

# ANNUAL SECURITY AND FIRE SAFETY REPORT, 2020



This report was issued in October 2021 by the SUNY Geneseo University Police Department, a department in the Division of Student and Campus Life, in collaboration with the Office of Environmental Health and Safety.

Published in compliance with United States Code Section 1092(f), the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (hereinafter referred to as the Campus Safety 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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# PART ONE: CAMPUS SECURITY

The Student Right-to-Know and Campus Security Act was signed into law in November of 1990. Title II of this act was amended and renamed in 1998 as the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act. This law mandates that educational institutions receiving federal funds must disseminate crime statistics for certain serious offenses which occur on campus and in adjacent areas for the current and previous two calendar years. The purpose of this report is to provide current and prospective students, faculty and staff with campus safety information including crime statistics and procedures to follow when reporting a crime. This document was compiled by the Chief of University Police after consultation with the Dean of Students, the Village of Geneseo Police Department, the Livingston County Sheriff's Office and New York State Police. The College will not retaliate or allow any retaliation toward a person(s) who reports alleged violations of this act.

## GENERAL SECURITY PROCEDURES

### Safety, Security & the University Police Department

Law enforcement services, including criminal investigations, are provided by the University Police Department which has a force of sworn police officers with full arrest powers. University Police Officers meet the highest standards in New York State for law enforcement. Officers patrol the campus, including residence halls, 24/7/365 using vehicles, bicycles, and foot patrol. The Department's mission is to provide a safe environment and protect the lives and property of students, employees, and visitors, within the framework established by the State University of New York rules and regulations, and all local, state, and federal laws.

A daily log of campus crime is available for public view at the University Police Department or online at: [geneseo.edu/police](https://geneseo.edu/police). The Crime Log includes the date an incident was reported to the police, date and time the crime occurred, incident type, general location of occurrence, and the status 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.

The University Police Department also works closely with the Geneseo Police Department, Livingston County Sheriff's Office and the New York State Police to assist with incidents that occur off-campus but may involve campus students or staff. The Campus Security Act requires all public, private, and 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 includes written agreements between college authorities and law enforcement agencies having concurrent jurisdiction. The University Police Department at SUNY Geneseo has a Memoranda of Understanding with the Geneseo Police Department and the Livingston County Sheriff's Office in the event that a violent felony or a missing student is reported to campus authorities. Should such a report be received, the University Police Department would request assistance from these law enforcement agencies and would conduct a complete investigation.

### Reporting Crimes

All members of the campus community are urged to report criminal incidents, emergencies and suspicious activity. The University Police Department is located in Schrader Hall, Room 19. The campus emergency telephone number is (585) 245-5222. All fire, medical, and police emergencies should be reported using this number or by dialing 911. University Police may also be reached by using the campus emergency blue light phones, or the residence hall door phones, which have a red University Police emergency button. University Police Officers will be immediately dispatched to the scene.

### Crime Prevention

During annual student awareness programs and hall meetings, students are informed of safety programs such as: the campus shuttle bus program; the blue light emergency telephone system; Operation ID; and emergency notification procedures. Guests must be escorted while inside residence halls. Students and employees should notify the University Police Department or Student Life staff of any person who does not appear to have legitimate business in a building or on campus grounds. Books and other personal property should be secured when left unattended. Bicycles and cars should be locked and parked in well-lighted areas and valuables removed.

