 7:00 a.m. to 3:00 p.m. at (585) 245-5661. Outside of regular business hours, issues can be reported to Facilities at (585) 245-5656 or University Police at (585) 245-5651.

Safety and security systems are monitored and maintained by a combination of Facilities Services and outside vendors (i.e. elevator inspectors). Documentation regarding maintenance and in-progress issues is tracked and randomly audited by Environmental Health and Safety and Facilities Services Management.

[https://www.geneseo.edu/facilities\\_services](https://www.geneseo.edu/facilities_services)

### RESIDENCE LIFE

Residence Life staff are committed to providing a safe environment for students within residence halls. Students are made aware of safety concerns, as well as prevention tactics and personal responsibility through a variety of in-hall mediums. In addition, each residence hall is paired with a University Police Officer each year to collaborate with in areas of community policing, hall programming, resources and ongoing issues.

Full time, live-in residence directors (RD) and area coordinators (AC) supervise students and facilities in each residence hall and are responsible for the well-being of their residents. In addition, undergraduate resident advisors (RA), who are also trained in emergency preparedness and fire safety, watch over residence halls through nightly rounds and frequent interactions with residents. During emergencies, RA's contact University Police and the RD or AC on duty. For all serious events, such as the hospitalization of a student, appropriate notifications will be made that may ultimately reach the Dean of Students.

<https://www.geneseo.edu/residence-life>



# EMERGENCY RESPONSE

The College’s leadership is trained in assessing and responding to emergencies, as well as initiating necessary communication with those immediately impacted by the event and the greater College community.

The Chief of University Police, in consultation with the Vice President for Student and Campus Life, is responsible for determining the level of an incident. In the absence of the Chief, the appropriate determinations will be made by the Assistant Chief, Inspector, Lieutenants or Officer-in-Charge.

SUNY Geneseo tests its entire emergency notification system on a regular basis throughout the year. Testing may be announced or unannounced. Fire alarm drills are done on a regular basis and are not announced. Blue light emergency phones are tested monthly. For more information on the emergency notification system visit [geneseo.edu/emergencies](http://geneseo.edu/emergencies).

Regardless of drills and preparations, emergency situations will always have an element of chaos. Your cooperation with anyone who is organizing an emergency response will help keep everyone safe. While it is important that we all watch out for each other, you should never jeopardize your own safety in an attempt to assist others. Make sure you are safe and ask what you can do to help.

## TIMELY WARNING VS. EMERGENCY NOTIFICATION

**Timely warnings** will be issued whenever a Clery Act reportable crime that is considered to represent a serious or continuing threat to students and employees is reported to University Police, or a local law enforcement agency, and has occurred within the campus. Timely warnings are sent to ALL students and employees. They are sent via campus e-mail, postings on building main entrances or displayed on the SUNY Geneseo or University Police websites.

**Emergency notifications** will be issued when a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurs on the campus. Emergency response protocols appropriate to the situation will be enacted without delay unless doing so would compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. As appropriate, emergency notifications may be targeted to only a segment(s) of the College community that is at risk.

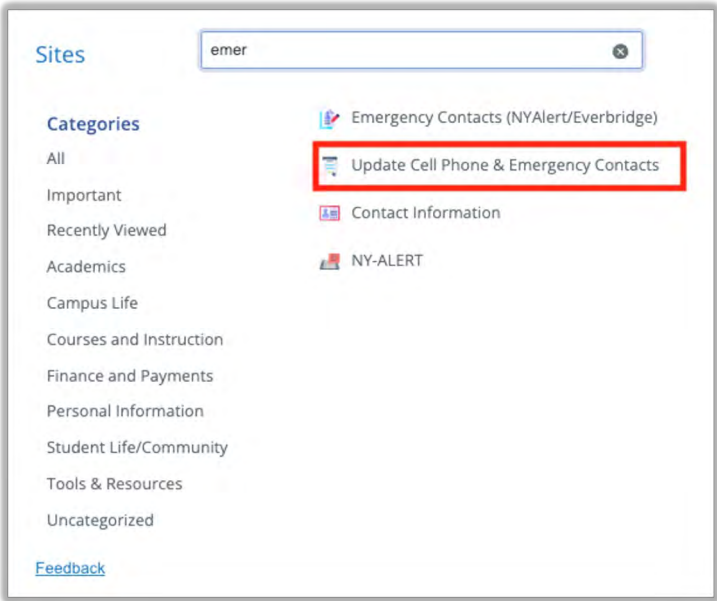
This can include community notification through activation of the campus-wide PA system (Big Voice), NY-Alert, large screen messaging on closed-circuit displays or the SUNY Geneseo website homepage. Notification to the greater College community is coordinated between University Police and College Communications pursuant to policies and agreements with local law enforcement agencies and media outlets.

