



Norwich Campus
Annual Security Report
2024

Contains Statistics for 2023-2022-2021

**Jeanne Clery Disclosure of Campus Security Policy
and Campus Crime Statistics Act**

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Contents

FOREWORD	2
Jeanne Clery Act Overview	3
Clery Geography	3
Local Reporting Municipal Police Departments	4
Campus Security Authorities	4
Security of and Access to Campus Facilities	5
New York State University Police Law Enforcement Authority and Jurisdiction.....	5
Reporting of Criminal Actions and Emergencies	6
Non-Emergency/Routine Business	6
Confidential Reporting of Crimes.....	6
Timely Warning Policy	7
Campus Emergency Response	7
General Prevention & Awareness Programs.....	10
Alcohol Policy	13
Drug Policy	17
Sexual and Interpersonal Violence	23
Sexual Assault Response Policy	27
Students’ Bill of Rights.....	29
Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases	31
Institutional Disciplinary Procedures.....	34
Employee Policies.....	43
Location of Registered Sex Offender Information.....	43
Disclosure of Crime Log Information.....	43
Missing Student Policy and Procedure	43
Emergency Contact Information	45
Annual Fire Safety Report	45
Morrisville Main Campus Annual Security Report	46
2023 CLERY Statistics	47
2023 CLERY Statistics Continued	48
2022 CLERY Statistics	49
2022 CLERY Statistics Continued	50
2021 CLERY Statistics	51
2021 CLERY Statistics Continued	52
APPENDIX A-Legal Definitions.....	53
APPENDIX B - Employee DRUG-FREE WORKPLACE POLICY	56
APPENDIX C - SUNY Morrisville 2024 Title IX Grievance Procedure.....	57
APPENDIX D - Employee SEXUAL HARASSMENT PREVENTION POLICY	88
APPENDIX E – SEXUAL AND ROMANTIC RELATIONSHIP POLICY	95

FOREWORD

On behalf of the University Community, welcome to SUNY Morrisville! Our foremost concern is the safety and well-being of the students, faculty, staff, and visitors of SUNY Morrisville.

Located in scenic Central New York, SUNY Morrisville is a model of innovative applied education — a place where students begin crafting exciting careers through real-world experiences.

Morrisville's approximately 1,950 students and 480 faculty and staff, hail from diverse backgrounds across the state and around the globe, choose from more than 40 Associate Degree programs, 24 Bachelor's Degree programs, or 1 Master's Degree program that embrace agriculture, technology, business, social sciences and the liberal arts. Among them are strong programs in specialized areas such as renewable energy, environmental conservation, aquaculture, automotive technology, equine science, dairy management, nursing, wood technology, hospitality management and information technology.

The Norwich campus, located 30 miles south of Morrisville, also offers associate degree programs. The campus currently has approximately 224 commuter students and 26 faculty and staff.

As home of the Mustangs, SUNY Morrisville boasts 17 intercollegiate athletics programs which compete at the NCAA Division III level.

Established in 1908 as a college of agriculture, SUNY Morrisville became a founding member of the State University of New York (SUNY) in 1948.

THE CLERY ACT

Jeanne Clery Act Overview

The "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998," commonly referred to as the "Clery Act," requires institutions of higher education receiving federal financial aid to disclose information about crime on and around their campuses and policy statements that accurately reflect SUNY Morrisville's security policies, procedures and practices.

SUNY Morrisville publishes and distributes the Annual Security Reports for current and prospective students and employees by October 1st of each year. The report contains information on campus security and personal safety, including crime prevention, the New York State University Police at SUNY Morrisville law-enforcement authority, crime reporting policies, disciplinary procedures and other important matters about security on campus. It also contains statistics for the three previous calendar years broken down according to the geographic location of the occurrence of the offense. These locations are defined as the campus' "Clery Geography" under the Clery Act.

Clery Geography

On Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls;

And

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On Campus – Residence Halls

"Dormitories or other residential facilities for students on campus" is a subset of the on-campus category. Institutions must disclose the total number of on-campus crimes, including those in dorms or other residential facilities for students on campus, and must also make a separate disclosure limited to the number of crimes occurring in student dorms or residential facilities on campus. As a subset, the number of crimes reported for dormitories or other residential facilities must be less than or equal to the number of reported crimes for the on-campus category.

Non-campus Building or Property

Any building or property owned or controlled by a student organization that is officially recognized by the institution;

Or

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

The Clery Act also requires that any incident that is unfounded must also be reported. An incident may be classified as unfounded only after investigation by a law enforcement agency. To classify an incident as unfounded there must be evidence that demonstrates the offense was not committed.

The Office of Student Rights and Responsibilities prepares the Annual Security Reports for both the Morrisville campus and Norwich campus by collecting the statistical information from the NYS University Police Department who also collects statistics from local municipal police departments (listed below), as well as from Campus Security Authorities (listed below). This information is integrated into a single document called the Annual Security Report and is posted on the SUNY Morrisville website accessible by multiple links, and provided in a hard copy document by request.

Local Reporting Municipal Police Departments

New York State Police

Norwich Police Department

Chenango County Sheriff's Office

Oneida County Sheriff's Office

Madison County Sheriff's Office

Syracuse Police Department

Campus Security Authorities

New York State University Police at SUNY Morrisville

Office of Student Rights and Responsibilities

Student Activities Office & Advisors of Clubs/Organizations

Director of Residence Life

Assistant Director of Residence Life

Area Coordinators

Head Resident Assistants

Resident Hall Assistants

Night Hosts

Director of Athletics, Coaches, Assistant Coaches, and Athletic Trainers

Professional Tutors

Academic Advisors

Director of the Educational Opportunity Program (EOP) and Counselors

Director of the Collegiate Science Technology Entry Program (CSTEP) and Counselors

Director of the SUNY Morrisville - Norwich Campus

Security of and Access to Campus Facilities

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. New York State University Police Officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Physical Plant Department for correction. Other members of the College community are helpful when they report similar problems to the University Police at SUNY Morrisville or the Physical Plant at (315) 684-6065.