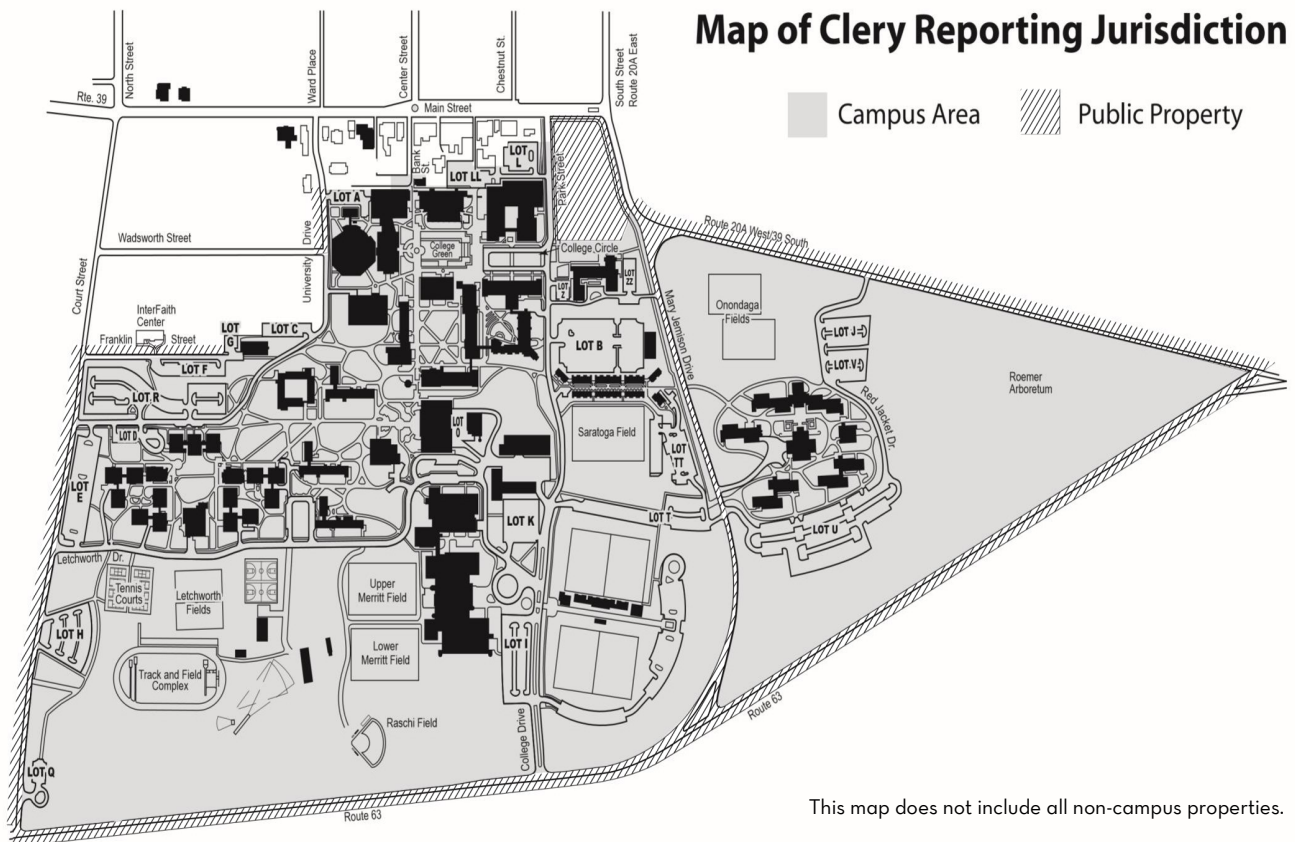
## Reporting Locations

Federal law requires that campuses report specific criminal activities that occur on campus property and specific areas around those properties. However, crimes occur in the community beyond what is required for reporting in this document. Students are advised to exercise caution in ALL areas both on- and off-campus.

**On-Campus:** includes the main campus property and buildings.

**Non-Campus:** includes property owned by student organizations officially recognized by the institution and those owned by the University outside campus boundaries.

**Public Property:** includes thoroughfares, streets, sidewalks, parking facilities, and public park or park-like settings immediately adjacent to and accessible from the campus.



## Missing Persons

Missing persons should be reported directly to the University Police Department. Do not wait if you believe a student is missing. Federal law states that the College is required to provide missing person notification to 1) local police agencies pursuant to any Memoranda of Understanding; 2) the student's designated contact person if provided; and 3) parents of students under 18 years of age.

Once notified, the police will immediately conduct an initial investigation, and if after a reasonable period of time (not more than 24 hours) a student has not been located, will proceed with the required notifications. The sooner the investigation begins, the better chance of locating a missing person. Students are encouraged to identify a person who college personnel should contact in the event they are determined to be missing. This information will be kept with each student's record and utilized if necessary.



## RAVE Guardian

SUNY Geneseo offers a personal safety system for all students, faculty and staff via the RAVE Guardian mobile phone app. This system employs the subscribed user's mobile phone into a personal safety device in two ways: The first is the Panic Call, whereby the subscribed user can activate an immediate alert to University Police, which will initiate a response to the users' current location. The second is a use of a timer. Users can set a time and add specific guardians that will be alerted if the timer is not canceled by the end of the allotted time. Specific guardians can include friend, family, University Police or a combination of contacts loaded by the user. The alerts to University Police come in on a terminal that shows GPS location and any other information that users deem necessary like medical conditions, picture, personal description etc. The users information is only visible if the alert is active at the University Police dispatch. RAVE Guardian also allows users to report crimes via text message to the University Police. This can be done anonymously or with the users information.

## CARE(S) Team

The purpose of this Team is to share information and recommend timely and effective response plans for intervening with students who have been identified as being at-risk to themselves or others. The CARE(S) Team meets throughout the fall and spring semesters to ensure that there is a forum for discussing student-related behavioral concerns that leads to coordinated institutional action. More information regarding the CARE(S) Team may be obtained by contacting the Dean of Students Office at (585) 245-5706.

## Advisory Committee on Campus Safety

This committee reviews issues of safety and security for the campus and makes recommendations to ensure a safe and secure environment. In addition to addressing any specific assignments by the College President, the committee also coordinates the annual campus safety walk. The Advisory Committee on Campus Safety makes a written report to the College President on its findings and recommendations at least once each academic year. This report is available online at: [geneseo.edu/safety](http://geneseo.edu/safety).

## Emergency Response

The College's leadership is trained in assessing emergency situations, appropriately responding to said emergencies, and initiating necessary communication with those immediately impacted by the event and the greater campus community.

