SUNY GCC
Genesee Community College



Student Code of Conduct

2026-2027

Genesee Community College

Revised: August 21, 2026. The information in this document is the most up to date version of the Student Code of Conduct. This supersedes other documents online or in print. This Code is guided by and in alignment with GCC Procedure #401.

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SECTION 1 - Introduction

1.1 Purpose of This Code

Genesee Community College is committed to providing a safe and orderly environment where students may receive quality educational services without disruption or interference. This Code has three primary functions:

c) It communicates GCC's behavioral expectations for its students.
c) It explains what students can expect from GCC when a concern is raised.
c) It describes how conduct matters are resolved.

In support of the mission of the College, the Code of Conduct is designed to foster a safe and supportive learning environment for its students in their pursuit of their educational goals. The Code is designed to be both educational and protective, helping students understand the impact of their choices, repairing harm where possible, connecting students with support where needed, and preserving a safe environment for those in the College community.

This Code is an internal College process with its own standards, timelines, and outcomes. It is not a criminal or civil proceeding.

1.2 Authority

This Code is issued under GCC Procedure 401, Student Code of Conduct, which establishes that the College maintains and enforces a Student Code of Conduct and sets out the minimum purposes the Code must serve. Review and approval of changes to this Code are governed by Procedure 401 and described in 1.7.

This Code is also governed by and interpreted consistently with:

- Policies of the State University of New York Board of Trustees;
- New York State Education Law Article 129-A (public order) and Article 129-B (sexual violence prevention and response);
- Title IX of the Education Amendments of 1972 and its implementing regulations;
- The Jeanne Clery Act;
- The New York State Hazing Prevention Act;
- The Family Educational Rights and Privacy Act (FERPA).

The Dean of Students is the College's primary administrator of student conduct and is responsible for administering this Code.

1.3 Scope

This Code applies to all Genesee Community College students, as defined in Appendix A. This includes students who are:

- Full-time or part-time;
- Enrolled in credit or non-credit coursework;
- Studying in person, online, or in a hybrid format;
- Not enrolled in a particular term but who have a continuing academic relationship with the College;
- Enrolled in pre-collegiate programs, co-sponsored partnerships, and other recurring programs; and
- Withdrawing or withdrawn from the College while a conduct matter is pending.

A student is subject to this Code from the point of enrollment through the completion of their program, including periods between terms and during academic breaks.

This Code also applies to registered student organizations and to student groups recognized by the College. Sanctions available for organizations are described in Section 6.8.

1.4 Jurisdiction

This Code covers student behavior that occurs:

- On College property, or on property the College manages or controls, including College Village;
- At College-sponsored programs, activities, or events, whether on or off campus;
- At clinical, internship, field placement, and other College-affiliated off-campus sites; and
- Off campus or online, when the behavior poses a risk of harm to members of the College community or substantially interferes with College operations.

Sexual and interpersonal misconduct covered by Title IX or New York Education Law Article 129-B is addressed under Section 4, which governs the scope of those matters.

1.5 Relationship to Other College Policies

Some students are held to additional standards because of where they live, what they study, or what they participate in. Those standards apply alongside this Code, not instead of it.

- College Village residents are also subject to the College Village Housing Regulations and License Agreement.
- Student-athletes are also subject to the Student-Athlete Code of Conduct and applicable NJCAA rules.
- Students in clinical, health, and field placement programs are also subject to the standards of their program and placement site.
- Registered student organizations are also subject to the standards outlined in Student Engagement & Inclusion, and any national or regional governing body.

Where this Code conflicts with federal law, New York State law, or SUNY Board of Trustees policy, the law or policy controls. Where this Code conflicts with another College policy or procedure on a student conduct matter, this Code controls, except that Section 4 controls all matters within its scope.

A student who is also employed by the College is subject to this Code as a student, and the conduct process decides only whether the Code was violated, not the student's employment. Conduct that is solely a matter of job performance is an employment matter handled by the student's supervisor and Human Resources, not under this Code. The two processes are independent, and a finding under this Code is not automatic grounds for employment action.

1.6 Reading This Code

- Defined terms appear in Appendix A. Where a term is defined there, that definition applies throughout this Code.
- Section titles and headings are for convenience and do not change the meaning of the text beneath them.
- This Code is written to be read and understood by students, and plain language will be used where possible. As needed, such as to meet compliance requirements, some technical language will be used with precision. Where plain language and precision are in tension, the precise language will govern.
- If any provision of this Code is found invalid or unenforceable, the remaining provisions remain in full effect.

It is the responsibility of every Genesee Community College student to become familiar with this Code and with College policies and procedures. All students enrolled at the College agree to follow this Code and all College policies and procedures.

1.7 Amendments and Effective Date

The official and most current version of this Code is the version published on the College website. That version supersedes any other version online or in print.

This Code is reviewed annually by the Dean of Students to ensure clarity and accuracy, compliance with legal and regulatory standards, and relevance to the commitments of the College. Proposed revisions are reviewed and approved by the Vice President for Student Affairs, with notification to the President's Cabinet.

Approved changes take effect for the upcoming academic year. A change may take effect during an academic year where it is required by federal, State, or SUNY regulation. Students will be notified of any mid-year change by College email.

Alleged conduct is evaluated under the version of this Code in effect at the time the conduct occurred. The process used to resolve the matter is the process in effect at the time the report is received.

SECTION 2 – Student Rights and Responsibilities

Genesee Community College respects the dignity of each individual member of the College community. The College recognizes certain rights and responsibilities as critical to the growth, safety, and educational success of each student.

In defining the rights and responsibilities of students, the College adheres to the 1967 Joint Statement on Rights and Freedoms of Students, the 1940 AAUP Statement on Principles of Academic Freedom, and subsequently approved Interpretive Comments (1970). Nothing in this Code shall be construed to be in conflict with those documents.

2.1 General Educational Rights

Student rights include, but are not limited to:

- The opportunity to pursue higher education;
- Freedom to exercise the rights of citizenship, association, inquiry, and expression;
- Appropriate privacy and confidentiality;
- A safe and supportive learning environment;
- Fair and equal treatment, instruction, evaluation, and services by faculty, staff, and students;
- Freedom from retaliation for raising a concern, filing a report, or participating in a College process; and
- Procedural fairness in grievance and disciplinary processes, as described in 2.3 and Section 6.

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

2.2 Student Responsibilities

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

- To be knowledgeable of, and comply with, the directives, regulations, and laws as established by the SUNY Board of Trustees and the Genesee Community College Board of Trustees;
- To respect the rights of individuals and groups to independent action, as long as those rights do not interfere with the parallel rights of others;
- To be knowledgeable of, and comply with, the directives, regulations, and laws of duly constituted civil authorities;
- To know and follow any additional standards that apply to them because of where they live, what they study, or what they participate in, as described in Section 1;
- To keep the College informed of a current contact information, and to check their College-assigned email account, which the College uses for official notice; and

To participate honestly in College processes, including by not providing false information and not interfering with a report, investigation, or hearing.

2.3 Rights of Responding Students

The College is committed to a fair, educational, and respectful conduct process. Any student charged with involvement in a conduct matter has the following rights. These rights apply throughout Section 6. Where Section 4 applies, the rights and procedures in Section 4 control.