Registered campus organizations, student government, and College departments may use College property for non-academic College-related programs, activities and functions, subject to appropriate use considerations and the availability of space. Each request is reviewed on an individual basis.

The building is on an automatic timer system that unlocks and locks the entrances as set. All Faculty and Staff are provided keys into their respective work assigned building and/or their ID cards are programmed through a swipe card system to allow for access during locked hours.

New York State University Police Law Enforcement Authority and Jurisdiction

The New York State University Police at SUNY Morrisville consist of sworn police officers, who are graduates of a 20-week training program. University Police operate 24 hours-per-day, 365 days a year and can be reached by calling (315) 684-6410. The department is an authorized terminal user of all local, regional, state and federal criminal justice information systems (e.g., wanted persons, DMV, stolen vehicles/property, criminal records, etc.). SUNY Morrisville employs police officers to deliver public safety services to the campus community. Police officers are armed, duly sworn police officers of the State of New York. SUNY Morrisville Police Officers possess the same authority and adhere to the same state-mandated standards as municipal police officers. Therefore, under New York law, SUNY Morrisville officers may enforce laws and make arrests anywhere in the state; however, they concentrate their efforts on the campus and the immediate surrounding area.

SUNY Morrisville officers may work in uniform or plain-clothes. They provide a full range of police related services, including: primary emergency responses; preventative patrols; investigation of observed, reported, or suspected crimes; enforcement of all applicable laws; follow-up and specialized criminal investigations; crime prevention; community liaison and relations; V.I.P./dignitary protection; special event security; traffic activities (enforcement and accident investigations).

Persons arrested by City of Norwich Police officers are processed in accordance with prevailing practices in Chenango County and within the City of Norwich, which can include: citation and release; booking into the Norwich City Jail or Chenango County Jail; filing of charges with, and prosecution through, the District Attorney's Office; and formal trial. Additionally, SUNY Morrisville Norwich Campus affiliates (student, faculty, staff) may be subject to additional (administrative/Code of Conduct) sanctions.

The Norwich Campus uses Securitas Security Services USA, Inc., a private security company, on Monday through Thursday, 12-6:30pm, and additional coverage for select on-campus activities. The scope of work is for monitoring of building activity through scheduled

observation, building walk through and documentation of activity logs. Securitas contact is Scott Stupski, Branch Manager, by phone (607) 235-2518, Extension 2, and through email at scott.stupski@securitasinc.com.

SUNY Morrisville has no officially recognized student organizations with non-campus locations, therefore, it does not monitor and record such locations.

Reporting of Criminal Actions and Emergencies

SUNY Morrisville encourages every member of the community to report all crimes in an accurate and timely manner. SUNY Morrisville encourages every member of the campus community to report a crime immediately when the victim of a crime elects to, or is unable to, make such a report. All police/fire/medical emergencies should be reported immediately to the New York State University Police at SUNY Morrisville at 911.

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In the event of an emergency the Norwich City Police operate 24 hours-per-day, 365 days a year and can be reached by calling (607) 334-2424 or by calling 911.

A land-line phone is provided for student use to make local calls. In case of an emergency, this telephone, located at the Information Desk and Welcome Desk in the main atrium at Roger W. Follett Hall – Norwich Campus can be used for emergency purposes. Emergency contact information is posted (taped to the desk) to provide access to the City of Norwich Police Department or other emergency personnel.

Crimes can also be reported personally to the New York State University Police office, 24 hours a day. The office is located in Brooks Hall, on State Route 20, Morrisville, NY across from the main campus.

Non-Emergency/Routine Business

Non-emergency business may be reported by calling the New York State University Police at SUNY Morrisville at (315) 684-6410. When calling from an office on campus dial extension x6410. The City of Norwich Police Department operates 24 hours-per-day, 365 days a year and can be reached by calling (607)334-2424.

Confidential Reporting of Crimes

Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the Annual Security Report by mailing a written statement to the New York State University Police at SUNY Morrisville, Brooks Hall, Morrisville, New York 13408, or by calling the New York State University Police at SUNY Morrisville at (315) 684-6410.

The Silent Witness is a program to allow for the reporting of suspected criminal activity. Information submitted will be reviewed by University Police, and appropriate action will be taken as warranted. If you see a suspected crime occurring on campus and you would like to report it, please click the link for Silent Witness on the University Police web page and fill out the form. All information will be kept confidential.

The College encourages pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the report by mailing a written statement to the New York State University Police at SUNY Morrisville, Brooks Hall, Morrisville, NY 13408, or by calling the New York State University Police at SUNY Morrisville at (315) 684-6410.

Timely Warning Policy

SUNY Morrisville is required to issue a timely warning for all CLERY Act crimes that occur anywhere in the CLERY reportable geography that are reported to campus security authorities or the local police agency that represents a serious or ongoing threat to the health or safety of students and/or employees. These warnings must be provided in a manner that is timely and will aid in the prevention of similar crimes. The NYS University Police Chief makes the determination when a timely warning is to be issued on a case by case basis after reviewing the facts surrounding a crime. Timely warnings are disseminated through electronic mail and the posting of bulletins at various locations on campus.

Campus Emergency Response

The safety and security of the SUNY Morrisville community is the college's highest priority. To ensure this goal is met, the college takes a proactive approach to emergency planning so that it is prepared to respond quickly and appropriately in emergency situations.

The college has a comprehensive Emergency Response Plan. For security reasons, the plan is not posted on the Internet.

The Emergency Response Team meets frequently throughout the year to review safety and security issues, update the college's Emergency Response Plan, and participate in tabletop exercises. The Emergency Response Team is ready to be activated 24 hours a day, 7 days a week.

Upon the notification of an emergency the college's policy will first be to confirm the emergency and the nature and scope of the emergency. The Chief of University Police or designee is responsible for confirming the nature and scope of the emergency and conveying that information to the college President. The Chief, President, and Emergency response team will make a determination as to the level of response necessary.

SUNY Morrisville will "immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff" on campus (as defined in the Clery Act). Warnings may only be withheld if they would compromise efforts to contain the emergency.