The Chief of the University Police Department, 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 Assistant Chief, Inspector, Lieutenants, or the Officer-in-Charge, respectively, will make the appropriate determinations. If there was a serious, immediate threat to the health and safety of the campus community, the emergency response protocol appropriate to the situation would be enacted without delay. This can include community notification through activation of campus wide PA system (Big Voice), NY Alert, large screen messaging, and the SUNY Geneseo home page. Notification to the greater campus community is coordinated between the University Police Department and the College Communications Office pursuant to policies and agreements with local law enforcement agencies and media outlets.

Subsequent to the emergency response and for other non-imminent serious incidents, a Campus Crime Alert or Timely Warning Bulletin may be prepared and distributed via campus e-mail, posted at building main entrances, displayed on the SUNY Geneseo and/or the University Police websites, and projected on electronic messaging monitors located across campus. Standard notification procedures may be altered if emergency response authorities determine it would compromise efforts to assist a victim or contain, respond to or otherwise mitigate the emergency.

Please note that SUNY Geneseo tests its entire emergency notification system and fire alarms on a regular basis throughout the year. Pursuant to its procedures, fire drills are not announced, and testing of the other emergency systems may be announced or unannounced. For more information on the emergency notification system visit: [geneseo.edu/emergencies](http://geneseo.edu/emergencies).



## Emergency and Evacuation Procedures

### Responding to Widespread Emergencies

All faculty, staff, and students are expected to familiarize themselves with the evacuation plan for the buildings in which they occupy, including the designated areas to assemble after evacuating the building. Evacuation signs are posted in the hallways at the entrance to every building. The College trains personnel in emergency preparedness, but it is essential that residential students also know what to do in case of an extraordinary event such as a fire, wide-spread power outage, extreme weather event, toxic spill, or a violent person on campus. Below are the basics of emergency preparedness.

### Fire & Evacuation

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 911 or (585) 245-5222. If you hear a fire alarm (or are roused by a fire alarm strobe), leave the building immediately by using the nearest safe exit, regardless if you believe that the alarm is a drill or false alarm. While you should not hesitate, in most cases it is okay to stop and grab your shoes and coat. Meet in your designated assembly area away from the residence hall and wait for a university police officer to declare that it is safe to return to the building. During inclement weather, move to your secondary designated assembly area (this is often a dining hall—Residence Life staff will let you know at your first hall meeting) and wait for further directions.

### Extraordinary Emergency Events

Residential students are notified of extraordinary emergency events, which may require shelter in place or lockdown, through a number of means. A NY-Alert message will be sent to the cell phone of those who have signed up for this service (we recommend that all students and staff sign up for NY Alert). In some events, a special webpage will replace the College's normal webpage. This special webpage will provide directions regarding the emergency. "Big Voice" an audio notification system is activated by the university police and broadcast to the community through loud speakers. Campus closed circuit monitors, such as those in the MacVittie Union or Milne Library, will provide emergency information.

If a fire has made it unsafe to return to your building, Residence Life staff will immediately begin work on finding students alternative shelter. 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 the staff set up for the emergency response.

### Shelter-in-Place

Shelter-in-place events occur when it is unsafe for people to be exposed to the elements or the atmosphere such as during a tornado warning or if there were a chemical spill on the roadway. Shelter in place means to take shelter wherever you are. In the residence halls, people should seek secure, interior spaces away from windows (locking

windows to secure them, if possible). If people come to seek shelter, you should let them in.

### Lockdown

On a college campus, the term "lockdown" means something different from what it might mean for a K-12 school, where the buildings and rooms can literally be completely locked. A lockdown situation might happen on a multi building college campus. For example, if a violent person showed up with a weapon, University Police, as well as law enforcement officers from the surrounding community, would respond immediately to the threat.

University Police will call for buildings to go into a "lockdown" mode during emergencies when people need to secure themselves from a threatening person, such as a person wielding a gun, bomb, explosives, or other weapon. During a lockdown in a residence hall, residents should go to rooms that lock securely, preferably with few windows and some means of communication. Because most lounges in residence halls do not lock, residents will not be able to gather in one place. Because all residents' rooms have windows, they should make sure that their windows as well as doors are locked and that they keep away from the windows. Lockdowns are distinguished from shelter-in-place events in that once locked in, residents should not unlock their doors for anyone until they receive word from University Police that the event has concluded. For this reason, it is essential that all roommates carry their keys and ID cards with them at all times.

### Important Note for Lockdowns

If a fire alarm sounds during a lockdown, occupants should not exit the building unless they clearly perceive threatening fire or smoke. 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.

### Your Safety is Primary

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.

## Campus Security Authorities

Campus Security Authorities (CSA) are individuals or organizations that have significant responsibility for student and campus activities. The CSA are responsible for reporting any Clery Act crime information they receive to the college. CSA needs to report these crimes to the University Police as soon as possible and without delay. CSA do not need to disclose a victim name or other identifying features when sharing a Clery reportable incident to the college.

Descriptions of incidents are reported to the University Police Department for data collection purposes. Campus personnel assist victims with the on and off-campus reporting process and provide support.

Victims and witnesses are encouraged to report such matters immediately.