## MISSING COLLEGE STUDENT

If you have reason to believe a student is missing, notify University Police immediately at (585) 245-5222. DO NOT WAIT.

A missing college student is defined, pursuant to the New York State Campus Safety Act (1999), as any person who is “a student of an institution (college or university)...who resides in a facility owned or operated by such institution and who is reported missing from his or her residence.” There is no age limit specified in these laws.

In addition to registering a general emergency contact, students have the option to identify an individual to be contacted in the event that the student is determined to be missing. This can be done by launching [my.geneseo.edu](http://my.geneseo.edu) and navigating to the service titled “Update Cell Phone & Emergency Contacts” by scrolling the list or entering a search. A student’s confidential “Missing Student” contact information will be accessible only by authorized campus officials and law enforcement during the course of a missing person investigation.



For a missing **on-campus student**, University Police will conduct an initial investigation. If the student has not be located within a reasonable period of time (no more than 24 hours), University Police will proceed with sending the required notifications to: 1) local law enforcement agencies pursuant to Memorandums of Understanding, 2) the student’s designated missing person emergency contact, if listed and 3) the student’s parent/guardian if the student is under 18 years of age AND not considered emancipated.

For a missing **off-campus student**, University Police will assist the proper local law enforcement agency investigating.

## SHELTER-IN-PLACE

Shelter-in-place events occur when it is unsafe for people to be exposed to the elements or atmosphere, such as during a tornado warning or chemical spill. **Shelter-in-place means to take shelter wherever you are.** In a residence hall, you should seek a secure interior space away from windows. If windows are in the area, lock them if possible. If other people arrive seeking shelter, you should let them in.

## LOCKDOWN

On a college campus, lockdown means something different than it might mean for a K-12 school where a building and rooms can literally be completely locked. **During a lockdown on campus, students and employees should go to rooms that lock securely – preferably with few windows and some means of communication.** Make sure all windows and doors are locked and stay away from windows. Most Residence Hall lounges do not lock; therefore, residents will not be able to gather in one place. Lockdowns are distinguished from shelter-in-place events in that – once locked in, you should not unlock the door for anyone until word is received from University Police that the event has concluded. For this reason, it is essential that keys and ID cards are carried with you at all times.

University Police will call for a lockdown during emergencies when people need to secure themselves from a threatening situation such as a person wielding a gun, bomb, explosives or other weapon.

It is important to note that if a fire alarm sounds during a lockdown, occupants should not exit the secure room they are in unless they clearly perceive threatening smoke or fire. Pulling a fire alarm during a lockdown could be a ruse by an active shooter to gain access to a building or to lure people out of safe spaces.



## EVACUATION

All students and employees are expected to familiarize themselves with the evacuation plan for the buildings which they occupy, including the designated areas to assemble after evacuating a building. It is essential that all students and employees are prepared in case of an extraordinary event such as a fire, wide-spread power outage, extreme weather event, toxic spill or violent person on campus. Evacuation signs are posted in the hallway at the entrances of every building. The College trains personnel in emergency preparedness, but it is essential that students also know what to do in case of an extraordinary event.

If you observe a fire, pull the nearest fire alarm and head to the nearest safe exit. All fires must be reported to University Police by calling (585) 245-5222 or 911.

If you hear a fire alarm sounding or observe a fire alarm strobing, leave the building immediately using the nearest safe exit, regardless of if you believe the alarm is a drill or false alarm. While you should not hesitate to exit the building, in most cases it is reasonable to stop and grab your shoes and coat. Wait for University Police to declare that it is safe to return to the building. During inclement weather, move to a sheltered area or building and wait for further directions.

If a fire has made it unsafe to return to your building, Residence Life staff will immediately begin working to find alternate housing for students. In such a case we want to make sure everyone is accounted for, so if you wish to leave the area make sure you check-in with staff that is set up for emergency response prior to leaving.