In the event of a major emergency, or an event which poses a threat to students, employees, or others, a "Campus Alert Bulletin" will be prepared and distributed the following ways:

- [NY Alert](#) e-mail/text messaging/phone to any student or employee who has registered.
- Broadcast e-mail messages to all college e-mail addresses.
- [The SUNY Morrisville home page](#).
- Message on the main switchboard line
- Local and regional media - television, radio and newspapers
- Public Address systems on University Police cars and maintenance vehicles

NY Alert is an instant, mass notification system that enables students, employees and parents to receive emergency notifications and updates via SMS text messaging, voice message, e-mail and/or fax. This initiative is one component of the college's wide-reaching emergency communications strategy, with the goal of providing a safe and secure environment in which to work and live.

NY Alert is a completely voluntary service provided by the State of New York to all SUNY campuses. Information provided will be used for notification purposes only; no advertisements or non-emergency alerts will be sent. You must sign up for the service in order to receive alerts.

To sign up, go to [Web for Students](#) and sign in using your Morrisville ID and PIN. When you sign in to Web for Students, you will be prompted to click on the Emergency Alert Notification link. Choose "I would like to participate in this service." Follow the directions and submit your information.

Parents may receive NY Alert messages through student sign up. If you are a parent and would like to receive the alerts, have your student add your cell and/or email information to his/her account.

Faculty and staff should sign on to the [SUNY faculty/staff page](#). Log in with your Morrisville ID and password, and click on the "[SUNY Emergency Contact System](#)" link.

To keep information as current as possible, you will be asked to update your information once during the academic year. It will be necessary to complete this update if you wish to continue receiving alerts.

If you receive a NY Alert message, you should do the following:

- Read the message carefully - don't ignore it.
- Alert others. Whether you are in a residence hall, dining hall, classroom or office, let those around you know about the alert. It is important to help spread the word about any emergency.
- Follow all instructions carefully. The instructions will be direct and specific to the particular situation. If the situation requires it, additional messages will be transmitted to update you.

What emergencies will prompt a message?

- Bomb Threat - based on intelligence that indicates the threat is credible.
- Civil Disturbance - large group disrupting normal campus activities.
- Fire - large-scale fire to building(s), wildfires, local community or industry that endangers campus.
 - Hazardous Material - dangerous material, chemical, biological, nuclear spreading from a contained area.
 - Major Road Closing/Incident - unanticipated event that would disrupt safe passage to and from campus.
 - Medical Emergency - pandemic or an event with mass casualties.
 - Personal Safety - situations that include use of weapons, violence, perpetrator(s) at large, active shooter, hostage situation or missing persons. Any situation, on or off campus, that, in the judgment of the Chief Administrative Officer or designee, constitutes an on-going or continuing threat to person or property.
 - Suspicious Package - reasonable belief that a package may contain chemical, biological or nuclear substance that would cause harm to persons or property.
 - Utility Failure - a major disruption or damage to utilities including gas, electrical or water.
 - Weather - severe weather conditions to include flooding, snow/ice/cold, thunderstorm, wind, tornado or hurricane.

The College uses NY-ALERT as an emergency contact system designed to send e-mail, recorded voice, and text messages to multiple addresses and phone numbers, in response to any event or situation on the campus which poses a serious safety concern, including weather related class cancellations.

The system is tested each semester as scheduled by University Police. University Police keeps a written record of the description of the exercise used to conduct the test, the time and date the test was conducted, and whether or not the test was announced or unannounced previous to the scheduled date.

In an emergency situation, you will be asked to do one of the following:

Shelter in Place

- **University Police** will report to designated areas
- Everyone remain in current room
- Halls cleared – Go to the nearest supervised room
- Lock doors
- Continue normal classroom activity, BUT no one leaves the room until the code is cleared by the University Police. Listen for specific information and/or directions regarding the emergency (example- remain silent; check your email, etc.)

Lock Out

- **University Police** will report to designated areas
- Lock all exterior doors and verify all windows are locked
- Terminate all outside activities

- Entry to the building may be gained only on a one-on-one basis, and only through the main entrance. This applies to all staff, students, and community. (Please note that upon the directive of the Chief of Police the exterior doors may not open to anyone who is not already inside the building.
- Classroom activities continue as normal. A lockout continues until the code is cleared by the University Police.

Evacuation

- **EVACUATION** announced. **University Police** will report to designated area
 1. Stop all activities and listen for directions via announcement
 2. Give directions to students as directed by administration
 3. Cell phone use is not allowed unless **ABSOLUTE EMERGENCY**
 - **EXIT** according to evacuation procedure
 1. In an emergency, certain exits may be impassable
 2. Proceed to evacuation location **AS DIRECTED**
 3. Maintain control of all students in your care
 4. Watch for students who may stray
 - **STUDENTS** should remain silent at all times
 - **ATTENDANCE** must be taken before leaving and again at the evacuation site
- LISTEN** for further directions for re-entry or **OFF-SITE** evacuation

Lock Down

- **IMMEDIATELY** gather students from the hallways and restrooms into the nearest classroom or office
- **Lock** your classroom doors and move away from windows and doors- stay out of sight
- **Leave all lights off**
- **NO ONE** is to enter or leave your secured area under **ANY** circumstances
- **DO NOT** answer or communicate through your locked door
- **DO NOT** respond to a **FIRE ALARM** unless **IMMINENT** signs of fire are **OBSERVED** by **YOU**
- **Keep Quiet.** Do not talk within your secured area Accept only as absolutely necessary
- **IGNORE PA SYSTEM** after the code is called. **DO NOT** respond to the intercom or other announcements
- **SILENCE ALL ELETRONIC DEVICES, INCLUDING CELLPHONES, AND DO NOT USE THEM**
- Take attendance- Include all people in your room. Missing student(s) last known location should be noted.
- **Lockdown will end ONLY when you are physically released from your room by law enforcement.**

General Prevention & Awareness Programs

A vital part of SUNY Morrisville is the education of students about safety precautions and to encourage and increase compliance with the criminal justice system. The prevention of crime provides the best measure of protection from crime. Therefore, the New York State University Police at SUNY Morrisville operates as a proactive crime prevention team that works closely

with the members of the community to make SUNY Morrisville a safer place to work, live and learn.