1. **You are presumed not responsible.** You are presumed not responsible for a violation unless and until the College determines otherwise. The College carries the burden of showing that a violation occurred. You do not have to prove that it did not.
2. **You will receive written notice.** You will be told in writing what conduct was reported, which parts of this Code are at issue, and when and where you are being asked to meet. If new allegations are added, you will receive new notice and a new opportunity to prepare.
3. **You will have a chance to respond.** You will not be found responsible without first being given a meaningful opportunity to respond. You may choose not to speak or not attend a hearing. Choosing not to speak is not evidence that you are responsible, and the College will decide the matter on the information available.
4. **You will be treated fairly.** Anyone deciding your case must be free from bias or conflict of interest. If you believe a decision-maker cannot be impartial, tell the College in writing before the meeting or hearing begins, and you will receive an answer in writing. Cases are decided on a preponderance of the evidence, which asks whether it is more likely than not that the conduct occurred. Your prior conduct record is not generally considered in deciding whether you are responsible, though it may be considered in deciding a sanction.
5. **You may request accommodations.** If you have a documented disability or other access need, you may request accommodations to participate fully in the process. Contact the Office of Access & Accommodations at (585) 343-0055 ext. 6045 or access@genesee.edu. Requesting an accommodation will not unreasonably delay or prejudice your case.
6. **Your information is protected.** Conduct records are education records under the Family Educational Rights and Privacy Act (FERPA). Conduct proceedings are private. Information is shared only with College officials who have a legitimate educational interest, and otherwise as permitted or required by law. See Section 7.
7. **You will be offered support.** You will be able to access support resources, including counseling, academic support, and basic needs support. Using these services is not an admission of anything, and it will not be used against you. Request support any time in or after the process.
8. **You are protected from retaliation.** No one may retaliate against you for participating in the conduct process, whether as a respondent, a reporting party, or a witness. Retaliation is itself a violation of this Code. If you believe you are experiencing retaliation, tell the Dean of Students Office.

The following rights apply to administrative hearings and Hearing Board hearings under Section 6.

9. **You may bring an advisor.** You may have one advisor with you. An advisor may be a friend, a family member, or a College employee. Your advisor is there to support and advise you, and

may not speak for you or participate directly. Attorneys may serve as advisors in matters governed by Section 4, and where otherwise required by law.

10. **You may review the information in your case.** You will be told what information the College is relying on, and you may review the case record on request, including for the purpose of preparing an appeal.
11. **You may present your side.** You may share your perspective, present relevant information, and suggest witnesses. The person or body hearing the case decides which witnesses are heard and which questions are asked.
12. **You will receive a written decision, and you may appeal.** You will receive a written decision stating what was decided, the reasons for it, and any sanctions. If you are found responsible, you may appeal on the grounds and within the timeframe described in Section 6. Matters resolved without a hearing are not appealable, and you will be told in writing when that is the case.

The College also publishes Student Rights in the Conduct Process, a plain-language summary of this Section that is provided to students when a conduct matter begins. That summary explains and illustrates the rights stated here, and may include additional detail and campus resources. It does not create, limit, or change any right in this Section. If the summary and this Section differ, this Section governs.

2.4 Rights of Reporting Students

A student who reports that they or another student were harmed by another student's conduct has the following rights. Where Section 4 applies, the rights and procedures in Section 4 control.

1. **Your report will be taken seriously.** Your report will be received, reviewed, and considered under this Code.
2. **You will be told what happens with your report.** You may be told what the College decided to do and why, to the extent the law permits. If you have questions about where things stand, you may ask the Dean of Students Office at any time.
3. **You may request supportive measures.** You may ask for support whether or not a formal conduct process moves forward, including a no contact order, a schedule change, or academic support.
4. **You may request accommodations.** If you have a documented disability or other access need, you may request accommodations to participate fully in the process. Contact the Office of Access & Accommodations at (585) 343-0055 ext. 6045 or access@genesee.edu. Requesting an accommodation will not unreasonably delay or prejudice the matter.
5. **Your information is protected.** Conduct records are education records under the Family Educational Rights and Privacy Act (FERPA). Conduct proceedings are private. Information is shared only with College officials who have a legitimate educational interest, and otherwise as permitted or required by law. See Section 7.
6. **You will be offered support.** You will be able to access support resources, including counseling, academic support, and basic needs support. Request support any time in or after the process.

7. **You are protected from retaliation.** No one may retaliate against you for making a report or participating in the conduct process. Retaliation is itself a violation of this Code. If you believe you are experiencing retaliation, tell the Dean of Students Office.

The following rights apply to administrative hearings and Hearing Board hearings under Section 6.

8. **You may bring an advisor.** You may have one advisor with you, on the same terms described in 2.3.
9. **You will be told the outcome.** You will be told the outcome of the case, when you ask and where the College is permitted to share it.
10. **You may appeal.** In matters where you are a party, you may appeal on the same grounds available to a responding student, within the timeframe described in Section 6.

2.5 Students' Bill of Rights (Article 129-B)

Students reporting sexual assault, domestic violence, dating violence, or stalking have additional rights under New York State Education Law Article 129-B and GCC Board Policy 1021.1. Those rights are set out in the Students' Bill of Rights in Section 4 of this Code, and they apply in addition to the rights described in this Section.

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

3.1 Affirmative Action

GCC's Affirmative Action Policy

SUNY's Affirmative Action Statement

3.2 Diversity

Diversity & Inclusion at GCC

3.3 GCC's Core Values and Strategic Plan

GCC's Strategic Plan

3.4 Non-Discrimination

Non-discrimination Policy

SECTION 4 – Sex-Based Misconduct and Harassment

4.1 Sex-Based Misconduct and Harassment Information

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

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

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

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

4.2 Sexual Misconduct Reporting, Privacy,

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

The College is committed to respecting the privacy of individuals involved in reports of sexual misconduct. GCC will work with students who seek confidential or private assistance, and certain

professionals are designated by law as confidential resources. Employees who are not confidential resources are expected to maintain privacy to the greatest extent permitted by law and College policy and to share information only with appropriate College officials on a need-to-know basis. Information will not be disclosed beyond what is necessary to respond appropriately to the report and fulfill institutional obligations.

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

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

4.2 Title IX Related College Resources

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

- Sexual Violence Response College Procedure 121.1
- Options for Confidentially Disclosing Sexual Violence College Procedure 121.2
- SUNY Sexual Violence Prevention (SVP) Campus Climate Survey GCC Board Policy 1021 Sexual Harassment
- Crime Prevention and Reports
- Responsible Employees
- Differences Between the Penal Law and the College Disciplinary Processes

4.3 Students' Bill of Rights

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

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;

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

4.4 Options for Victims

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

Local Resource:	Contact Information:
Campus Safety	585-343-0055 ext. 6500
College Village Safety	585-813-9262
Title IX Coordinator	585-343-0055 ext. 6514
RESTORE (Sexual Assault Victim Services)	585-546-2777
Dean of Students	585-343-0055 ext. 6314
GCC Counseling Center	585-343-0055 ext. 6219
United Memorial Medical Center	585-343-6030

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

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

subject to Genesee Community College officials or law enforcement will not be subject to Genesee Community College code of conduct action for violations of alcohol, marijuana, and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

4.6 Conduct Process for Cases Involving Sexual Misconduct

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

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

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

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

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

1. **Due Process:** Right to a process conducted fairly, impartially, and without conflicts of interest.

2. **Presumption of Non-Responsibility**: The Respondent has the right to a presumption of "not responsible" until a formal finding of responsibility is made. This right, along with other considerations specific to sexual assault, dating violence, domestic violence, and stalking, must be upheld throughout the process.

3. **Confidentiality**: Right for all information to be handled with privacy and confidentiality, as required by law and under GCC policies and procedures.

4. **No Retaliation**: Right to participate in the conduct process without fear of retaliation. Retaliation is defined as any intimidating, harassing, or retributive action including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequence, and bullying of any person for reporting a violation or for participating in any way in the investigation or conduct process.

5. **Prompt Response**: Right to a timely handling of complaints. Sexual misconduct and other sensitive complaints will be given priority to ensure that GCC resolves them within 60 days, unless there are extenuating circumstances. The College will keep all parties informed of any delays and will ensure a prompt, fair, and equitable process throughout.

6. **Concurrent Proceedings**: Right to have the conduct process run concurrently with any criminal investigation or proceeding, except for temporary delays requested by law enforcement. Any

such delays must be documented, communicated to both parties, and kept as brief as reasonably possible, generally not exceeding 10 days unless law enforcement provides written justification for a longer period.

7. **Advisor Support**: Right to be assisted by an advisor of choice during hearings and related meetings. Advisors may consult privately but may not present evidence or question witnesses. Either party may request a brief recess to consult their advisor.