## ALCOHOL AND OTHER DRUGS

The campus strictly enforces its policies with regard to alcohol and other drug violations. Policy violations will be addressed through the College's conduct system and/or University Police. Examples of misconduct that may lead to conduct action are illegal use, sale or possession of stimulants, intoxicants or other illicit drugs and accidents or injuries related to the use of such items. Examples of sanctions include loss of privileges, specified conduct requirements or separation from the College. Please note, the behavior of a visitor may result in sanctions placed on both the visitor and the student host.

Article IV §B8 of the Student Code of Conduct (<https://www.geneseo.edu/handbook/student-code-conduct>) lists the "illegal use, sale, distribution, manufacturing, or possession of alcohol, intoxicants or drugs (including but not limited to controlled substances and prescription medication)" as an example of a type of conduct that may result in disciplinary action.

Members of the College community in need of assistance with a question or personal problem related to alcohol or other drugs should contact the Addiction Counseling and Prevention Program for a variety of resources. Available services include evidence-based practice in the treatment of addictive disorders, education on trauma and addiction psychopathology, enhancing understanding of addictive family systems, education using the harm reduction model, personalized addiction plans, prevention programming and support services for persons impacted by a friend or loved one's addiction.

[geneseo.edu/health/ACP](https://www.geneseo.edu/health/ACP)

### ALCOHOL

SUNY Geneseo permits the use of alcoholic beverages on campus by persons 21 years of age or older who comply with state law and adhere to the guidelines established by the College. The guidelines can be found online in the Student Handbook (<https://www.geneseo.edu/handbook>). Students are expected to accept responsibility for the welfare of themselves and to avoid infringing upon the rights of other members of the College community. Possession and consumption of alcoholic beverages is prohibited for persons under the age of 21.

### DRUGS

Illegal possession and/or use of marijuana, barbiturates, amphetamines, hallucinogenic compounds, narcotics and other controlled substances are violations of College policy, in addition to state and federal law. In 2021, New York State revised its marijuana laws, but it is important to note that even though state law allows for marijuana to be consumed in New York – **federal law prevents ALL consumption of cannabis (including medicinal use) on college campuses.**

### PREVENTION

SUNY Geneseo's commitment to student welfare extends to its concern for how you and your friends socialize. The Safe Party Initiative ([geneseo.edu/safeparty](https://www.geneseo.edu/safeparty)) will make sure you're well informed about the effects of alcohol with tips for the party goer and the party thrower including what to do in an emergency, after party transportation and legal information. Training can be requested to cover these topics through the Addiction and Counseling Prevention Program office.

### SUPPORT RESOURCES

L.O.T.U.S. (Living Optimally Through Understanding and Support) is a walk-in support group for students impacted by someone else's (family member, friend, etc.) substance abuse. This is a safe space for students to connect, relate over shared experiences and begin to heal. Meetings are on Tuesdays from 11:00am – 12:00pm in Onondaga South Room 203, with a virtual attendance option available.

S.M.A.R.T. (Self-Management and Recovery Training) is a walk-in group designed to provide support and assistance to students who have struggled with their substance use – currently or in the past. Meetings are on Fridays from 2:30pm – 3:30pm in Onondaga South Room 203, with a virtual attendance option available.

H.A.M.S. (<https://hams.cc/>) is a peer-led support and informational group for anyone who want to change their drinking habits for the better.

Alternative to Addiction (<https://alternativeaddiction.com/Blog>) is a blog from a well-known treatment program that provides information and support.

Individual consultations are available for students to discuss any addiction concerns or other mental health needs by using the My Health student portal and using the "Request a Counseling Services Appointment" option.

Referrals can be provided to Office of Addiction Services and Support (OASAS) approved off-campus treatment providers.

For a full list of addiction counseling and prevention resources, please visit: [geneseo.edu/health/acp-resources](https://www.geneseo.edu/health/acp-resources).

## WEAPONS POLICY

Firearms and dangerous weapons of any type are not permitted on campus. Intentional use, possession or sale of firearms or other dangerous weapons by anyone is a violation of state law and college policy.