SUNY Morrisville has a personal safety committee that specifically reviews current policies and procedures for:

- A. educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault
- B. educating the campus community about personal safety and crime prevention
- C. reporting sexual assaults and dealing with involved individuals during investigations
- D. referring complaints to appropriate authorities
- E. counseling involved individuals
- F. responding to inquiries from persons concerned about campus safety

The committee consists of a minimum of six members, at least half of whom are female, two students appointed by the Student Government Association, two faculty members appointed by the College Senate, and two individuals appointed by the President. The committee reports in writing, to the college President or chief administrative officer on its findings and recommendations at least once each academic year, and such reports shall be available upon request. For more information regarding the Personal Safety/Campus Security Committee, please contact the Chief of University Police at (315) 684-6410.

Campus safety is enhanced by strategically placed lighting and surveillance equipment around the campus.

Active Shooter training video is located on the New York State University Police website. This video is designed to educate the community about what to do if there is an active shooter on campus. University Police hold a tabletop exercise on active shooters once per year.

“Operation ID” is available to record serial numbers of personal property. Student, faculty and staff vehicles operated on campus require registration with the New York State University Police at SUNY Morrisville. Decals providing identification and parking lot designation are offered for a fee.

The Rape Aggression Defense (RAD) System provided by University Police is a program of realistic, self-defense tactics and techniques. The RAD system is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. RAD is not a martial arts program. Courses are taught by certified RAD Instructors and provide a workbook/reference manual. Effective options are taught to woman to empower them to take an active role in their own self-defense and psychological well-being. This program is offered twice yearly during the Fall and Spring semesters.

New York State University Police at SUNY Morrisville created the first Canine Unit in the department’s history. Canine Handler Officer Wright was respectively assigned canine Bruin, a one-year-old black German Shepherd who was put into service solely as an explosive’s detection canine. The New York State Police Canine Unit was chosen as the training agency, as it

possesses one of the most respected canine units in the United States and uses the "Baltimore Method." This method of training dictated that the canines be sociable, allowed to be in and around the general public, and reside in the handler's residence. The team is sent out on patrol regularly and receive re-certification bi-annually at the training facility.

Silent Witness is a program to allow for the reporting of suspected criminal activity. Information submitted will be reviewed by University Police, and appropriate action will be taken as warranted. There is a link on the website for reporting anonymously.

Students who were unable to attend Accepted Student Days or Welcome Week programming were emailed a link to complete an Online Orientation. The Online Orientation provides 7 modules introducing students to the many tools and resources needed to navigate their college career. These modules provide the flexibility for students to complete their orientation at their own pace and return at any time during their tenure at Morrisville. Topics covered include; campus technology resources, student success network, community standards & safety, campus life, health & wellness, and next steps. This orientation is done at the start of each semester.

SUNY Morrisville has designed numerous posters which are hung throughout the campus buildings to assist the campus in preventing victimization of specific types of crimes. These are reviewed for accuracy each semester and updated as necessary.

Awareness and education programs are offered community-wide and audience-specific to increase knowledge and promote awareness in the community as well as to provide resources available throughout the community around topics such as rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking.

"Bystander Intervention" Step UP! presentations are offered starting welcome weekend and throughout the semester that every athlete and student leader is required to attend and all other community members are invited to attend. This is a prosocial behavior and bystander intervention program that educates students to be proactive in helping others. Students were also informed about bystander intervention and the theories behind the bystander steps. Each step is covered and students are given examples about being an active bystander and helping prevent crimes in the community while keeping themselves safe.

"Safe Zone" programming is facilitated to support the LGBTQ+ community. Program elements include sexual orientation, gender identity, gender expression, terminology used to describe these, how to create an inclusive campus space and how to support people coming out in the process.

Tabling events, bulletin boards, and use of social media are used to increase awareness throughout each semester by various departments on the campus.

All employees are required to complete annual training: Workplace Violence Prevention, Sexual Harassment Prevention, and Discrimination Prevention. These are offered through an online training system, as well as offered as in person programs annually. The Human Resources Office is responsible for tracking participants to ensure compliance.

The cooperation and involvement of students in a campus safety program is absolutely necessary to the complete well-being of the college community. Students are expected to assume responsibility for their own personal safety and the security of their personal belongings by taking simple, common sense precautions. Valuable items such as computers, iPods, Cell Phones, gaming consoles, cameras and televisions should be marked with engraving instruments provided by the New York State University Police Department at no charge.

Students, faculty, staff and visitors to campus are encouraged to report potential criminal actions, suspicious behaviors or any emergencies to the New York State University Police by telephone or in person.

Alcohol Policy

SUNY Morrisville, in a compliant effort with the 1989 Drug-Free Schools and Campuses Amendment Act (U.S. Public Law 101-226), is committed to an environment that supports the academic success and the health of all students. The sale, purchase, distribution, possession and/or use of illicit drugs (defined below) or alcohol (except as permitted) is a violation of College regulations as well as State and Federal laws. Students and their guests are not allowed to possess or consume alcoholic beverages on College property or property operated for the benefit of the College. Exception to this policy is granted to the Morrisville Auxiliary Corporation. Upon approval by the College President, Vice President, or Office of Student Rights and Responsibilities, alcohol may be served at College sponsored events or specifically approved student functions in the College restaurant, the Copper Turret. These functions must be serviced by the Auxiliary Corporation and operated in accordance with Federal, State and local laws under the license obtained by the Auxiliary Corporation.