The offices below will accept reports of criminal behavior in a voluntary, respectful manner:

### University Police Department

Schrader Hall, Room 19

Emergency Phone: (585) 245-5222

Administrative Phone: (585) 245-5651

### VP for Student and Campus Life

Doty Hall, Room 314

Phone: (585) 245-5618

### Dean of Students

MacVittie College Union, Room 354

Phone: (585) 245-5706

### Student Conduct and Community Standards

MacVittie College Union, Room 348

Phone: (585) 245-5714

### Title IX Coordinator

Blake C, Room 118

Office Phone: (585) 245-5023

Cell Phone: (585) 502-4581

### Coordinator of Health Promotion

Lauderdale Health Center, Room 208

Phone: (585) 245-5747

### Residence Life

MacVittie College Union, Room 321

Phone: (585) 245-5726

### Intercollegiate Athletics and Recreation

Merritt Athletic Center, Room 213

Phone: (585) 245-5343

### College Union and Activities

MacVittie College Union, Room 305

Phone: (585) 245-5851

### Greek Affairs and Off-Campus Living

MacVittie College Union, Room 344

Phone: (585) 245-5968

Club Advisors are also Campus Security Authorities.

## Related Web Sites

History of the Campus Security Act: [clerycenter.org](https://clerycenter.org)

Campus conduct procedures including student behavior expectations, violation definitions, rights of the victim and the accused, hearing procedures and potential sanctions: [geneseo.edu/handbook](https://geneseo.edu/handbook)

Crime alert information, crime statistics & prevention, patrol information, emergency blue light phone system, silent witness program: [geneseo.edu/police](https://geneseo.edu/police)

Campus crime statistics—US Department of Education: [ope.ed.gov/security](https://ope.ed.gov/security)



## LIFE ON CAMPUS

### Residence Life

SUNY Geneseo's residence halls are locked 24-hours a day. Using a card access system, residential students may gain entry to exterior doors. When necessary, this system allows University Police to track individuals' access to halls. Residents can access all residence halls during the day, from 7:30 a.m. until 7:30 p.m., but only their own residence halls between 7:30 p.m. and 7:30 a.m.\* A guest is anyone who is not a resident of a particular hall. All guests must be accompanied by a host, who is a resident of that hall, at all times. Student room locks may be electronic, mechanical, or brass key. No matter which type of locking device is utilized, it is essential that students lock their rooms and suites routinely. Full time, live-in residence directors and area coordinators (AC) supervise students and facilities in each residence hall, and are responsible for residents' well being. In addition, undergraduate resident advisors (RAs), who are trained in emergency preparedness and fire safety, watch over residence halls through nightly rounds and frequent interactions with residents. During emergencies, RAs contact University Police and the 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.

### Facility Access\*

University Police Department staff conduct vehicle, foot and bicycle patrols to help protect the community and campus facilities. Except for residence halls, most campus facilities are open to the public during the day and evening hours when classes are in session. The general public is welcome to attend cultural and recreational events on campus. During non-operational hours, college buildings are locked and only faculty, staff and students with proper authorization are admitted. Campus employees with assigned offices are issued keys and are responsible for reporting missing and stolen keys.

### Facility Maintenance

The Facilities Services Department inspects campus facilities and completes repairs of any safety and security hazards. Facility related problems can be reported to the Facilities Services Department, Monday through Friday, 8:00 a.m. to 4:15 p.m., at (585) 245-5661, after normal business hours to (585) 245-5656, or to the University Police Department's administrative number at (585) 245-5651.

### Campus Events

The mission of the Office of Scheduling, Events & Conference Services is to provide professional planning support and information for every event on campus resulting in efficient space management and successful campus events. This single campus clearing-house for all events will provide knowledgeable support and coordination so that every event will become a successful, positive reflection of the College.

To schedule space, or for assistance in planning your event on campus, contact the Office of Scheduling, Events & Conference Services in Erwin 23 or by calling ext. 5500. Visit them online at: [geneseo.edu/events\\_office](https://geneseo.edu/events_office).



\*Note: In response to the COVID-19 pandemic, access to facilities, including residence halls, may be modified to align with guidance from New York State, the county Department of Health, or prevailing best practices.

## CRIME ON CAMPUS

### Definitions

The Campus Security Act delineates which offenses of the law must to be reported to the community. The definitions for these offenses, including sex offenses, are excerpted from the National Incident Based Reporting edition of the Uniform Crime Reporting Handbook. Please note that New York State Penal Law definitions for criminal offenses may differ slightly from those required for this report. See Appendix A for additional definitions.

**Aggravated Assault:** An unlawful attack by one person upon another to inflict severe or aggravated bodily injury. This is usually accompanied by the use of a weapon or by means likely to produce great bodily harm or death, although it is not necessary that injury result when a weapon is used.

**Arson:** A willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, personal property of another, etc.

**Burglary:** An unlawful entry of a structure to commit a crime including but not limited to: larceny, arson, sexual assault, criminal mischief, and all attempts to do so.