[geneseo.edu/policy/firearms-weapons-and-explosives-policy](http://geneseo.edu/policy/firearms-weapons-and-explosives-policy)

## REPORTING CRIMES

All members of the campus community are urged to report criminal incidents, emergencies and suspicious activity. All crimes in-progress, medical and fire emergencies should be reported promptly using one of the methods listed below and officers will be dispatched to the scene immediately:

- Calling (585) 245-5222 or 911 for on-campus emergencies,
- Calling 911 for off-campus emergencies,
- Using the campus emergency blue light phones,
- Using the residence hall door phones (red University Police emergency button), or
- In-person in the University Police Department located in Schrader Hall Room 19.

All other incidents can be reported using the same methods listed above, in addition to reporting to a Campus Security Authority (CSA) or via a Silent Witness report as described in the Safety and Security Responsibilities Section. All reports are classified, logged and responded to thoroughly. Reported crimes handled by University Police are forwarded to the Student Conduct and Community Standards office for potential judicial action. Completed incident reports are kept on file according to retention schedules from both New York State and the Division of Criminal Justice.

## UNFOUNDED CRIMES

The College will not retaliate or allow any retaliation toward a person(s) who reports alleged violations. A crime can only be unfounded if the report is found to be false or baseless. A crime is not considered unfounded if someone is found not guilty, not arrested or not charged. Unfounding is an extreme and rare measure to be used when, using a reasonable investigative standard, sworn law enforcement determine that the reported crime did not happen. Only sworn/commissioned law enforcement can "unfound" a crime. This does not include a district attorney.

## CRIME DEFINITIONS

The Clery Act delineates which violations need to be reported annually. The offense definitions are excerpted from the National Incident-Based Reporting System (NIBRS) edition of the FBI Uniform Crime Reporting (UCR) Handbook. Please note that the New York State Penal Law definitions for criminal offenses may differ slightly from those required for this report. The following are the current reportable offense definitions:

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Criminal Homicide – Manslaughter by Negligence:** The killing of another person through gross negligence.

**Criminal Homicide—Murder and Nonnegligent Manslaughter:** The willful (nonnegligent) killing of one human being by another.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

## ARRESTS AND REFERRALS

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Liquor Law Violations:** The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

## HATE CRIMES

**Hate crime:** A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny-Theft (Except Motor Vehicle Theft):** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

## VIOLENCE AGAINST WOMEN ACT (VAWA) CRIMES

**Affirmative Consent:** New York State has clarified what "affirmative consent" by all parties involved in sexual activity requires. 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 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. Consent to one sexual act, or prior consensual act, does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. 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 (i.e. asleep, intoxication, involuntarily restrained). Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop.

**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. (i) 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. (ii) For the purposes of this definition (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence. (iii) For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic violence:** A felony or misdemeanor crime of violence committed (A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) 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 (E) 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. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress. For the purposes of this definition (A) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. (C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. For the purposes of complying with the requirements of this section and § 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

CAMPUS CRIME STATISTICS												
REPORTING LOCATION	ON-CAMPUS			RESIDENCE HALLS			NON-CAMPUS			PUBLIC PROPERTY		
CRIMES REPORTED	2020	2021	2023	2020	2021	2023	2020	2021	2023	2020	2021	2023
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	1	0	0	1	0	0	0	0	0	0
BURGLARY	0	0	4	0	0	3	0	1	0	0	0	0
CRIMINAL HOMICIDE - MANSLAUGHTER BY NEGLECT	0	0	0	0	0	0	0	0	0	0	0	0
CRIMINAL HOMICIDE - MURDER AND NONNEGLIGENT MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	1	2	4	1	2	3	0	1	4	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	1	1	3	1	1	3	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
VIOLATIONS REPORTED	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
LIQUOR LAW—ARREST	0	0	0	0	0	0	1	0	0	0	0	1
LIQUOR LAW—CONDUCT	76	94	91	70	94	91	0	0	0	4	0	0
DRUG LAW—ARREST	1	0	0	1	0	0	0	0	0	0	0	0
DRUG LAW—CONDUCT	1	14	3	1	12	3	0	0	0	0	0	0
WEAPONS—ARREST	1	0	0	0	0	0	0	0	0	0	0	0
WEAPONS—CONDUCT	1	1	0	1	1	0	0	0	0	0	0	0
HATE CRIMES REPORTED	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
DESTRUCTION/VANDALISM	0	0	0	0	0	0	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0	0	0	0	0	0	0
LARCENY	0	0	0	0	0	0	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
VAWA CRIMES REPORTED	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
DATING VIOLENCE	0	1	6	0	1	6	0	0	0	0	0	0
DOMESTIC VIOLENCE	1	0	1	1	0	1	1	0	0	0	0	0
STALKING	0	1	2	0	0	2	0	0	0	0	0	0