8. **Accommodations**: Right to accommodations that ensure equitable, safe, and confidential participation in the process for both parties. Accommodations may include reasonable adjustments to support student safety in the process, supportive measures (see Section 4.7), or accommodations for students with disabilities. Accommodations may include, where reasonably available and appropriate, use of a visual screen, or participation via telephone, videophone, closed-circuit television, video conferencing, videotape, audiotape, written and/or electronic statement, or other approved methods. Both parties will be informed of available accommodations and how to request them.

9. **Advance Notice**: Right to receive advance written or electronic notice of meetings/hearings, including factual allegations, code provisions, and potential sanctions.

10. **Impartial Investigation and Adjudication**: Right to an investigation and adjudication by trained, impartial individuals, recognizing trauma effects, respondent rights, and relevant legal and policy standards.

11. **Evidence Access:** Right to offer evidence and to review all evidence directly related to the allegations in the case file. Access to evidence will be provided in a manner consistent with privacy protections, confidentiality requirements, and applicable law.

12. **Exclusions of Prior History**: Right to exclude evidence of the complainant's prior sexual history with anyone, except as directly relevant to the current case and consistent with this Code and applicable law, or evidence of the individual's mental health treatment, from disciplinary proceedings determining responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be considered only in determining appropriate sanctions, and both parties will be notified if such prior findings are considered.

13. **Testimony**: Right to present evidence and testimony at hearings, where appropriate.

14. **Presence**: Right to be present during testimony and questioning; deliberations are closed.

15. **Impact Statement**: Right to make an impact statement before deliberation begins.

16. **Disclosure Choice:** Right to choose whether to disclose the outcome**.**

17. **Outcome Notification**: Right to written or electronic notice of the outcome, including decisions, sanctions, and rationale.

18. **Appeal**: Right to at least one level of appeal before an impartial panel without conflicts of interest (see "Appeals" section).

19. **Record Access**: Right to access a complete record of the hearing, preserved for at least seven (7) years, including transcripts, recordings, or other appropriate documentation. Access will be provided in a manner consistent with FERPA and other applicable laws protecting privacy.

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

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

4.7 Supportive Measures

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

Supportive Measures may include, but are not limited to:

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

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

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

SECTION 5 – General Conduct Rules

5.1 Purpose of These Standards

GCC expects students to treat others with respect, take responsibility for their choices, and contribute to a campus where everyone can learn. Consistent with our philosophy of student conduct at GCC, the expectations in this section exist to promote the following:

a. **Personal Growth**. We believe that these expectations can help students build habits and develop skills that will benefit them across their lives.
b. **Community**. We recognize that our actions have an effect on those around us. Shared expectations allow us flourish together as an educational community.
c. **College Assets & Resources**. We seek to steward institutional resources in a way that promotes the success of our students and the good to our local community. Some of these expectations are designed to protect GCC's campus, property, and operations.

The purpose of Section 5 is to overview and describe the standards of conduct for students at GCC. Section 1 describes where and when they apply, including at College-sponsored events, at off-campus placement sites, and, in limited circumstances, to conduct off campus or online. Section 6 explains what happens when a student is reported for not meeting these expectations.

5.2 How to Read These Standards

The following principles apply across all the expectations in Section 5:

a. *Attempted violations, or supporting others' attempted violations, matters.* Attempting to do something listed in 5.1, or aiding, assisting, encouraging, or abetting another person in doing it, is treated the same as doing it.
b. *Incidents can involve more than one violation*. A single incident may be addressed under more than one provision of 5.1. Provisions in 5.1 are not designed to be mutually incompatible or exclusive.
c. *Efforts to do the right thing matter.* Reasonable and responsible actions taken may be considered in determining responsibility and sanctions. Examples include efforts to seek help; efforts to leave the situation; efforts to speak up; and efforts to protect oneself or others from immediate harm, in a manner that is restrained and proportionate to the threat presented.
d. *The specific actions of each person are considered in context.* Where more than one student is involved, the College will take a careful look at the specific roles and actions of each involved person. For example, in a physical altercation, the College considers factors such as who initiated the physical contact, whether each student had a reasonable opportunity to disengage, and whether each student's response was proportionate to the threat presented.
e. *Bias makes a violation more serious.* Where there is reasonable cause to believe a student selected a person to harm, or property to damage, or otherwise violated this Code because of a person's actual or perceived race, color, ethnicity, creed, religion, national origin, sex, sexual orientation, gender identity or expression, age, disability, marital status, veteran status, or other personal characteristic or status, the College treats that as an aggravating factor at sanctioning. Bias-motivated conduct is charged under the provision that fits the behavior, and the bias is weighed in the outcome.
f. *Students may be responsible for guest behavior.* Students are responsible for the behavior of their guests on College property and at College-sponsored events. Students are expected to inform their

guests of College expectations and standards, to help correct behavior that may be misaligned with College policies or expectations, and to seek help if needed. Students should generally remain with their guests while on campus. A student may be charged under this Code for a guest's violation of these standards.

g. *Health and safety come first.* When a student seeks emergency help for themselves or for another person, such as during a drug or alcohol emergency, the College will focus on getting help, not on punishment. A student who seeks emergency help, and who completes any recommended education or support, will not have a formal conduct record created for the alcohol or drug violation. The College keeps a note of the incident for context if there is a future concern, but does not report it out. This provision does not apply if the student does not complete the agreed steps, or where there is a pattern of repeated incidents. Separate amnesty provisions apply in sexual and interpersonal violence cases. See Section 4.

5.3 Prohibited Behavior

Genesee Community College prohibits the following behavior:

5.3.1 Abuse of the Conduct Process

a. Falsifying, distorting, or misrepresenting information before a hearing body or in an investigation.
b. Disrupting or interfering with the orderly conduct of a hearing.
c. Attempting to discourage a person from properly participating in or using the conduct process.
d. Attempting to influence the impartiality of a member of a hearing body before or during a proceeding.
e. Harassing or intimidating a member of a hearing body before, during, or after a proceeding.
f. Influencing or attempting to influence another person to abuse the conduct process.
g. Knowingly filing a false report. A report made in good faith that is not substantiated is not a false report.

5.3.2 Academic Dishonesty

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

5.3.3 Alcohol, Cannabis, Drugs, and Tobacco

a. Use, sale, transfer, or possession of alcoholic beverages on College premises or at College-sponsored events, except where permitted by the President).

b. Use, sale, transfer, or possession of cannabis, or illegal drugs on College premises or at College-sponsored events. Prescription drugs must be kept in their original container.
c. Knowingly being in the presence or possession of alcoholic beverages, cannabis, and/or other drugs or empty containers for such substances on College premises or at College-sponsored events
d. Disruptive behavior exhibited as a result of alcohol, cannabis, and/or other drug use, whether the use was on or off campus, including noticeable odors of these substances from a person's body or belongings.
e. Attendance in class while under the influence of alcohol or drugs.
f. Smoking and tobacco products, including cigarettes, cigars, pipes, electronic cigarettes and vapes, and smokeless tobacco, are permitted only in designated outdoor areas, and not within 50 feet of any College entrance or exit. See College Procedure 611.
g. See Health and Safety First, above, for the College's approach to alcohol and drug emergencies.

5.3.4 Animals on Campus

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

5.3.5 Computer and Technology Misuse

a. College Procedure 420: Student Misuse of College Computing Resources
b. A person is responsible of unauthorized use of a computer when he or she knowingly uses, causes to be used, or accesses a computer, computer service, or computer network without authorization.
c. A person is responsible of computer trespass when he or she knowingly uses or causes to be used, or accesses a computer, computer service, or computer network without authorization and he or she thereby knowingly gains access to computer material.
d. A person is responsible of computer tampering when he or she uses, causes to be used, or accesses a computer, computer service, or computer network without authorization and he or she intentionally alters in any manner or destroys computer data or a computer program of another person.
e. A person is responsible of unlawful duplication of, downloading of computer related material when having no right to do so, he or she copies, reproduces or duplicates in any manner computer material.
f. A person is responsible of misuse when he or she intentionally seeks information on, obtains copies of, or modifies files or passwords belonging to others.
g. A person is responsible of misuse when he or she intentionally develops or uses programs that harass other users.
h. A person is responsible of misuse when he or she authorizes individuals who are not associated with the College to use an account, or uses the academic computers for non-work related tasks.

i. A person is responsible of misuse when he or she fails to cooperate with or follow established computing resource procedures.
j. A person is responsible of misuse when he or she intentionally alters any computer resources that the College has installed, set-up, or implemented for general or specific use such as but not limited to disconnecting cables from College computers and connecting personal computers or devices to College telecommunication connections, unless written permission has been obtained from the Director of Computer Services or their authorized designee.
k. Unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the student to civil and criminal penalties (View the following Internet web site for penalties of copyright infringement: http://www.copyright.gov/title17/92chap5.html) and is a misuse of computing resources.