It is the policy of SUNY Morrisville that no employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage or illegal drug on the job site, on SUNY Morrisville property (including property leased or rented by SUNY Morrisville), while on duty, in a State vehicle, a vehicle leased or rented for State business, or a private vehicle being used for State business during the employees' work hours. An exception to the provision regarding alcoholic beverage manufacture will be made for classes requiring such or providing instruction on such. In this case, the manufacturing of alcoholic beverages will be permitted on campus property only in the classroom or educational setting. No employee shall report for work unfit for duty at the beginning of a shift or upon returning from any break, lunch or rest period, as a result of consuming alcohol and/or illegal drugs. No employee notified of being in a safety sensitive position as defined by the OTETA shall report to work in a condition that violates the Act and the corresponding rules. This policy is meant to assist employees in guiding their conduct which will increase productivity at work, and protect co-workers and students. These efforts will contribute to a safer work and learning environment for the SUNY Morrisville community. See Appendix B.

It is the policy of Morrisville Auxiliary Corporation (MAC) to provide our employees and customers with a safe and productive workplace which is free of alcohol and drug abuse. MAC feels strongly that alcohol and drug abuse in the workplace can undermine individual performance, the security of other employees, and the company business. The establishment of a Drug-Free Workplace Policy is consistent with MAC's desired culture and is in the best interest of MAC. For these reasons MAC is implementing a Drug-Free Workplace Program which

applies to all employees as well as applicants for employment with MAC. Our policy formally states that the abuse of alcohol and/or illegal use of drugs by any of our employees while on MAC or College premises or on company business will not be tolerated.

Description of Applicable Sanctions

Legal Sanctions

1. *NYS Alcoholic Beverage Control (ABC) Law: Article 5 – Special Provisions Relating to Liquor and NYS Vehicle and Traffic (VAT) Law: Article 31 – Alcohol & Drug-related Offenses & Procedures (from New York State Legislature web site: <http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>)*

<p><u>NYS ABC Law</u></p> <p>Special Provisions Relating to Liquor</p>	<p>Specifics</p>	<p>Sentence</p>
<p>§ 65-a. Procuring alcoholic beverages for persons under the age of 21 years</p>	<p>Any person who misrepresents the age of a person under the age of 21 years for inducing the sale of any alcoholic beverage, as defined in the alcoholic beverage control law, to such person.</p>	<p>A fine of not more than \$200, or imprisonment up to five days, or both.</p>
<p>§ 65-b. Offense for one under age of 21 years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.</p>	<p>No person under the age of 21 years shall present or offer to any licensee, or to the agent or employee of such licensee, any written evidence of age, which is false, fraudulent, or not actually his own, for the purpose of purchasing or attempting to purchase any alcoholic beverage.</p>	<p>1st violation: a fine of not more than \$100 and/or up to 30 hours of community service. Also, may order completion of an alcohol awareness program.</p> <p>2nd violation: a fine of \$50 to \$350 and/or up to 60 hours of community service. Also, shall order completion of an alcohol awareness program if not previously completed.</p> <p>3rd and subsequent violations: a fine of \$50 to \$750 and/or up to 90 hours of community service, shall order evaluation by an appropriate agency to determine whether the person suffers from the disease of alcoholism or alcohol abuse. Payment for such evaluation shall be made by such person. If person elects to participate in recommended treatment, the court shall order that payment of such fine and community service be</p>

		<p>suspended pending the completion of such treatment.</p> <p>In addition to these penalties, the court may suspend such person's license to drive a motor vehicle and the privilege of an unlicensed person of obtaining such license: 1st violation: a three-month suspension; 2nd violation: a six-month suspension; 3rd or subsequent violation: a one-year suspension or until the holder reaches the age of 21, whichever is the greater period.</p>
<p>§ 65-c. Unlawful possession of an alcoholic beverage with the intent to consume by persons under the age of 21 years.</p>	<p>No person under the age of 21 years shall possess any alcoholic beverage with the intent to consume such beverage.</p>	<p>A fine up to \$50 and/or completion of an alcohol awareness program and/or up to 30 hours of community service.</p>

Health Risks

Alcohol

Short term: Injuries, such as motor vehicle crashes, falls, drownings, and burns; Violence, including homicide, suicide, sexual assault, and intimate partner violence; Alcohol poisoning, a medical emergency that results from high blood alcohol levels; Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases, including HIV; Miscarriage and stillbirth or [fetal alcohol spectrum disorders \(FASDs\)](#) among pregnant women

Long term: High blood pressure, heart disease, stroke, liver disease, and digestive problems; Cancer of the breast, mouth, throat, esophagus, liver, and colon; Learning and memory problems, including dementia and poor school performance; Mental health problems, including depression and anxiety; Social problems, including lost productivity, family problems, and unemployment; Alcohol dependence, or alcoholism

Drug and Alcohol Programs

Students

Off campus: Family Counseling Services (Chemical Dependence Outpatient Services), Bridges (Madison County Council on Alcoholism), Alcohol Anonymous 24-hour hotline, Narcotics Anonymous Hotline

Employees

On campus: EAP (Employee Assistance Program)

Off campus: Family Counseling Services (Chemical Dependence Outpatient Services), Bridges (Madison County Council on Alcoholism), Alcohol Anonymous 24-hour hotline, Narcotics Anonymous Hotline

Disciplinary Sanctions

1. **Legal:** The unlawful possession, use, or distribution of a controlled sub-stance or alcohol on the college premises or as a part of any college activity is prohibited. Students and employees who unlawfully manufacture, distribute, dispense, possess, or use a controlled substance or alcohol will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements.
2. **Institutional:** The unlawful possession or use of any drug in any degree may result in sanctions as outlined in Article VI of the Student Handbook. Incidents are reviewed individually and students may be held accountable by both University Police and College Judicial Affairs for violations. Depending on severity and the circumstances of a case, College Judicial Affairs staffs have some discretion and options. Using their knowledge of a case and judgment, sanctions assigned are generally consistent with this progression:
 1. **First** offense. Student Development Module - A student may be directed to complete one or more development modules by a specific deadline. Campus Probation - A student placed on Campus Probation has been given notice that their actions are inappropriate within the College Community and they must act more responsibly in the future. The sanction emphasizes that future violations may result in more serious disciplinary.
 2. **Second** offense. Extended Campus Probation or College Probation. A student placed on College Probation is put on notice that their actions are of a serious nature within the College Community and they have jeopardized their privilege of attending SUNY Morrisville. Probation shall be for a designated period of time of no less than 6 months during which the student must demonstrate the willingness and ability to comply with College policies and the Student Code of Conduct. College Probation status may impact a student's ability to participate in college activities or programs, hold positions with campus offices and/or organizations, or run for or hold certain campus-wide leadership positions. Further violations of college policy or the code of conduct, may result in more severe sanctions, including suspension or expulsion from the College.
 3. **Third** offense. Depending on current disciplinary status could result in Residence Hall Expulsion and/or College Probation. Residence Hall Expulsion carries a ban from all Residence Halls and no refund of housing charges.