# VIOLENCE AGAINST WOMEN ACT (VAWA) PROCEEDINGS

Victims of sexual assault or other assault should be treated by medical personnel as soon as possible. It is recommended NOT to shower, wash, change clothes, comb hair, drink or eat or do anything to alter physical appearance until after a physical examination has been completed. It is also recommended NOT to disturb the area where the crime occurred until a police investigation can take place. Preserve all physical evidence. If clothing has already been changed, save all of what was worn during the assault and do not wash items. Place each item in a separate paper bag, if possible. It is not recommended to use plastic bag. Victims should bring a full change of clothes if visiting a medical facility as those worn during the incident may be kept as evidence.

## VICTIM OPTIONS

If you are a SUNY Geneseo student or employee, and you believe that you are the victim of interpersonal violence, you may choose one or more of the below actions:

1. **Report the incident to and pursue criminal charges through a law enforcement agency.** Upon reviewing the facts of your case, a law enforcement agency may arrest the accused. Thereafter, the District Attorney may decide to prosecute the matter. If so, you may be required to testify. Once criminal charges are initiated, you cannot withdraw charges without the consent of the District Attorney's Office. How to report: call (585) 245-5222 or 911 or in-person in Schrader Hall Room 19.
2. **Report the incident to Student Conduct & Community Standards.** If the accused is a student of the college community, and you want the matter handled internally through the College's conduct system, you may choose to report the incident to Student Conduct and Community Standards. If the accused is found accountable, the College will take action in accordance with its Student Code of Conduct policies and procedures. How to report: Complete the Title IX Incident Form online (<https://www.geneseo.edu/conduct/conduct-forms>) or in-person in Doty Hall Room 303. Title IX will forward the completed investigation of the incident to Student Conduct when it's completed.
3. **Report the incident to Title IX.** Sexual assault and acts of interpersonal violence are considered to be a severe form of sexual harassment, you may wish to file a sexual harassment grievance with the College's Title IX Coordinator. This person is responsible for ensuring a non-discriminatory campus environment that is free from harassment. The Title IX Coordinator will undertake an investigation that may involve taking statements from you, the accused and any pertinent witnesses. They will provide support services and referrals. How to report: complete the Title IX Incident Form online (<https://www.geneseo.edu/titleix>) or in-person in Doty Hall Room 303.
4. **Report the incident but not pursue any further actions.** You may choose to report the incident to one, or more, of the above entities and also choose not to proceed further. However, an anonymous report about the incident (date, time, location) will be shared with Student Conduct and Community Standards, Title IX and University Police to ensure accurate sexual assault records are maintained. In an effort to prevent similar incidents from occurring, the College may take all reasonable steps to investigate and respond to the complaint consistent with your request. Please be aware that a request to remain anonymous may limit the College's ability to take action on your report.

## STUDENT CODE OF CONDUCT PROCEEDINGS

The institutional code of conduct will provide a fair, prompt and impartial process from investigation to final result. The investigation and any hearing will be conducted by those who receive annual training on issues related to VAWA crimes, how to conduct an investigation and a hearing process that protects the reporting individuals safety and promotes accountability.

Parties are entitled to the same opportunities to have an advisor of their choice present at any hearing and related meetings. There is no limit to the choice of an advisor; however, the parties are responsible for presenting evidence on their own behalf. Advisors may speak privately to their advisee during the proceeding, and cannot present evidence or cross-question witnesses.

Parties will be informed simultaneously in writing of the outcome of the process, the availability of any appeal procedures and when the results become final after any appeals; this does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA). If the alleged victim is deceased as a result of such crime or offense, the next of kin may obtain these results.

**The outcome of a conduct proceeding is the College's final determination with respect to the alleged sex offense.**

A full outline of Student Conduct process can be found at: [geneseo.edu/titleix/sexual-violence-response-policy](https://www.geneseo.edu/titleix/sexual-violence-response-policy).