**Consent:** A clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

**Criminal Homicide, Manslaughter by Negligence:** The killing of another person through gross negligence.

**Criminal Homicide, Murder and Non-Negligent**

**Manslaughter:** The willful killing of one human being by another.

**Domestic Violence:** An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

**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. Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of a social relationship intimate nature with the victim of a romantic or is determined based on: The reporting party's statement; The length of the relationship; The type of relationship; and The frequency of interaction between the persons involved in the relationship. The term dating violence excludes acts covered under the definition of domestic violence.

**Drug Abuse Violations:** Violations of state and local laws related to possession, sale, use, growing or manufacturing of narcotic drugs, marijuana, or other controlled substances.

**Hate Crime:** When a person is victimized intentionally because of her/his actual or perceived race, gender, sexual orientation, ethnicity, disability, national origin, or gender identity.

**Liquor Law Violations:** Violations of laws or ordinances prohibiting manufacturing, selling, transporting, furnishing, or possessing intoxicating liquor including but not limited to: maintaining unlawful drinking places, furnishing liquor to a

minor or intoxicated person, and drinking on a common carrier

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

**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.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress. A course of conduct is two or more acts, including, but not limited to: Acts in the 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. Substantial emotional distress is significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling. A reasonable person is one under similar circumstances and with similar identities to the victim.

**Weapon Law Violations:** Violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as the manufacture, sale or possession of deadly weapons and all attempts to commit any of the afore mentioned.

**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, where the victim is incapable of giving consent.

#### Forcible Sex Offenses:

**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/permanent mental incapacity.

**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.

#### Non-forcible Sex Offenses:

**Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## Alcohol and Other Drugs

Illegal possession and/or use of marijuana, barbiturates, amphetamines, hallucinogenic compounds, narcotics and other controlled substances are violations of state and federal laws and college policy. SUNY Geneseo permits the use of alcoholic beverages on campus by those who comply with state law and who adhere to the guidelines established by the College. Students living in residence halls who are at least 21 years old are allowed to possess and consume alcoholic beverages in their rooms in compliance with college regulations. Students should be aware that the campus strictly enforces its policies with regard to alcohol and other drug violations. Members of the campus community in need of assistance with a question or personal problem related to alcohol or other drugs should contact Health and Counseling at Lauderdale. A complete description of alcohol and other drug policies and support services appears in the campus publication "Geneseo Update" which is available online at: [geneseo.edu/handbook](http://geneseo.edu/handbook).

**TABLE 1: LIQUOR LAW, DRUGS, AND WEAPON VIOLATIONS**

STATISTICS	YEAR	LIQUOR LAW VIOLATIONS <small>DOES NOT INCLUDE DWI</small>	DRUG LAW VIOLATIONS	ILLEGAL WEAPONS POSSESSION
<b>ARRESTS</b> On-Campus Includes Residence Halls	2018	3	61	0
	2019	9	5	0
	2020	0	1	1
<b>ARRESTS</b> Residence Halls Only	2018	3	40	0
	2019	0	4	0
	2020	0	1	0
<b>ARRESTS</b> Non-Campus	2018	0	0	0
	2019	0	0	0
	2020	1	0	0
<b>ARRESTS</b> Public Property	2018	4	12	0
	2019	0	1	0
	2020	0	0	0
<b>CONDUCT REFERRALS</b> On-Campus Includes Residence Halls	2018	99	71	2
	2019	90	30	0
	2020	76	1	1
<b>CONDUCT REFERRALS</b> Residence Halls Only	2018	49	30	1
	2019	86	19	0
	2020	70	1	1
<b>CONDUCT REFERRALS</b> Non-Campus	2018	0	0	0
	2019	0	0	0
	2020	0	0	0
<b>CONDUCT REFERRALS</b> Public Property	2018	1	5	0
	2019	2	2	0
	2020	4	0	0



TABLE 2: FBI INDEX CRIME STATISTICS

CRIMINAL OFFENSES	ON CAMPUS <small>INCLUDES RESIDENCE HALLS</small>			RESIDENCE HALLS ONLY			NON-CAMPUS			PUBLIC PROPERTY		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape (forcible sex offense)	0	3	1	0	2	1	0	0	0	0	0	0
Fondling (forcible sex offense)	0	3	1	0	3	1	0	1	0	0	0	0
Incest (non-forcible sex offense)	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape (non-forcible sex offense)	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
Aggravated Assault	0	1	0	0	0	0	0	0	0	0	0	0
Burglary	3	9	0	3	9	0	0	2	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	3	0	0	2	0	0	0	0	0	0	0
Domestic Violence	0	1	1	0	1	1	0	0	1	0	0	0
Stalking	3	3	0	1	2	0	0	0	0	0	0	0

### Hate Crime Statistics

In 2018, there were no Hate Crimes Reported.

In 2019, there were no Hate Crimes Reported.

In 2020, there were no Hate Crimes Reported.

### Sexual 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 as follows:



Level 1 (low risk)

Level 2 (moderate risk)

Level 3 (high risk)

The DCJS Sex Offender Registry contains a subdirectory of Level 3 sex offenders as well as other information pertaining to this act.