5.3.6 Demonstrations Without Authorization

a. Participation in a campus demonstration which disrupts the normal operations of the College and infringes on the rights of other members of the College community; leading or inciting others to disrupt schedules and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement.
b. Providing or dispensing of materials that could lead to harm or injury to a person, including, but not limited to, self-defense spray, objects that can be thrown, objects that can be used to deface property, etc.
c. See College Procedure 137: Maintenance of Order

5.3.7 Destruction of Property

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

5.3.8. Discrimination

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

5.3.9. Discriminatory Harassment

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

5.3.10 Dishonesty & Fraud

a. Knowingly furnishing false information to any College official, faculty member, employee, or office.
b. Forgery, alteration, or misuse of any instrument of identification, including, but not limited to, driver's licenses, passports, GCC ID cards, etc.
c. Posing as someone else, using a false name, or using another person's identification, in person or electronically. This includes creating an account, profile, or message that appears to come from another person.
d. Use or attempted use of counterfeit money.
e. Forgery, alteration, falsification, or misuse of any College or official document, supplies, or record, including, but not limited to:
f. Submission of a falsified grade change form to the College;
g. Submission of false grade information of any sort to a College office or department, employer, academic institution, etc.;
h. Knowingly providing false information on an application.
i. Offering or giving anything of value to a College employee or another student in exchange for personal gain or preferential treatment.

5.3.11 Disorderly Conduct

a. Conduct that breaches the peace of the community, whether or not that behavior is directed at any specific person or persons. This includes: unreasonable noise; lewd, indecent, or obscene behavior; mutual participation in a fight or argument; or creating a physically offensive condition that serves no legitimate purpose.
b. Aiding or encouraging another person to breach the peace on College premises or at College functions.
c. This section does not apply to speech protected by the First Amendment.

5.3.12 Disruption

a. Conduct that materially and substantially interferes with or obstructs the College operations, including teaching, learning, research, administration, events, meetings, or the work of College offices, whether on or off campus.
b. Conduct that blocks or interferes with the movement of people on campus, whether on foot or in a vehicle.
c. Classroom disruptions are addressed first through College Procedure 431, Student Concerns in the Classroom.
d. This provision does not apply to expression protected under the College's commitment to free expression and peaceful assembly. See Demonstrations, above.

5.3.13 Election tampering

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

5.3.14 Endangerment

a. Any reckless or intentional conduct that creates a substantial risk of physical injury to themselves or another person, whether or not injury results.
b. This includes indiscriminately throwing objects, the unsafe use of equipment or vehicles, blocking egress, and similar conduct

5.3.15 Failure to Comply

a. Refusing to obey any reasonable or lawful request, order, or directive of a Campus Safety officer, faculty member, administrator, or any other identified representative of the College acting with the scope of their duties. This includes presenting identification when Campus Safety is responding to an incident or concern.
b. This provision does not reach a student's decision not to participate in the conduct process. A student who does not respond to a notice, or who does not attend a conduct meeting or hearing, is not charged under this provision. See Section 6.

5.3.16 Fire and Safety Hazards

a. Tampering with, misusing, or negligently activating fire alarms or firefighting equipment, including, but not limited to, fire extinguishers, fire hoses, heat and smoke detectors, sprinkler systems, etc.
b. Causing a fire or explosion or unauthorized use of any potential incendiary device or equipment.
c. Tampering with, or misuse of, or rendering useless any elevator device or systems.
d. Failuring to exit the building during a fire alarm or drill, except as authorized in a documented safety plan.
e. Using elevators during a fire alarm or drill.
f. Possession and/or use of any equipment or materials that is/are determined to be a fire or safety hazard, including but not limited to:
g. Any device with an open flame (candles, Bunsen burners, etc.);
h. Combustible/flammable liquids (butane, gasoline, etc.);
i. Hoverboards, motorized self-balancing or hands-free scooters and e-bikes;
j. Explosives, or any other hazardous materials including sparklers and fireworks;
k. Storage of any motor vehicle or internal combustion machine within any College building
l. Conduct, intentional or reckless, that results in the activation of fire alarms may be addressed other provisions depending on circumstances, including 5.3.10 Disruption.

5.3.17 Gambling

a. Money and/or other valuables being exchanged or wagered on College premises or at College functions.

5.3.18 Harassment

a. A course of conduct (two or more acts) directed at a specific person that is unwelcome and that threatens or endangers the health or safety of any person, or that is severe or persistent enough to interfere with another person's ability to participate in College programs, activities, or daily life.
b. Harassment that targets a person because of a protected characteristic is addressed under Discriminatory Harassment. A single incident is addressed under Threatening or Abusive Behavior. Stalking and sexual harassment are addressed under Stalking, Sexual Misconduct, and Section 4.

5.3.19 Hazing

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

5.3.20 Keys/ID Access Abuse

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

5.3.21 Leaving the Scene

a. Leaving the scene of an accident, injury, or incident that you caused or participated in, without promptly identifying yourself and reporting the incident to Campus Safety, a College official, or law enforcement.
b. Where a person has been injured, leaving without seeking or summoning help for them.
c. This provision does not apply where a student leaves in order to summon help, or where a student reasonably believes that remaining would put their own safety at risk. In either case, the student is expected to report the incident as soon as it is safe to do so.

5.3.22 Physical Violence and Assault

a. Any act that intentionally or recklessly inflicts (or attempts to inflict) bodily harm upon any person or subjects (or attempts to subject) another person to unwanted physical contact, including hitting, pushing, grabbing, kicking, punching, biting, or spitting. This includes an act that would have made contact if someone had not moved out of the way or if someone else had not stepped in.
b. Note on Self Defense: The College may not find a student responsible under this section if the student acted reasonably to protect themselves or another person from immediate physical

harm. A student's response must be no greater than what was needed to stop the harm, and it must stop once the danger has passed. A student may not claim self-defense if:

c. The student responded physically to words alone (escalation);
d. The student could have safely left the situation but chose to respond physically instead; or
e. The student acted to punish someone or to get back at them.
f. Threats made through words or gestures, without physical contact or an attempt at contact, are generally addressed under Threatening or Abusive Behavior.

5.3.23 Publicity, Posting, and Solicitation

a. Distributing promotional material that is not approved by the College and/or College Village Promoting Your Event Guidelines

5.3.24 Retaliation

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

5.3.25 Sexual Misconduct

a. Sexual harassment, sexual assault, stalking, dating or domestic violence, and other related conduct are prohibited.
b. These matters are addressed under Section 4 of this Code, which sets out the applicable definitions, rights, and procedures under Title IX and New York State Education Law Article 129-

5.3.26 Theft

a. Using, taking, and/or possessing property or services that you know are not your own, with the intention to deprive the owner of their rights.
b. This includes cafeteria theft, including using another person's ID to obtain food or taking food without paying for it.