## STUDENT CODE OF CONDUCT SANCTIONS

Following a final determination of an institutional disciplinary procedure for cases of dating violence, domestic violence or stalking, the following sanctions or protective measures may be imposed: Written Warning, Conduct Probation, Deferred Suspension, College Suspension, Loss of Privileges, Restitution, Discretionary Sanctions, Deferred Removal from College Residence Halls, Residence Hall Suspension, Residence Hall Dismissal, Withholding a degree, Revocation of admission or degree, Conditional Discharge or College Dismissal (expulsion).

For students who are found responsible for sexual assault, rape or acquaintance rape, the only sanctions are as follows: College Suspension or College Dismissal (expulsion).



## CONFIDENTIALITY

Personally identifiable information about victims will not be included in any publicly available record-keeping, including the reporting and disclosure of crime statistics. Personally identifiable information about victims contained in records is only available to staff directly involved with the incident reporting, investigation and proceedings. When a formal investigation is requested through Title IX, parties are sent a non-disclosure agreement to sign which outlines confidentiality. SUNY Geneseo will maintain as confidential any accommodations or protective measures provided to the victims, so long as it does not impair the ability to provide such services.

## EMPLOYEE RESOURCES

The College has implemented measures to address and prevent sexual harassment and is taking additional affirmative steps to increase awareness of, and sensitivity to, all forms of sexual harassment in order to maintain a workplace and learning environment free of its harmful effects. SUNY Geneseo will provide annual mandatory training to all employees, in order to provide pertaining to definitions, reporting options, grievance procedures, and strategies for prevention. New employees are required to complete video training, which also provides information on the Title IX Grievance Policy and Sexual Violence Response Policy.

The SUNY Geneseo Employee Assistance Program (EAP) is a peer assistance program jointly sponsored by labor and management. EAP provides confidential information, assistance, support and referral services to New York State employees and their family members. The Hotline can be reach at (800) 822-0244 for immediate assistance. The on-campus phone number is (585) 245-5740 and campus coordinators will respond within 24 hours.

[geneseo.edu/eap](http://geneseo.edu/eap)

## SEX OFFENDER REGISTRATION ACT

This act requires the NYS Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The registry contains information on sex offenders classified according to their risk of re-offending, which are: Level 1 (low risk), Level 2 (moderate risk) and Level 3 (high risk).

In New York State, registered sex offenders are required to notify DCJS of any institution of higher education at which he or she is, or expects to be, whether for compensation or not, enrolled, attending or employed, and whether such sex offender resides or expects to reside in a facility operated by the institution. Changes in status at the institution of higher education must also be reported to DCJS no later than ten (10) days after such change. Once notified by DCJS that a Level 2 or Level 3 sex offender is enrolled or employed at the College, University Police will follow procedures to notify the College community.

The NYS Sex Offender Registry can be found at: [criminaljustice.ny.gov/nsor](http://criminaljustice.ny.gov/nsor).

## PREVENTION

Title IX provides weekly education programs in the residence halls called Title IX Tuesdays covering topics including healthy relationships, healthy sex practices, healing from trauma, white supremacy, sexual assault and behaviors of grooming. They also present weekly events in October (Domestic Violence Awareness Month) and April (Sexual Assault Awareness Month), including the Love Shouldn't Hurt campaign. This campaign focuses on healthy relationships and sexual assault awareness. Educational programs include workshops such as A Walk in Their Shoes, which is an interactive event where participants can experience issues and barriers occurring in an abusive relationship. Title IX also partners with Addiction Counseling and Prevention and Fraternal Life in offering self-defense classes to students to learn how to protect themselves from a potential attack.

New student orientation training includes an overview of the supportive measures and processes available to students who disclose incidents of sexual harassment. This training also covers bystander intervention and the different ways to be an active bystander if they witness something happening. New student also complete the SUNY SPARC online course which talks about how to identify the crimes of sexual assault, domestic and dating violence and stalking, what it means to be in a healthy relationship, as well as local resources on-campus. This online course also includes bystander intervention and how to take a proactive role.