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. The NYS Sex Offender Registry can be found here: [criminaljustice.ny.gov/nsor](https://criminaljustice.ny.gov/nsor).

# INTERPERSONAL VIOLENCE AND VIOLENCE AGAINST WOMEN ACT (VAWA) CRIMES

## Sexual Assault 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.
2. Report the incident to the Office of 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 the Office of 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.
3. Report the incident to the Title IX Coordinator. Because 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 pertinent witnesses and will provide support services and referrals. Marcus Foster is the Title IX Coordinator and can be reached at (585) 245-5023 or in Blake Hall, Room 118 C.
4. Report the incident but not pursue further actions. You choose to report the incident to one or more of the above entities but choose not to proceed further. However, an anonymous report about the incident (date, time, location) will be shared with the Office of Student Conduct and Community Standards, Title IX Coordinator, 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.

## Interpersonal Violence and Assistance for Victims

Specifically, SUNY Geneseo strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. Victims of Interpersonal violence can immediately report the incident to University Police (ext. 5222) if the incident occurred on-campus, or to the appropriate law enforcement agency, through 911, if the assault occurred off-campus.

### Hospital Emergency Room:

Sexual assault victims should be treated as soon as possible by medical personnel. Victims should not wash, change clothing or otherwise "clean up." Evidence can be collected several hours after an attack, but its value may be diminished. Victims should bring a full change of clothes as those worn during the assault may be kept as evidence.

### Follow Up Medical Care:

Victims may need tests for sexually transmitted diseases and pregnancy. This care is critically important.

### Support and Referral Resources:

Regardless of where Interpersonal violence occurred, victims may contact at least one of the campus security authorities found at [geneseo.edu/titleix](https://geneseo.edu/titleix). In addition to any criminal implications, sexual assault is prohibited conduct as specified in the SUNY Geneseo Student Code of Conduct. The Sexual Misconduct Policy may be found at: [geneseo.edu/handbook/policies\\_procedures](https://geneseo.edu/handbook/policies_procedures) or the link above.

In 2015, the SUNY Geneseo University Police Department became the 9th SUNY Police Department to achieve accreditation from the New York State Department of Criminal Justice Services; and in January 2020, earned re-accreditation.

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.

## Procedures for Individuals Reporting Interpersonal Violence

Reporting individuals of these crimes will be provided written information about evidence preservation, how and to whom to report these crimes, options about involvement of law enforcement and campus authorities, and assistance in notifying law enforcement if the individual chooses, as well as the option to decline to notify authorities. Reporting individuals will also be provided information in writing about rights and institutional responsibilities regarding no contact orders, orders of protection, or other available applicable options.

## Procedures for Student Code of Conduct for Interpersonal Violence

SUNY Geneseo will notify a reporting individual that they will change a reporting individual's academic and living situation after an alleged sex offense if those changes are requested by the reporting individual and are reasonably available. 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). The outcome of a conduct proceeding is the college's final determination with respect to the alleged sex offense.

SUNY Geneseo will, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results on any conduct proceeding against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin may obtain these results.

See Appendix B for more information.

## Sanctions for VAWA Crimes

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, College Dismissal (expulsion). For students who are found responsible for sexual assault, rape, or acquaintance rape, the only sanctions are as follows: College Suspension, College Dismissal (expulsion). Summarized from the SUNY Geneseo Handbook.

## Confidentiality and Written Notifications

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. Personally identifiable information about victims will not be included in any publicly available record-keeping, including the reporting and disclosure of crime statistics. The College will provide written notification 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.

## Support Programs

SUNY Geneseo offers a number of programs and opportunities which are designed to educate, and raise awareness of the issues of domestic violence, dating violence, sexual assault, and stalking in our society. The Prevent Coordinator, the Coordinator of Health Promotion and the Alcohol & Other Drug Coordinator both work with students who volunteer their time to raise awareness of sexual assault, to encourage responsible use of alcohol, and to promote safe sex practices. The following is a list of specific programs and measures taken at SUNY Geneseo that help preserve personal safety and reduce occurrences of sexual assault: domestic violence, dating violence, sexual assault, and stalking.



**Persona Non Grata (PNG):** An order of exclusion from campus to non-students who have demonstrated that their presence on campus would be a threat to the campus and/or campus members. Violators can be arrested for criminal trespass.

**Greek new member educational programs focused on sexual assault.**

**Off-Campus Jurisdiction:** SUNY Geneseo policy allows the pursuit of Student Code of Conduct violations against students who are involved in off-campus incidents which also violate college policy and/or federal, state, and/or local laws, statutes, or ordinances.

**Bus Service:** Available in the morning M-F, and up until 2:00 a.m. Su-Th, with the last cycle at 2:30 a.m. Friday and Saturday, so that students do not have to walk alone to and from many on- and off-campus destinations.

**Widespread distribution of “bookmarks” with information about sexual assault and Title IX options for students provided to new and incoming students.**

**Confidentiality:** Students have the option of having their directory information unlisted. Details are available by contacting the Dean of Students.