5.3.27 Threatening or Abusive Behavior

a. Threatening another person with harm, whether the threat is spoken, written, communicated electronically, or made through gestures.
b. Abusive or intimidating communication at another person in a way that would make a reasonable person fear for their safety.
c. Threatening to damage or destroy someone's property or reputation.
d. Evaluation of potential violations under this provision will consider whether or not the student knew, or a reasonable person would generally know, that the words or actions would be understood as threat.
e. This section covers communication. Conduct involving physical contact, attempted physical contact, or restraint is addressed under Section 5.1.X, Physical Violence and Assault. Conduct involving a pattern of behavior may be addressed under Section 5.1.18, Harassment.

f. This section does not apply to speech protected by the First Amendment. Expressing an opinion that others find unpopular, offensive, or upsetting is not by itself a violation of this section.

5.3.28 Traffic, Parking, and Wheeled Conveyances

a. Obstructing the free flow of pedestrian or vehicular traffic, or free access to or exit from any part of College or College Village premises.
b. Unsafe or unauthorized use of a motor vehicle on campus grounds, including operating a motor vehicle under the influence of alcohol, cannabis, or other drugs.
c. Failure to report accidents to Campus Safety.
d. Operating bicycles, skateboards, rollerblades, or other recreational items in a reckless or unsafe manner on College grounds, including College Village.
e. Using bicycles, skateboards, rollerblades, or other recreational items inside any College or College Village building or facility. See College Procedure 613.
f. Storing electric bikes, hoverboards, scooters, and similar electronic items in College buildings or College Village.

5.3.29 Trespassing/Unauthorized Entry

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

5.3.30 Use of College Space and Equipment

a. Use of College facilities, spaces, and grounds by an organization or person without a reservation or proper authorization.
b. Use of College equipment without a reservation or proper authorization.

5.3.31 Violation of College Policies

a. Failing to follow any of the College's published policies, rules, and regulations, or any of the published policies of College Village.

5.3.32 Violation of Law

a. A student may be subject to College action when their conduct violates federal, state, or local law and that conduct also meets the standard in Section 1.
b. A student who is arrested or charged with a crime off campus, other than a minor traffic infraction, is expected to notify the Dean of Students within five (5) business days. The College may then review the underlying facts to determine whether there is a related violation of this Code.

5.3.33 Violation of Prior Sanctions

a. Failing to complete a sanction imposed under this Code, or failing to follow the conditions of a sanction, including the terms of disciplinary probation, a deferred suspension, a no contact order, or a behavioral agreement.

5.3.34 Weapons and Dangerous Items

a. Possession or use of any dangerous or deadly weapon or instrument on any College-owned or controlled property or at any College-sponsored or supervised function.
b. For purposes of these guidelines, a "dangerous or deadly weapon or instrument" includes but is not limited to any firearm, shotgun, rifle, pistol, air rifle, BB gun, folding pocket knife, dirk, dagger, locking blade knife, switch blade knife, brass knuckles, blackjack, billy club, nun-chuck sticks, sling shot, taser, stun gun, shocker, razor blade, acid, metal pipe, sharpened wood or metal trap, or any other weapon, instrument or object designed or modified to inflict physical harm on another person or animal.
c. The following are also prohibited: any toy or simulated firearm that shoots a projectile, including gel blasters and similar devices; any replica or imitation of a weapon that a reasonable person could believe is real; any chemical irritants (e.g. pepper spray).
d. The College retains discretion to determine what constitutes a dangerous or deadly weapon or instrument in the interest of protecting students, employees, and campus visitors.

5.4 Additional Standards at College Village

Students living in College Village are also subject to the College Village Housing Regulations and the College Village License Agreement. Not knowing those rules does not exempt a student from the standards in them.

- College Village Housing Regulations
- College Village License Agreement

5.5 Submitting a Report

Anyone may report a concern or a possible violation of this Code. Reports are received and managed by the Dean of Students or designee.

Section 6 describes what happens after a report is received, including notice to the student, the opportunity to respond, and the resolution pathways available.

SECTION 6 – Disciplinary Process

6.1. Purpose and Approach

This section describes how the College responds when a student is reported for not meeting the standards in Section 5.

Two commitments shape that response:

- Fairness. Every student receives the same fair process, regardless of background or identity. You are presumed not responsible unless the College shows otherwise, and you will always have a real chance to be heard.
- Support with accountability. The College holds students responsible with compassion, and connects them to resources that help them move forward. Sanctions are meant to be primarily educational and developmental, not simply punitive.

Student rights throughout this process are described in Section 2.3. Where Section 4 applies, the definitions, rights, and procedures in Section 4 control.

The conduct process is separate from any criminal or civil case. The College may address behavior under this Code before, during, or after a court process, and the outcome of one does not control the outcome of the other. A College proceeding will not be delayed because related criminal charges are pending, though the Dean of Students may pause a matter where doing so is fair to both parties.

6.2 Reporting and Opening a Case

6.2.1 Reporting

Anyone may report a concern or possible violation. Reports are received and managed by the Dean of Students or designee.

When a report is received, the Dean of Students or designee reviews it and gathers enough information to decide how to proceed. That review may include speaking with the reporting party, the student who was reported, witnesses, and College staff, and reviewing documents, records, or other materials.

6.2.2 Initiating a Process

After that review, the Dean of Students or designee will do one of the following:

1. Close the matter if there is not sufficient information to proceed or the reported conduct would not violate this Code;
2. Refer the matter to another office or process better suited to address it, such as Procedure 431 for classroom concerns, the Behavioral Intervention Team, or the Title IX Coordinator;

3. Address the matter informally, without charges, as described in 6.4; or
4. Proceed with charges under this Code, determine the resolution pathway under 6.4, and issue notice under 6.5.

The Dean of Student may issue charges when there is sufficient information to believe that a violation of the Code may have occurred and that a process is possible (e.g. the parties have been identified). A decision to proceed with charges is not a finding of responsibility.

Nothing in this Code prevents members of the College community from attempting to resolve concerns informally and directly.

6.2.3 Students who Depart Mid-Process

A student who withdraws from the College while a conduct matter is pending remains subject to this Code. The College may continue the process, or may place a hold on the student's record so the matter is resolved before any future enrollment or release of records. Section 6.7.8 addresses transcript notations for students who withdraw with charges pending.

6.3 Interim and Emergency Measures

Before a case is decided, the College may need to take steps to keep the community safe or to keep the process fair. These interim measures are not sanctions, nor do they suggest that a student has violated College policy.

The Dean of Students or designee may impose interim measures when there is a reasonable belief that a student's continued presence, or continued access, poses a substantial risk to the health or safety of any person, or a substantial threat of disruption to College operations.

Interim measures may include:

- A referral for support services;
- Temporary change in class schedule, class format, or class section;
- Temporary relocation within, or removal from, College Village;
- Temporary restriction from a specific building, facility, or activity;
- Interim, mutual no contact order between the parties; and
- Interim suspension, which is temporary removal from the College pending resolution.

When a student is placed on interim suspension:

- The student receives immediate written notice of the charges and of the interim suspension, including the reason for it;

- The student may not be on campus without notifying and receiving approval from Campus Safety and College Village Safety;
- The student may request a review of the interim suspension by the Dean of Students within two (2) business days of notice, and will receive a written response within two (2) business days of that request; and
- A hearing will be scheduled within five (5) business days, unless extraordinary circumstances require more time, in which case the student will be told in writing why and when.

Interim measures end when the case is resolved, unless they are continued as part of a sanction.

In extraordinary safety situations, the Dean of Students or designee, together with Campus Safety, may depart from the standard process to protect the College community. Any such departure will be documented in writing, will be no broader than the situation requires, and does not remove the student's right to notice and an opportunity to be heard as soon as circumstances allow.

6.4 Resolution Pathways

The Dean of Students or designee will determine the appropriate pathway for resolution, considering the seriousness of the reported conduct, the student's conduct history, whether there is a person who was harmed, and the range of sanctions that could result.

During the conduct process, the pathway for resolution may be changed under limited circumstances. These include (a) new information has been presented that meaningfully affects the scope and nature of the concerns, (b) the student has requested a change in pathway (particularly when a student requests a Hearing Board instead of an Administrative Hearing), or (c) the Dean of Students recommends a shift from a less formal to a more formal pathway (e.g. Educational Conversation to Administrative Hearing).

