

SUNY Geneseo Sexual Violence Response Policy

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 act 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.

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

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 Consent may be initially given but withdrawn at any time.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

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

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.

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,

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

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

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 crimes and violations, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

All students have the right to:

- make a report to local law enforcement and/or state police;
- have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from outside pressures from the institution;
- participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services where available;
- be free from any suggestion that the reporting individual or victim/survivor is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident;
- be free from retaliation by the institution, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- access to at least one level of appeal of a determination;
- be accompanied by an advisor of choice who may assist and advise a reporting individual, accused or respondent throughout the judicial or conduct process

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](tel:585-245-5023), Doty Hall 303
 - the Student Conduct Office, [585-245-5714](tel:585-245-5714), MacVittie College Union 354
 - the Office of Human Resources, [585-245-5616](tel:585-245-5616), Doty Hall 318
- Make a report to law enforcement:
 - University Police Department, [245-5222](tel:245-5222), Schrader Hall 19
 - local law enforcement agencies in Geneseo:
 - Geneseo Police Department, [585-243-2420](tel:585-243-2420), 119 Main Street, Geneseo, NY 14454
 - Livingston County Sheriff's Police Department, [585-243-7100](tel:585-243-7100), 4 Court Street, and/or
 - NYS Police Troop E Geneseo, [585-658-9480](tel: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](tel: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 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:

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
- Student Health Services, [585-245-5736](tel:585-245-5736)
- Counseling Services, [585-245-5716](tel: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:

- Legal Momentum: <https://www.legalmomentum.org/>
- Call [Chances & Changes](#) (dating/domestic violence services) [1-888-252-9360](tel:1-888-252-9360)
- Call RESTORE (sexual assault services) [1-800-527-1757](tel:1-800-527-1757)
- [NYSCASA](#)
- NYSCADV: <http://www.nyscadv.org/>;
- Pandora's Project: <https://pandys.org/>
- Gay Alliance of Genesee Valley, [585-244-8640](tel:585-244-8640), www.gayalliance.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,

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

Doty 303

585-245-5023 (office)

shebert@geneseo.edu

Dean of Students

354 MacVittie College Union

585-245-5706

deanstu@geneseo.edu

Associate Vice President for Human Resources

318 Doty Hall

585-245-5616

briggsja@geneseo.edu

Assistant Dean of Students for Student Conduct & Community Standards

354 MacVittie College Union

585-245-5714

conduct@geneseo.edu

UNIVERSITY POLICE

19 Schrader Hall

585-245-5222

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
 - 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, c: 585-270-1696) Doty Hall 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 (0: 585-245-5023, c: 585-270-1696) 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

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.

2. *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

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](tel:1-800-247-8035). Options are explained [on the NYS website](#).

3. 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, Sara Mahoney at [585-245-5023](tel:585-245-5023) or smahoney@geneseo.edu for assistance.

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:

Sara Hébert, Title IX Coordinator

Doty 303

585-245-5023 (office)

shebert@geneseo.edu

Student Conduct Process:

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;

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 \(PDF\)](#);
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

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](tel: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](tel: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), Blake C 111, [800-527-1757](tel: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](tel:585-245-6492), [888-252-9360](tel:888-252-9360). Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver

- Local Sexual Assault Nurse Examiner (SANE) hospitals and programs:
 - Strong Memorial Hospital, [585-275-4551](tel:585-275-4551)
 - Wyoming County Community Hospital, [585-786-8890](tel:585-786-8890)
- Off-campus healthcare providers:
 - Strong Memorial Hospital, [585-275-4551](tel:585-275-4551)
 - Wyoming County Community Hospital, [585-786-8890](tel:585-786-8890)
 - Noyes Urgent Care (Geneseo), [585-243-9395](tel: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](tel: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](tel:585-245-5736), Lauderdale Health Center.

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

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 Student (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

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
- RESTORE (sexual assault), [800-527-1757](tel:800-527-1757)
- Chances & Changes (dating/domestic violence and stalking), [888-252-9360](tel: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 Sara Mahoney, 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.

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

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.

Title IX Coordinator, Sara Mahoney (o: [585-245-5023](tel:585-245-5023), c: 585-443-6458) 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, Sara Mahoney, Title IX Coordinator's office (Doty 303, [585-245-5023](tel: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

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 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:

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.

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.

4. 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

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

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

Revised March 18, 2018

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

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:
 - o How to report sexual violence and other crimes confidentially, and/or to college officials, campus law enforcement and security, and local law enforcement.
 - o 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

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;

Faculty Teachings,

- 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:

- o the Title IX Coordinator's role, o campus policies and procedures addressing sexual assault; o how and where to report sexual violence as a victim/survivor or witness;
- o the availability of resources on and off campus, such as counseling, health, academic assistance;
- o 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);
- o bystander attitudes and behavior;
- o whether victims/survivors reported to the SUNY Geneseo and/or police, and reasons why they did or did not report;
- o the general awareness of the difference, if any, between the institution's policies and the penal law; and
- o 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

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