## SUPPORT RESOURCES

Title IX will provide information to students and employees about existing and available resources and to victims regarding their rights and options including: counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available in the community and on campus to victims of dating violence, domestic violence, sexual assault, and stalking. This information will be provided by Title IX during the initial intake of incident information and can be found in brochures and on the Title IX website. Whether or not you choose to file a formal complaint, students and faculty are entitled to supportive measures. These include:

- **Academic accommodations:** Modifications to class schedule for either party, granting extensions for coursework or granting a leave of absence. Title IX works with the Dean of Students to secure these accommodations without revealing specific details regarding the student's situation.
- **Housing accommodations:** Relocation of either party. The reporter may choose to move, but in certain circumstances, the responder may be required to move.
- **Police escort services**
- **No-Contact Orders:** Prohibits all contact between reporter and responder, including in person, over the phone, through social media and/or through others. If the No-Contact Order is violated, the student(s) will be subject to the Student Code of Conduct.
- **Counseling services:** Through our community partner, RESTORE, students have access to free, confidential counseling services. Students may also be connected to counseling services through Lauderdale Health and Counseling or to off-campus therapists in Livingston County.
- **Work schedule modifications:** In the case that both parties work together on campus, alternate work schedules may be arranged.
- **Emergency removal:** In the case that an accused party poses an immediate threat to the physical health or safety of an individual on campus, SUNY Geneseo may justify their immediate removal.
- **Other: Each case is unique and may require different accommodations** to ensure that all parties feel safe and comfortable on campus. The Title IX Coordinator may make accommodations on a case-by-case basis.

### Related Support Services Websites

RESTORE ~ <https://restoresas.org/>

SUNY SAVR ~ <https://www.suny.edu/violence-response/>

Chances & Changes ~ <https://chancesandchanges.org/>

Out Alliance ~ <https://rochesterrainbowunion.com/>

Mocha Center ~ <https://www.trilliumhealth.org/patient-and-community-services/mocha-center>

The safety of everyone who resides in campus residence halls is of paramount importance. Ensuring fire safety is a shared responsibility borne to those who either live within or visit residence halls. The following will highlight important policies which have been established to reduce the opportunity for fire to occur.

## RESIDENCE HALL FIRE SAFETY SYSTEMS

All residence halls have fire alarm monitoring by University Police, a full sprinkler system in both common areas and individual areas, smoke detection, fire extinguishing devices and plans for emergency evacuation. Four (4) unannounced fire drills are held per year in each residence hall. During the 2022 calendar year there were 132 fire drills across campus, 65 of which were in residence halls.

## APPLIANCES IN RESIDENCE HALLS

Residential housing is subject to mandated life safety codes by New York State and the NYS Office of Fire Preventing and Control (OFPC). The College is required to support these expectations to protect our students and community and thus have developed policies and procedures to comply with State expectations. Guidelines are, for the most part, decided on by the New York State Fire Inspector and SUNY Geneseo's Environmental Health and Safety office.

Prohibited actions include tampering with the fire alarm system, hanging items from the alarm or sprinkler system, not leaving the building during a fire alarm, egress (items blocking paths or exits in hallways or rooms), cooking in any bedroom (each hall has at least one community kitchen) and hanging cords from ceilings, affixed to walls or crossing hallways. Note: smoking is prohibited in all campus buildings.

Prohibited items include candles or incense (even unburnt), wax warmers, cooking appliances with induction cook tops (i.e. George Foreman grills), toasters, hot plates, crock pots, cut trees or plants, curtains, decorations larger than 20% of the wall or 50% of the door or touching the ceiling or fire equipment, personal items closer than 18" from any sprinkler head, tapestries, flammable materials (i.e. lighter fluid, propane), items powered by combustible fuels (i.e. motorcycles), fireworks, explosives, corrosive or poisonous chemicals, halogen bulbs or lights, non-UL approved electronics, space heaters, air conditioners, multi-plug adaptors and extension cords. Note: UL-approved power strips with an on/off switch and ability to be reset are permitted but cannot be plugged into each other. Some items are permitted but have restrictions including heating pads and blankets, humidifiers, personal furniture, pets, refrigerator, microwave, string lights.



[geneseo.edu/residence-life/fire-safety-and-prohibited-items](https://geneseo.edu/residence-life/fire-safety-and-prohibited-items)

## OPEN FLAME POLICY

To reduce the risk of injury to people or destruction of property, the use of fire is prohibited in all campus buildings except for: commercial cooking in areas operated by Campus Auxiliary Service (CAS), votive decorations used by CAS during catering events, for religious purposes in residence hall lounge areas, in theatrical performances, Physics metal working shop, Heating Plant tool room, Facilities garage and welding shop, CIT audio-visual shop and ISC zone shop. NYS Fire Code requirements must be met for these exceptions, and in some cases, prior approval is required.