Sanctions can be assigned together and may deviate from this progression. SUNY Morrisville reserves the right to furnish written notification disclosing any violation involving the use or possession of alcohol or drugs to the parents and/or guardians of students who are under the age of 21 at the time of such notification.

Where to Go for Help

The College encourages students to seek assistance if they or a friend have alcohol or other drug-related problems or questions from the following resources.

* = Confidential assistance available.

College:

* Student Health and Counseling Services Center 315-684-6078	Residence Life Staff - 315-684-6043
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Beyond College:

* Alcoholics Anonymous (AA) - St. Joan of Arc 315-684-9551	* Narcotics Anonymous (NA) - St. Joan of Arc 315-684-9551
* Madison County Council on Alcoholism: Substance Abuse - 315-697-3947	* Madison County Mental Health Dept. (ADAPT Program) 315-363-2327

Drug Policy

SUNY Morrisville, in a compliant effort with the 1989 Drug-Free Schools and Campuses Amendment Act (U.S. Public Law 101-226), is committed to an environment that supports the academic success and the health of all students. The sale, purchase, distribution, possession and/or use of illicit drugs (defined below) or alcohol (except as permitted) is a violation of College regulations as well as State and Federal laws. Students and their guests are not allowed to possess or consume alcoholic beverages on College property or property operated for the benefit of the College. Exception to this policy is granted to the Morrisville Auxiliary Corporation. Upon approval by the College President, Vice President, or Office of Student Rights and Responsibilities, alcohol may be served at College sponsored events or specifically approved student functions in the College restaurant, the Copper Turret. These functions must be serviced by the Auxiliary Corporation and operated in accordance with Federal, State and local laws under the license obtained by the Auxiliary Corporation.

It is the policy of SUNY Morrisville that no employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverage or illegal drug on the job site, on SUNY Morrisville property (including property leased or rented by SUNY Morrisville), while on duty, in a State vehicle, a vehicle leased or rented for State business, or a private vehicle being used for State business during the employees' work hours. An exception to the provision regarding alcoholic beverage manufacture will be made for classes requiring such or providing instruction on such. In this case, the manufacturing of alcoholic beverages will be permitted on campus property only in the classroom or educational setting. No employee shall report for work unfit for duty at the beginning of a shift or upon returning from any break, lunch or rest period, as a result of consuming alcohol and/or illegal drugs. No employee notified of being in a safety

sensitive position as defined by the OTETA shall report to work in a condition that violates the Act and the corresponding rules. This policy is meant to assist employees in guiding their conduct which will increase productivity at work, and protect co-workers and students. These efforts will contribute to a safer work and learning environment for the SUNY Morrisville community. See Appendix B.

It is the policy of Morrisville Auxiliary Corporation (MAC) to provide our employees and customers with a safe and productive workplace which is free of alcohol and drug abuse. MAC feels strongly that alcohol and drug abuse in the workplace can undermine individual performance, the security of other employees, and the company business. The establishment of a Drug-Free Workplace Policy is consistent with MAC’s desired culture and is in the best interest of MAC. For these reasons MAC is implementing a Drug-Free Workplace Program which applies to all employees as well as applicants for employment with MAC. Our policy formally states that the abuse of alcohol and/or illegal use of drugs by any of our employees while on MAC or College premises or on company business will not be tolerated.

Description of Applicable Sanctions

1. *NYS Penal Law: Article 222 - Offenses Involving Cannabis*; (from New York State Legislature web site: <http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS>)

<u>NYS Penal Law</u> Offenses Involving cannabis	Specifics	Sentence
§ 222.25 Unlawful possession of cannabis.	Knowingly and unlawfully possesses cannabis and such cannabis weighs more than three ounces or concentrated cannabis and such concentrated cannabis weighs more than twenty-four grams.	A fine of not more than one hundred twenty-five dollars.
§ 222.30 Criminal possession of cannabis in the third degree	Knowingly and unlawfully possesses cannabis and such cannabis weighs more than sixteen ounces; or concentrated cannabis and such concentrated cannabis weighs more than five ounces.	Class A misdemeanor: imprisonment up to one year.
§ 222.35 Criminal possession of cannabis in the	Knowingly and unlawfully possesses cannabis and such cannabis weighs more than five pounds; or concentrated cannabis and such concentrated cannabis weighs more than two pounds.	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to

second degree		parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.
§ 222.40 Criminal possession of cannabis in the first degree	Knowingly and unlawfully possesses cannabis and such cannabis weighs more than ten pounds; or concentrated cannabis and such concentrated cannabis weighs more than four pounds.	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 222.45 Unlawful sale of cannabis	Knowingly and unlawfully sells cannabis or concentrated cannabis.	A fine of not more than two hundred fifty dollars.
§ 222.50 Criminal sale of cannabis in the third degree	Knowingly and unlawfully sells more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis; or being twenty-one years of age or older, he or she knowingly and unlawfully sells or gives, or causes to be given or sold, cannabis or concentrated cannabis to a person less than twenty-one years of age	Class A misdemeanor: imprisonment up to one year.
§ 222.55 Criminal sale of cannabis in the second degree	Knowingly and unlawfully sells more than sixteen ounces of cannabis or more than five ounces of concentrated cannabis; or being twenty-one years of age or older, he or she knowingly and unlawfully sells or gives, or causes to be given or sold, more than three ounces of cannabis or more than twenty-four grams of concentrated cannabis to a person less than eighteen years of age selling, without consideration, one or more preparations, compounds, mixtures or substances containing marihuana (aggregate weight of 2 g or	Class E felony: imprisonment 1 to 1 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 1 ½ and 2 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony: imprisonment 2 to 2 ½ years.