**Sexual Assault Awareness Week (April)**

**Bike Patrol:** Campus patrol by trained and certified police bicyclists complement foot and vehicle patrols.

**Domestic Violence Awareness Month (October)**

**Education about sexual assault and safety provided during new student orientation and the week of welcome (Knights are Aware + Care).**

**Chances and Changes:** A resource for victims of domestic violence, dating violence, and stalking; (888) 252-9360 (24/7 Hotline)

**RESTORE:** A resource for victims of sexual assault /rape; 133 Main Street, Geneseo, NY 14454; (585) 546-2777 or (800) 527-1757 (hotline).

**President’s Safety Walk:** Annual walking tour of the campus by the College President, members of cabinet and interested faculty, staff and students to look at the design of the physical campus and bring forth ideas for improvement with regard to creating a safer environment.

## Online Resources

### Silent Witness:

[geneseo.edu/police/silent\\_witness](https://geneseo.edu/police/silent_witness)

### Title IX Website:

[geneseo.edu/titleix](https://geneseo.edu/titleix)

### Sexual Assault Information:

[geneseo.edu/health/sexual-assault](https://geneseo.edu/health/sexual-assault)

### Off-campus Therapists:

[geneseo.edu/health/off-campus\\_referral](https://geneseo.edu/health/off-campus_referral)

### Additional Sexual Assault Programs:

[suny.edu/violence-response/](https://suny.edu/violence-response/)



# PART TWO: FIRE SAFETY

## Residence Halls Fire Safety

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.

For everyone's safety, cooking is not permitted in any bedroom. Residents have access to at least one community kitchen in each hall.

### Permitted to use the following items in residential facilities:

- approved refrigerator (less than 2.0 amps at 120 volts AC/3.6 cubic feet), including approved micro-fridge units
- VCR/DVD player
- electric blankets
- coffee maker or water kettle with temperature control
- radio
- television
- air popcorn maker
- hair care appliances
- stereo
- personal computer
- electric fans (window screens may not be removed)
- sewing machine
- iron with automatic shut off

### Prohibited from utilizing the following items in residential facilities:

- decorative lights, unless battery operated
- non-college beds
- neon lights
- air conditioners
- halogen or multi headed lamps
- non-portable electrical appliances
- cooking appliances such as toaster ovens, microwave ovens (except in townhouse or communal kitchens), immersion heaters, hotplates/pots, pop up toasters (except in townhouse or communal kitchens), George Foreman type grills
- cinder or cement blocks
- space heaters unless provided by the College
- motorbikes, scooters and/or any gasoline operated vehicles

## Residence Halls Prohibited Activities

To help reduce the opportunity for fire to occur, the following activities are prohibited in all residential facilities:

Open flames such as candle and incense are prohibited in all residential spaces.

Accommodations for use of candles in public lounges for religious observations must be approved by the hall director.

Residents may not bring outdoor cooking grills to campus, but they may use the College provided charcoal grills. Residents may not store lighter fluid or charcoal in their rooms. Residents are encouraged to use non fuel charcoal "chimneys" to light coals. Residents should contact their hall directors or Environmental Health & Safety to dispose of leftover barbeque fuel or charcoal. Propane tanks or cylinders are not permitted in residence halls.

Residents may not use extension cords or multi-plug wall outlets in residence hall rooms.

Only UL approved, electrical, polarized, grounded power strips with fuses (or circuit breakers) are permitted. The maximum fused amperage of such devices must not exceed 15 amps. Residents must never attach power strips together. Power strips and refrigerators must be plugged directly into a wall outlet and not into a power strip.

The SUNY Geneseo Residential License and Policies further prohibits residents from:

- affixing anything to the ceiling, e. g. bottle caps, stars, tape, tapestries, posters
- tampering with fire or safety equipment, including outside doors
- propping open outside entrance doors or fire doors.

**Smoking is not permitted in any college building.**



## Fire Safety Education and Training

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each semester.

These programs are designed to: familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed 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 Student Life or Disability 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 NYS Office of Fire Prevention and Control.

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. Residence Life staff receive hands-on fire extinguisher training each year but are not expected to fight fires.

## Room Audits

The Offices of Environmental Health & Safety and Residence Life perform residence hall health and safety (H&S) inspections once each year to check compliance with the Fire Code of NYS. A written report is provided to Residence Life staff. Student rooms are also checked by Residence Life staff at all breaks/holidays. Inspections are announced at least 24 hours in advance. The H&S inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential License, which includes the H&S inspections and all other rules and regulations for residential buildings. The inspections include but are not limited to a visual examination of electrical cords, combustible build up, sprinkler heads, smoke detectors, fire extinguishers, housekeeping, other life safety systems and general housekeeping that could impede egress.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames such as candles, extension cords, halogen lamps, portable cooking appliances in non-kitchen areas, etc.) or prohibited activity (e.g., smoking in the room, tampering with life safety equipment, possession of pets, etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room. Students found with prohibited items will receive further instruction on how to remedy the violation.