6.4.1 Administrative Hearing

The administrative hearing is the standard for most conduct cases. An administrative hearing is a meeting between the student and the Dean of Students or designee, who hears the matter and decides it. The student has all the rights described in Section 2.3.

A student who prefers to have their matter heard by the Hearing Board may request that instead, and that request will normally be granted where the potential sanction includes suspension or expulsion.

6.4.2 Educational Conversation / Warning

For minor matters, the Dean of Students or designee may resolve the matter through a documented conversation and a verbal or written warning, without a formal hearing. A student who does not wish to resolve the matter this way may request an administrative hearing instead. Warnings issued under this pathway carry no other sanction and are not appealable, and the student will be told so in writing.

6.4.3 Restorative Resolution

Where there is a person who was harmed, and where all participants agree, a matter may be resolved through a restorative process. This may include a facilitated conversation, a restorative conference, an impact statement, or a written agreement about repair and next steps.

- Participation is voluntary for every participant, including the person who was harmed. No one is required to participate, and declining carries no penalty.
- A restorative process requires the responding student to acknowledge their conduct. It is not a fact-finding process.
- A restorative resolution may be paired with an accountability sanction under 6.8, such as a warning or disciplinary probation.
- If the student does not complete the agreement, the matter returns to another pathway under this section.
- Restorative resolution is not available where the conduct would carry suspension or expulsion, or in matters governed by Section 4, except as Section 4 permits.

6.4.4 Hearing Board

For serious matters, such as matters where suspension or expulsion is a possible outcome, the Dean of Students or designee may convene the Hearing Board. The College Hearing Board is a fact-finding and decision-making body in the College conduct system.

The Hearing Board consists of at least three College employees approved by the Dean of Students or designee. Board members receive annual training on this Code, on the conduct process, on the standard of proof, on impartiality and implicit bias, and on trauma-informed practice. Members who hear matters within the scope of Article 129-B receive the training that law requires. A Board member who has a conflict of interest, or who cannot be impartial in a particular matter, will not serve on that matter. A student may raise a concern about impartiality in writing before the hearing begins, and will receive a written response.

Here is some key information about scheduling hearings and hearing attendance:

- The College schedules hearings promptly. A student receives at least three (3) business days' notice
- A request to reschedule must be made at least twenty-four (24) hours before the scheduled time, or as soon as reasonably possible after receiving notice, whichever is later. Requests are considered for good cause, as determined by the Dean of Students or designee.
- Normally one request is considered, and the new date will normally fall within five (5) business days.
- A request based on a disability accommodation, a documented medical situation, or a mandatory work or academic obligation is not counted against the one-request limit.

- If a student does not attend, the hearing proceeds in the student's absence and is decided on the information available.
- Not attending is not evidence that a student is responsible, it does not forfeit the right to appeal, and choosing not to participate in the conduct process is not itself a violation of this Code.
- If a student arrives after a hearing has begun, the Hearing Board decides whether the student may join.
- Hearings are private. Witnesses, bystanders, or others may or may not be eligible to attend and participate. Eligibility is decided by the Hearing Board.
- A hearing may be held in person, remotely, or in a mixed format. A party may request that the parties not be in the same room, and the College will accommodate that request where it can do so without unfairness to either party.
- Hearings are recorded. A record of the hearing is created and is the property of the College. A party may review the record on request for the purpose of preparing an appeal.

The hearing process generally follows this flow:

- The Dean of Students or designee presents the charges on behalf of the College and may present documents, materials, and witnesses.
- The student responds to the charges and may present documents, materials, and witnesses. Materials are normally submitted in advance; the Hearing Board may accept materials offered at the hearing where doing so is fair to both parties.
- The Hearing Board may question each party and each witness, may request additional information, and has the final opportunity to question the parties.
- The Hearing Board decides which questions are asked and which witnesses are heard.

The College carries the burden of proof. A student is not required to speak, and choosing not to speak is not evidence of responsibility.

6.5 Notice

Before any conduct meeting or hearing, the College will give the student written notice. The notice, along with supporting documents, will include:

- A description of the reported conduct, including the date, time, and location to the extent known;
- The specific provisions of Section 5 alleged to have been violated;
- Which resolution pathway the matter will follow under 6.4, and what that pathway involves;
- The date, time, and format of the meeting or hearing, sent at least three (3) business days in advance;

- The “Student Rights in the Conduct Process” document, which includes the right to a presumption of non-responsibility, the right to an advisor, and the right to access accommodations;
- A link to the Code of Conduct, which includes possible sanctions and process information; and
- A link or reference to this Code and to the Student Rights in the Conduct Process summary.

Where the alleged conduct would require a transcript notation, the notice will state that a notation will be applied if the student is found responsible or if they withdraw while charges are pending.

If the College adds or changes charges, or changes the resolution pathway, it will send new written notice and give the student a new opportunity to prepare.

The notice is sent to a student’s College-assigned email account is written notice.

6.6 Deciding Responsibility

Decisions, whether through an administrative hearing or a Hearing Board, are reached using the standard of a preponderance of the evidence. Hearing Boards use majority vote.

A student's prior conduct record is not considered in deciding whether the student is responsible for the reported conduct. Prior conduct may be considered where it is part of what the College must establish, such as where a provision requires a course of conduct or where a prior sanction is at issue. After a finding of responsibility, prior record may be considered in deciding a sanction.

In an administrative hearing, the Dean of Students or designee decides the matter and determines the sanction.

The Hearing Board determines sanctions, leading up to disciplinary probation and any other reflective or restorative sanctions. The Dean of Students may be consulted for the purposes of shaping sanctions that are consistent or aligned with precedents, but the final decisions belong to the Hearing Board.

Where the Hearing Board concludes that suspension or expulsion may be warranted, it forwards its finding and its sanction recommendation to the Dean of Students, who makes the final sanction decision and states the reasons in writing.

Within five (5) business days after the hearing, the student receives a written decision stating the findings, the reasons for them, any sanctions, the deadline and grounds for appeal, and how to file one.

6.7 Sanctions

Sanctions are intended to be educational and developmental, not simply punitive. More than one sanction may be imposed for a single violation. A sanction need not be imposed in every case, and no sanction will be imposed that is more serious than is clearly appropriate for the circumstances.

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

The following are sanctions, organized by category type, that may be considered at the College:

6.7.1 Educational and Restorative Sanctions

- **Restorative Conversation:** All parties mutually agree to participate in a dialogue to promote understanding and reconciliation.
- **Reflective Writing**: This assignment is designed to prompt reflection. Examples include an impact statement, reflection paper, or written assignment.
- **Educational Program**: The student must complete an educational workshop, module, or program.
- **Community Service**: Community service is designed to help the student rectify damage to the community or College property.
- **Letter of Apology**: A letter of apology to the affected person(s), where the person(s) harmed wishes to receive one and is subject to review by the Dean of Students or designee.
- **Student Support & Expectations Agreement**: A behavioral agreement between the student and College in which the student contributes to or identifies, and later agrees to, specific expectations. The student may also work with the Dean of Students to identify specific supports needed to reach those expectations.
- **Referrals**: Referral to counseling, academic support, basic needs support, or another College or community service. A referral is an expectation to make contact, not a requirement to disclose the content of any session.
- **Financial Restitution:** Compensation for loss, damage, or injury, which may take the form of service or monetary or material replacement.

6.7.2 Status Sanctions

- **Verbal Warning**: A formal statement that the behavior was unacceptable, documented in the student's conduct file.
- **Written Warning**: A written statement that the behavior was unacceptable and that further conduct may result in more serious action.
- **Disciplinary Probation**: The student is not in good standing for a stated period. Further violations during that period may result in suspension or expulsion.
- **Deferred Suspension**: A suspension has been decided but not been activated for a stated period, to give the student a chance to demonstrate they can meet the College's expectations.

The student remains enrolled and may continue classes and activities. The suspension takes effect if, during the deferral period, the student fails to complete or follow the conditions of their other sanctions, or is found responsible for a further violation of this Code. In that event, the student is suspended without a further hearing on the suspension itself, though the underlying new violation is decided through the normal process. The written decision imposing a deferred suspension must state the conditions that would activate it. A deferred suspension may not be activated for conduct that occurred before the sanction was communicated to the student.