	less); or one cigarette containing marihuana.	
§ 222.60 Criminal sale of cannabis in the first degree	Knowingly and unlawfully sells more than five pounds of cannabis or more than two pounds of concentrated cannabis.	Class D felony: imprisonment for 1 to 2 ½ years (may be sentenced to probation). For a 2nd time offender: imprisonment for 1 ½ to 4 years (may be sentenced to parole supervision). For a 2nd time offender previously convicted of a violent felony: imprisonment for 2 ½ to 4 ½ years.
§ 222.65 Aggravated criminal sale of cannabis	Knowingly and unlawfully sells cannabis or concentrated cannabis weighing one hundred pounds or more.	Class C felony: imprisonment for 1 to 5 ½ years (may be sentenced to probation). For a 2 nd time offender: imprisonment for 2 to 8 years (may be sentenced to parole supervision). For a 2 nd time offender previously convicted of a violent felony imprisonment for 3 ½ to 9 years.

1. *Summary of Federal Drug Law* (available at http://www.dea.gov/druginfo/ftp_chart1.pdf)

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs., and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more	
II	PCP 10-99 grams pure or 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more		

		mixture	Fine of not more than \$20 million if an individual, \$75 million if not an individual.
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Substance/Quantity	Penalty
Any Amount of Other Schedule I & II Substances	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any Drug Product Containing Gamma Hydroxybutyric Acid	
Flunitrazepam (Schedule IV) 1 Gram	
Any Amount of Other Schedule III Drugs	First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount of All Schedule V Drugs	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Health Risks

<https://www.cdc.gov/marijuana/health-effects.html>

Marijuana	<p>Short term: Problems with attention, memory, and learning, which can affect relationships and mood; Increased heart rate; Increase risk of bronchitis, cough and lung infections; Disorientation, unpleasant thoughts or feelings, anxiety, paranoia</p> <p>Long term: Permanent problems with memory and learning; Increased risk of stroke and heart disease; Damage lung tissue and cause scarring; Temporary psychosis (not knowing what is real, hallucinations, and paranoia), schizophrenia, depression, anxiety, suicide</p>
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Drug and Alcohol Programs

Students

On campus: RSAES in Counseling Services (Referral for Substance Assessment and Education Services)

Off campus: Family Counseling Services (Chemical Dependence Outpatient Services), Bridges (Madison County Council on Alcoholism), Alcohol Anonymous 24-hour hotline, Narcotics Anonymous Hotline

Employees

On campus: EAP (Employee Assistance Program)

Off campus: Family Counseling Services (Chemical Dependence Outpatient Services), Bridges (Madison County Council on Alcoholism), Alcohol Anonymous 24-hour hotline, Narcotics Anonymous Hotline

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1. **Legal:** The unlawful possession, use, or distribution of a controlled sub-stance or alcohol on the college premises or as a part of any college activity is prohibited. Students and employees who unlawfully manufacture, distribute, dispense, possess, or use a controlled substance or alcohol will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements.
2. **Institutional:** The unlawful possession or use of any drug in any degree may result in sanctions as outlined in Article VI of the Student Handbook. Incidents are reviewed individually and students may be held accountable by both University Police and College Judicial Affairs for violations. Depending on severity and the circumstances of a case, College Judicial Affairs staffs have some discretion and options. Using their knowledge of a case and judgment, sanctions assigned are generally consistent with this progression:
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Sanctions can be assigned together and may deviate from this progression. SUNY Morrisville reserves the right to furnish written notification disclosing any violation involving the use or possession of alcohol or drugs to the parents and/or guardians of students who are under the age of 21 at the time of such notification.

Where to Go for Help

The College encourages students to seek assistance if they or a friend have alcohol or other drug-related problems or questions from the following resources. * = Confidential assistance available.

College:

* Student Health and Counseling Services Center 315-684-6078	Residence Life Staff - 315-684-6043
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Beyond College:

* Alcoholics Anonymous (AA) - St. Joan of Arc 315-684-9551	* Narcotics Anonymous (NA) - St. Joan of Arc 315-684-9551
* Madison County Council on Alcoholism: Substance Abuse - 315-697-3947	* Madison County Mental Health Dept. (ADAPT Program) 315-363-2327

Sexual and Interpersonal Violence

Sexual and Interpersonal Violence Awareness Educational programs include primary prevention and awareness programs for all incoming students and new employees. These educational programs include a statement about prohibited behaviors and definition of crimes; definition of consent, domestic violence, dating violence, sexual assault, and stalking; safe and positive bystander intervention; information on risk reduction, including ways to recognize warning signs of abusive behavior; information about disciplinary procedures; and information about campus and local resources.

Awareness programs are community-wide or audience specific programs and initiatives that serve to increase knowledge and to promote shared information and awareness of resources. Specifically, at SUNY Morrisville, we provide:

- Training for hearing officers, staff, and Police on trauma-informed and victim-centered approaches, and collaboration and coordination of services
- Training for student group officers and leaders of Student Government related to sexual and interpersonal violence, including identifying behaviors and reporting
- Information tabling in the lobby and at campus events
- Bulletin boards, and use of social media to raise awareness

Bystander Intervention Bystander Intervention programs and trainings offer safe and positive options for individual(s) to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Training sessions include information on recognizing situations of potential harm, understanding institutional structures and cultural

conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Specifically, at SUNY Morrisville, we use the Step Up! program for Bystander Intervention Training.

Ongoing Prevention and Awareness Campaigns include programming initiatives and strategies that are sustained over time.