The Office of Environmental Health & Safety maintains a log for all fires reported in residence halls for the current calendar year. This log is available for public viewing at Clark A, Room 118 or by calling (585) 245-5512.

## On-campus Housing Fire Safety Systems

All sixteen residence halls, plus the Saratoga townhouses, have fire alarm monitoring by university police, a full sprinkler system (sprinklers in both common areas and individual areas), smoke detection, fire extinguishing devices and plans for emergency evacuation. Four unannounced fire drills are held per year (2 per semester), in each residence hall.

Additional information on fire safety and evacuation is also available online at: [geneseo.edu/ehs/student-resources-fire](http://geneseo.edu/ehs/student-resources-fire).

## Fire Reporting

Any and all fires should be reported to the University Police Department (585) 245-5651 or 911. The University Police will notify all other relevant departments at the College.





Table 3: FIRE STATISTICS—RESIDENCE HALLS

RESIDENCE HALL	YEAR	TOTAL FIRES IN BUILDING	CAUSE OR NATURE	FIRE RELATED INJURIES REQUIRING TREATMENT AT A MEDICAL FACILITY	FIRE RELATED DEATHS	PROPERTY DAMAGE
ALLEGANY	2018	0				
	2019	0				
	2020	0				
ERIE	2018	0				
	2019	0				
	2020	0				
GENESEE	2018	0				
	2019	0				
	2020	0				
JONES	2018	0				
	2019	0				
	2020	0				
LIVINGSTON	2018	0				
	2019	0				
	2020	0				
MONROE	2018	0				
	2019	0				
	2020	0				
NASSAU	2018	0				
	2019	0				
	2020	0				
NIAGARA	2018	0				
	2019	0				
	2020	0				
ONONDAGA	2018	0				
	2019	0				
	2020	0				
ONTARIO	2018	0				
	2019	0				
	2020	0				
PUTNAM	2018	0				
	2019	0				
	2020	0				
SARATOGA	2018	0				
	2019	0				
	2020	0				
SENECA	2018	0				
	2019	0				
	2020	0				
STEUBEN	2018	0				
	2019	0				
	2020	0				
SUFFOLK	2018	0				
	2019	0				
	2020	0				
WAYNE	2018	0				
	2019	0				
	2020	0				
WYOMING	2018	0				
	2019	0				
	2020	0				

**Aggravated sexual abuse:** For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

**Aggravated sexual abuse in the fourth degree:** When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) 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 17 years old.

**Aggravated sexual abuse in the third degree:** When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

**Aggravated sexual abuse in the second degree:** When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) 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 11 years old.

**Aggravated sexual abuse in the first degree:** When a person 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.

**Consent:** Lack of consent results from: forcible compulsion; or incapacity to consent; or 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. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in 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. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

**Course of sexual conduct against a child in the second degree:** When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

**Course of sexual conduct against a child in the first degree:** When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more 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 13 years old.

**Criminal sexual act in the third degree:** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

**Criminal sexual act in the second degree:** When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**Criminal sexual act in the first degree:** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Dating Violence:** New York State does not specifically define "dating violence." However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an "intimate relationship" with the victim. See "Family or Household Member" for definition of "intimate relationship."

**Domestic Violence:** An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

**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.

**Family of Household Member:** Person's related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

**Forcible Touching:** When a person intentionally, and for no legitimate purpose, 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. It includes squeezing, grabbing, or pinching.

**Incest in the third degree:** A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

**Incest in the second degree:** A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

**Incest in the first degree:** A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

**Parent:** means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

**Persistent sexual abuse:** When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

**Rape in the third degree:** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) 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 second degree:** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

**Rape in the first degree:** When a person 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 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**Sexual abuse in the third degree:** When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

**Sexual abuse in the second degree:** When a person 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 17 years old; or (2) less than 14 years old.

**Sexual abuse in the first degree:** When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

**Sexual Assault:** New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**Sexual Misconduct:** When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

**Sex Offenses, lack of consent:** 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.



**Stalking in the fourth degree:** When a person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

**Stalking in the third degree:** When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime or stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

**Stalking in the second degree:** When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chukka stick, sand bag, sand club, slingshot, slungshot, shiriken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

**Stalking in the first degree:** When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

**Summarized from the SUNY Geneseo Handbook**

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 his/her 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 rules, regulations, or laws 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.
5. In Level II cases, the complainant and the accused student 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 assault 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 his/her 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. 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.
  - e. 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.
  - f. All procedural questions are subject to the final decision of the chairperson of the conduct board or the conduct administrator.
  - g. 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.
  - h. 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).
  - i. Upon determination of whether the accused student 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 violence, both the accused and the complainant will be 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.
  - j. In cases involving more than one student, the conduct body will hear each case separately. For issues of group misconduct refer to the procedures outlined in "Conduct Procedures for Recognized Student Groups."
  - k. A member of a conduct body who is unable to be impartial shall disqualify him/herself. 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.
8. 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.
9. 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.
10. 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.
11. 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 him/her under the Student Code of Conduct. When a student waives his or her 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.