6.7.3 Restrictive Sanctions

- **Loss of Privileges**: Denial of stated privileges for a stated period.
- **Removal from Academic Experience**: The student is restricted from one or more academic activity (e.g. class, internship, trip), as coordinated between the Dean of Students or designee and the appropriate faculty member. This must be done in coordination with Procedure 431. It may include moving the student to a new class section.
- **Facility Restriction**: The student loses the privilege of entering or using a particular facility or building for a stated period, until a condition is met, or permanently.
- **No Contact Order:** The student is directed to have no contact with a specified person or persons. Terms are specific to each case.
- **No Hostile Contact Order:** The student may have contact with another party but is to avoid any future escalated encounter. Terms are specific to each case.
- **Suspension from College Village**. The student is removed from College housing for a stated period or permanently.

6.7.4 Separation Sanctions

- **Suspension from the College**. A complete separation from College activities, services, facilities, and grounds. A term suspension runs for a stated period, after which the student may return. A conditional suspension continues until the student fulfills stated conditions. The Dean of Students or designee, together with the relevant faculty, may permit a suspended student to complete a semester remotely where the suspension takes effect near the end of a term.
- **Expulsion**. The student is permanently separated from the College, may not be present on College property, and may not attend College-sponsored events. A permanent notation appears on the transcript.
- **Revocation of Admission**. Admission to the College may be revoked where it was obtained through fraud, misrepresentation, or material omission of fact, or for other serious violations of College standards committed in obtaining admission. A permanent notation is made on the transcript.
- **Revocation of Degree**. A degree awarded by the College may be revoked where it was obtained through fraud or misrepresentation, or for other serious violations of College standards committed before the degree was awarded. The award is removed from the transcript and a

permanent notation is made. The Provost and Vice President for Academic Affairs or designee reviews all recommendations for degree revocation.

A student suspended or expelled may be denied academic credit for the semester in which the suspension or expulsion occurred, and may be held responsible for tuition and fees for that semester, including College Village charges. These consequences are determined case by case and stated in the written decision.

For students found responsible for sexual assault, the available sanctions are suspension with additional requirements before re-enrollment, or expulsion. Students found responsible for domestic violence, dating violence, or stalking may be subject to one or more sanctions.

6.7.5 Financial Sanctions

- **Financial Restitution**: See above.
- **Fines:** Fines may be imposed for violations involving property damage, misuse of College facilities or equipment, or repeated failure to resolve citations. Inability to pay a fine is not itself a violation of this Code; a student unable to pay may request an alternative sanction or a payment arrangement.

6.7.6 Student Organization Sanctions

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

6.7.7 Sanction Application

- A sanction imposed under this Code is in effect at all College campuses, sites, and functions sponsored by or under the supervision of the College or College Village.
- Bias-motivated conduct is an aggravating factor at sanctioning. See Section 5.
- Where a student is found responsible for more than one violation, or has a prior conduct record, sanctions may be progressive because of a pattern of behavior.
- Failure to complete a sanction, or to follow its conditions, is itself a violation of this Code. See Section 5.1, Violation of Prior Sanctions.

6.7.8 Transcript Notations

Genesee Community College official transcripts will notate reportable Code of Conduct violations. A notation follows the outcome of a matter, and applies both where a student is found responsible and where a student withdraws while charges are pending.

For conduct that meets the reporting requirements of the federal Clery Act, the College makes a transcript notation.

- When the student is found responsible and suspended, the notation reads, “Suspended after a finding of responsibility for a Code of Conduct violation”.
- When the student is found responsible and expelled, the notation reads: “Expelled after a finding of responsibility for a Code of Conduct violation.”
- When the student is withdraws from the College while such conduct charges are pending, and declines to complete the disciplinary process, the notation reads: “Withdrew with conduct charges pending.”

A student may request removal of a suspension notation no earlier than one year after conclusion of the suspension term, and may request removal of a withdrawal notation no earlier than one year after the date of withdrawalThe request is made in writing to the Dean of Students, who decides it and responds in writing. The decision is final. This is an administrative request, not an appeal under 6.8. Notations for expulsion may not be appealed and will not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

See College Procedure 432 for the operational process, including timelines, the list of qualifying offenses, and coordination with the Records Office.

6.8 Appeals

A student found responsible for violating the Student Code of Conduct may appeal within five (5) business days of being sent the written notice of the outcome. Appeals are submitted in writing, using the Appeal Submission Form or another approved method. An appeal is not a new hearing and is not a reconsideration of the case. It is a limited review on the grounds stated below, of whether the original decision should stand.

6.8.1. Grounds

An appeal must state at least one of the following grounds:

- *Procedural irregularity*. A material deviation from the College’s written procedures that affected the outcome.
- *Disproportionate sanction.* The sanction(s) imposed were grossly disproportionate to the violation(s) of the Student Code of Conduct for which the student was found responsible. *Bias.* Bias or conflict of interest on the part of a decision-maker that affected the outcome.
- *New information.* Information has been discovered that was not reasonably available at the time of the hearing and that could be sufficient enough to alter the outcome.. .

6.8.2. Process

Appeals are submitted to the Dean of Students or designee, who confirms the appeal states a recognized ground. The the Dean of Students shall convene the Appeals Board to determine whether the appeal shall be considered Dean of Students may then convene the Appeals Board.

The function of the Appeals Board is to determine whether one or more of the grounds stated above has been established, and if so, what remedy is warranted. The Appeals Board gives deference to the original decision-maker and will not substitute its own judgment simply because it might have arrived at a different conclusion on the same information. Its terms of reference extend only to investigation of the procedures by which the original judgment was reached. Decisions of the Appeals Board are final.

The Appeals Board consists of at least of three (3) College employees who had no involvement in the original matter.

The Appeals Board is convened within five (5) business days of receipt of the appeal, with allowance for extraordinary circumstances, and has access to the written and/or electronic records of the case.

6.8.3. Outcomes

The Appeals Board may decide:

a) To uphold the original decision;
b) To overturn the finding of responsibility, in whole or in part;
c) To return the case to the original board for rehearing, normally where a procedural irregularity could be corrected in a rehearing;
d) To modify a sanction within the Hearing Board's authority under 6.6; or
e) To return the case to the Dean of Students with a recommendation that the sanction be modified, together with an explanation of why the original sanction is not inappropriate.

The Appeals Board issues a written decision within ten (10) business days of being convened. If more time is needed, both parties are told in writing, with the reason and a revised date. The appellant and any other party are informed in writing of the decision and the reasons for it. Appeals Board decisions are final, except that a recommendation to modify a suspension or expulsion is decided by the Dean of Students, who responds in writing.

6.8.4. Effect of An Appeal

Sanctions do not take effect until a final appeal decision has been made, unless the Dean of Student determines and communicates to the student in writing that immediate implementation is necessary for the health or safety of the community, or for the integrity of the process. iInterim measures under 6.3 remain in effect during the appeal process.

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

The Family Educational Rights and Privacy Act of 1974 (FERPA) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. Conduct records maintained under this Code are education records under FERPA. See College Procedure 409 for how student records are accessed and released, and contact the Registrar for more information about FERPA generally.

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by GCC to comply with the requirements of FERPA. Filing deadlines and complaint procedures are available at studentprivacy.ed.gov.

The name and address of the office that administers FERPA is:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue SE
Washington, DC 20202-8520

SECTION 8 – Enforcement of Conduct

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

Under authority delegated by the Board of Trustees, the President or designee may request assistance from local, state, or federal law enforcement, and may initiate injunction proceedings, when necessary to protect the safety of the College community or the continuity of College operations.

Action under this Code does not preclude criminal or civil action by any party with a legal right to bring it.

SECTION 9 – Records Release Policy Statement

Colleges and universities vary widely in the student misconduct issues that they consider "reportable" to outside agencies, potential employers, and graduate or professional programs.