[geneseo.edu/policy/open-flame-policy](https://geneseo.edu/policy/open-flame-policy)

## FIRE PROCEDURES

Staff and students are instructed to pull the nearest fire alarm as they are leaving the building, if they can do so without risking their safety. Any and all fires need to be reported to University Police to maintain accurate records for reporting purposes. University Police will notify all other relevant College departments.

## FIRE SAFETY TRAINING AND PREVENTION

Fire safety education programs are held at the beginning of each semester for all students living in on-campus residence halls and all employees that have any association with on-campus student housing. These programs are designed to familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to follow in case there is a fire and communicate information on the College's fire safety policies. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities who self-disclose are given the opportunity to discuss evacuation options with Residence Life or Accessibility Services staff members.

Fire safety education programs for students are taught by Residence Life staff. Fire safety programs for Residence Life and other staff members are taught by the Environmental Health and Safety Office, local fire authorities or the New York State Office of Fire Prevention and Control. Residence Life staff receive hands-on fire extinguisher training each year but are not expected to fight fires.

## FIRE LOG

SUNY Geneseo's fire log is maintained and available by contacting University Police. The following charts represent a compilation of fires that occurred in campus residence halls during the period noted and relevant details related to the fires reported. Note, cases of arson would also appear in the Reporting Crimes section of this report in the Campus Crime Statistics chart.

FIRES BY RESIDENCE HALL																	
	ALLEGANY	ERIE	GENESEE	JONES	LIVINGSTON	MONROE	NASSAU	NIAGARA	ONONDAGA	ONTARIO	PUTNAM	SARATOGA	SENECA	STEBEN	SUFFOLK	WAYNE	WYOMING
2020	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2021	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
2022	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	1	0

REPORTED FIRE DETAILS					
YEAR	LOCATION	CAUSE	RELATED INJURIES	RELATED DEATHS	PROPERTY DAMAGE
2021	WYOMING	EL	NONE	NONE	NONE
2022	GENESEE	OF	NONE	NONE	\$0—\$99
2022	PUTNAM	C	NONE	NONE	\$100—\$199
2022	WAYNE	C	NONE	NONE	\$100—\$199

CAUSE KEY:      AR = ARSON      HE = HEATING EQUIPMENT      HM = HAZARDOUS MATERIAL      N = NATURAL      OF = OPEN FLAME  
                     C = COOKING      EL = ELECTRICAL      MACH = MACHINERY      O = OTHER      SM = SMOKING MATERIAL

Accessibility Services	5112
CAS	5646
Career Design	5721
Central Council/SA	5878
Center for Community	
Dean of Students	5706
Fraternal Life & Off-Campus Services	5968
Student Conduct and Comm. Standards	5714
Leadership	5857
Student Volunteerism	5893
Chief Diversity Officer	5020
Class Cancellation Hotline	6666
Dean of Academic Planning and Advising	5541
Employee Assistance Program (EAP)	5740
Financial Aid	5731
Health Services	5736
Human Resources	5616
Intercollegiate Athletics & Recreation	5344
Intramurals	5353
'Lamron'	5896
Lauderdale (Student Health and Counseling)	
Counseling Services	5716
Health Services	5736
Health Promotion	5747
Library	5591
LGBTQ+	6237
Multicultural Affairs	5620
Orientation & First-Year Programs	5852
Provost	5531
Registrar	5566
Residence Life	5726
Scheduling, Events & Conference Services	5500
Student Accounts	5621
Student Life	5851
Student & Campus Life	5618
Ticket Office	5873
Title IX Coordinator	5023
University Police	5651
WGSU	5486
Workout Center	5348
<i>Campus Emergency</i>	5222

Allegany	5771
Eric	5756
Genesee	5746
Jones	5751
Livingston	5761
Monroe	5745
Nassau	5791
Niagara	5783
Onondaga	5785
Ontario	5775
Putnam	5781
Saratoga	5766
Seneca	5775
Steuben	5766
Suffolk	5796
Wayne	5796
Wyoming	5781

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