The practice of the Dean of Students Office at Genesee Community College is to report any formal disciplinary action taken against a student that results in a finding of responsible for a Genesee Community College policy violation and a sanction of disciplinary probation or greater. Our status sanctions, in order of increasing severity, are: verbal warning, written warning, disciplinary probation, deferred suspension, suspension, and expulsion. A matter usually receives one of these statuses in addition to other educational, restorative, restrictive, or financial sanctions, as described in Section 6.7.

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

APPENDIX A – Code Definitions

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

A. **Accused:** A person accused of a violation who has not yet entered an Institution's Hearing or conduct process. Once a conduct process has begun, this Code uses the term Respondent.

B. **Administrative Hearing:** A resolution of a complaint between the responding student and the Dean of Students or designee. A student who proceeds with an administrative hearing waives the right to have the matter heard by the Hearing Board. A student who proceeds with an administrative hearing does not waive the right to appeal.

C. **Advisor:** A person of the student's choosing who may accompany the student to a conduct meeting or hearing to provide support and advice. An advisor may be a friend, a family member, or a College employee. An advisor may not speak for the student or participate directly in the proceeding. Attorneys may serve as advisors in matters governed by Section 4 and where otherwise required by law.

D. **Affirmative Consent:** Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.
    1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
    2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
    3. Consent may be initially given but withdrawn at any time.
    4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
    5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
    6. When consent is withdrawn or can no longer be given, sexual activity must stop.

E. **Appeals Board:** At least three College employees who had no involvement in the original matter, convened to review an appeal under Section 6.10. Members of the Board shall act in a fair and impartial manner.

F. **Associate Dean of Students:** Acts as Dean of Students when designated.

G. **Bystander:** A person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

H. **Clery Act:** The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is a federal statute that requires colleges and universities that participate in federal financial aid programs to keep and disclose statistics about crime on or near their campuses.

I. **Code of Conduct:** The written and/or electronic policies adopted by an Institution governing student behavior, rights, and responsibilities while such student is matriculated in the Institution.

J. **College Property:** For the benefit of this document, it includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets and sidewalks. It also includes College Village and the Campus Centers.

K. **Complaint:** An allegation of a violation of the Student Code of Conduct, which is filed with or by a college official.

L. **Confidentiality:** May be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with State and Federal law. Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

M. **Dating violence**: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence. It does not require that the dating violence be a "crime of violence".

N. **Day:** As used in this Code, means a business day. All reasonable efforts shall be made to expedite the process, but the Dean of Students may extend the time limits at their discretion in exceptional situations.

O. **Dean of Students:** The College official charged with the responsibility of administering the College's Student Code of Conduct.

P. **Deferred Suspension:** A suspension that has been decided but not activated for a stated period, in order to give the student an opportunity to demonstrate that they can meet the College's expectations. The student remains enrolled during the deferral period. See Section 6.7.

Q. **Domestic violence:** A felony or misdemeanor crime of violence committed:
   1. By a current or former spouse or intimate partner of the victim;
   2. By a person with whom the victim shares a child in common;
   3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

R. **Hearing Board:** Members of the College community approved by the Dean of Students to conduct a hearing as outlined in Section 6 and determine whether a student is responsible for a violation of this Code. Members of the Board shall act in a fair and impartial manner.

S. **Incapacitation:** Physical and/or mental inability to make informed, rational judgments and decisions. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments.
   1. In evaluating whether a person was incapacitated for purposes of evaluating affirmative consent, the College considers two questions:
      i. Did the person initiating sexual activity know that the other individual was incapacitated? and if not,
      ii. Should a sober, reasonable person in the same situation have known that the other individual was incapacitated?
   2. If the answer to either of these questions is "yes," affirmative consent was absent.
   3. Incapacitation is a state beyond drunkenness or intoxication. A person is not incapacitated merely because they have been drinking or using drugs. The standard for incapacitation does not turn on technical or medical definitions, but instead focuses on whether a person has the physical and/or mental ability to make informed, rational judgments and decisions. A person who initiates sexual activity must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs may include: slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, and/or incontinence. Additionally, a person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?", "Do you know how you got here?", "Do you know what is happening?", "Do you know whom you are with?"

T. **Institution:** Any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York.

U. **Interim Measures:** Steps taken before a conduct matter is decided in order to protect the health or safety of any person, to protect the integrity of the process, or to prevent substantial disruption of College operations. Interim measures are not sanctions and are not a finding that a student has violated this Code. See Section 6.4.

V. **No Contact Order:** A directive that a student have no contact with a specified person or persons, whether direct, indirect, or through others. A no contact order may be issued as an interim measure or as a sanction. Terms are specific to each case.

W. **No Hostile Contact Order:** A directive that a student may have contact with a specified person but may not engage in hostile, threatening, harassing, intimidating, or provoking behavior toward that person, whether direct, indirect, or through others. Used where the parties will unavoidably share classes, programs, activities, or spaces and there is no safety concern requiring a no contact order. Terms are specific to each case.

X. **Preponderance of the Evidence:** The standard of proof used in this Code. It asks whether it is more likely than not that the reported conduct occurred. This is different than "Beyond All Reasonable Doubt" or "Clear and Convince" evidence standards.

Y. **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.

Z. **Reporting Individual:** Encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

AA. **Respondent:** A person accused of a violation who has entered an Institution's Hearing or conduct process.

BB. **Restorative Resolution:** A resolution pathway in which a matter is addressed through a facilitated process focused on acknowledging conduct, repairing harm where possible, and identifying next steps. Participation is voluntary for every participant. See Section 6.5.

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

DD. **SaVE Act**: The Campus Sexual Violence Elimination Act (the Campus SaVE Act) refers to the Violence Against Women Act (VAWA) amendments to the Clery Act. The Campus SaVE Act is an update to the Clery Act, expanding the scope of this legislation in terms of reporting, response, and prevention education requirements around rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking.

EE. **Sexual act:** The term "sexual act" means –

1. Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;
2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
3. The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

4. The intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

FF. **Sexual assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Specifically:
   1. Rape
   2. Fondling
   3. Incest
   4. Statutory Rape

GG. **Sexual contact:** The intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

HH. **Sex discrimination:** Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity. This also includes discrimination based on perceived identity whether that perception is accurate or not.

II. **Sexual harassment:** Unwelcome verbal or physical conduct that is sexual in nature. It is sufficiently persistent or pervasive in that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational program and/or activities. It is based on power differentials ("quid pro quo" harassment) or the creation of a hostile environment.
   1. *Quid Pro Quo Harassment* occurs when an individual in a position of authority (such as an employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service) explicitly or implicitly conditions an educational aid, benefit, or service on a person's participation in unwelcome sexual conduct. This form of harassment involves an abuse of authority and is considered unwelcome, even if the victim acquiesces to the conduct or does not resist or object to it.
   2. *Hostile environment harassment:* Unwelcome sex-based conduct that is subjectively and objectively offensive and so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the institution's education program or activity. This determination is based on the totality of the circumstances, including the ages, roles, and other relevant characteristics of the parties involved. A single serious incident, even if not pervasive, may create a hostile environment, and pervasive conduct, even if no single occurrence is severe, may also create a hostile environment.
   3. Sex based harassment: prohibited Sex-based harassment is a form of sex discrimination, and means sexual harassment and other harassment on the basis of sex, including on the bases of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity, that is:
      (1) Quid pro quo harassment
      (2) Hostile environment harassment; or
      (3) Specific Offenses:
      - Sexual Assault
      - Dating Violence
      - Domestic Violence

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

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

KK. **Stalking**: The Clery Act defines stalking as a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.
The course of conduct must include two or more acts, such as:
• Following, monitoring, observing, or surveilling
• Threatening
• Communicating to or about the person
• Interfering with the person's property

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

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

NN. **Title IX Coordinator:** The Title IX Coordinator or designee(s) works in collaboration with the Dean of Students and Campus Safety.

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

PP. **Written Notice:** Notice provided in writing, including notice sent to a student's College-assigned email account. Students are responsible for maintaining current contact information and for checking that account.