These efforts include:

- SUNY affirmative consent definition posters
- Pop up Outreach program Emails to students and employees
- Campus websites include updates on policy and procedures
- One Love Foundation Program: joinonelove.org

Employee training

All SUNY Morrisville employees complete mandatory training: Workplace Violence Prevention, Sexual Harassment Prevention, and Discrimination Prevention. These are offered through an online training system, as well as offered as in person programs annually. The Human Resources Office is responsible for tracking participants to ensure compliance.

Departments that offer training educational programs related to personal safety and crime prevention, including sexual and interpersonal violence.

University Police 315-684-6410 - The mission of the University Police Department is to provide a safe campus environment and protect the lives and property of our students, employees and visitors. University Police officers provide educational programs on the topics of alcohol, drugs, personal safety, domestic violence, sexual assault prevention, theft prevention, and fire safety.

Student Health and Counseling Services 315-684-6078 - Health Promotion and Alcohol and Other Drug Education programs. The staff work to develop and maintain comprehensive and prevention programs. The staff present programs in residence halls, classrooms and to student groups on a variety of health topics. Training sessions are offered to students, faculty and staff on a variety of topics that relate to safety, response to incidents, and general wellbeing. When it is reported during a counseling session that the student has been a victim of a crime, counselors provide information and resources. Counselors will also inform students about options to report crimes to the appropriate authorities. Counselors collaborate with campus and community entities, provide consultation and participate in campus-wide committees.

Employees Human Resources 315-684-6038 - All employees are required to complete annual training offered through in person sessions and an online training system. All participants are tracked to ensure compliance for this training. Follow-up reminder memos are emailed to the participants and Supervisors/Department Chairs if any employee fails to complete the training.

SUNY Morrisville prohibits sexual assault, sexual harassment, stalking, domestic violence, dating violence or any form of interpersonal violence and encourages the reporting of these instances so that the college can investigate. The definitions used to determine sexual and interpersonal violence are listed below.

Sexual assault - New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program. If a student is found responsible it will result in suspension for a minimum of the remainder of the semester or a maximum of the remainder of the semester + 2 semesters or expulsion from SUNY Morrisville. It is assumed that the victim/survivor did not give affirmative consent.

Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape - Sexual intercourse with a person who is under the age of consent in New York State (17 years is the age of consent in New York State.)

Sex Offenses, Lack of Consent: Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without affirmative consent of the victim.

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.”

- Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- When consent is withdrawn or cannot be given, sexual activity must stop.
- Consent cannot be given when a person is incapacitated. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Dating Violence

Any act of violence, including physical, sexual, psychological, and verbal committed by a person who is or has been in a social relationship of a romantic or intimate nature with the other party. The existence of such a relationship can be determined based on a consideration of the length of relationship, the type of relationship, or the frequency of interaction between the persons disclosed in the persons own statements.

Domestic Violence

Any act of violence, including felony or misdemeanor crimes of violence committed by a person who is:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common with
- Cohabiting with or has cohabitated with the victim as a spouse, or person similarly situated as the spouse under the domestic or family violence laws of the jurisdiction in which it occurs
- By law, prohibited from the victim under the domestic or family violence laws of the jurisdiction in which it occurs
- By law, prohibited from the victim under the domestic or family violence laws of the jurisdiction in which it occurs

Sexual Assault (Please refer to the sexual violence response policy)

Any physical sexual act or acts committed against another person without affirmative consent. If a student is found responsible it will result in suspension for a minimum of the remainder of the semester or a maximum of the remainder of the semester + 2 semesters or expulsion from SUNY Morrisville. It is assumed that the victim/survivor did not give affirmative consent.

Sexual harassment

Unwelcome oral, written, graphic, electronic or physical conduct of a sexual nature which is so severe or pervasive that a reasonable person would find intimidating, hostile or offensive regardless if it effectively denies the individual reasonable access to institutional programs, activities, and resources.

Stalking

Any unwelcome course of conduct directed at a specific person that would cause a reasonable person emotional distress and create safety concerns. Examples include, but are not limited to, repeatedly following such person, repeatedly communicating by any means with such person, any act directly, indirectly or through third parties by any action, method, device or means to follow, monitor, observe, surveil, threaten, communicate to or about a person.

In recent years, “Title IX” cases have become a shorthand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, SUNY Morrisville must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its

Title IX investigation and adjudication process. Only incidents falling within the Final Rule's definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Formal Grievance Policy: see Appendix C.

SUNY Morrisville remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule. For cases that do not fall within the Title IX geography, the Sexual Assault Response Policy (below) will be used.

The Title IX Coordinator also coordinates compliance with intersecting laws such as NYS Article 129A, NYS Article 129B, the Clery Act, Violence Against Women Act as well as other state and federal mandates, SUNY policies and SUNY Morrisville policies.

Sexual Assault Response Policy

The State University of New York and SUNY Morrisville are committed to providing options, support and assistance to victims/survivors of these crime and violations regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, or criminal convictions, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad.

We are committed to providing a safe and secure environment in which all members are treated with dignity and respect. To that end, the college takes the strongest possible stance against sexual misconduct in all its forms, including sexual harassment, sexual assault, sexual violence or the use of coercion, intimidation or exploitation of others for sexual purposes. The college is actively engaged in educating its members about these vital issues and in providing timely support and assistance to victims of sexual assault.

Complainants have multiple options when reporting either Sexual Harassment or Sexual Assault to the representatives of SUNY Morrisville. They may choose to exercise one option or a combination of options.

Option 1 Campus Judicial action

- A representative of the Office of Student Rights and Responsibilities will explain the college Judicial process as outlined in the Student Code of Conduct. Contact: Coordinator of Student Rights and Responsibilities, Helyar Hall, SUNY Morrisville, Morrisville, N.Y., 315-684-6070

Option 2 Criminal action

- Legal options and support will be explained by New York State University Police (UP)

Option 3 Title IX Formal Grievance Policy action

- The formal Title IX Grievance procedure will be explained to you as detailed on the college website. Contact: Title IX Coordinator, Brooks Hall, SUNY Morrisville, Morrisville, N.Y. 13408, 315-684-6038
- Option 4 File a report with no action

SUNY Morrisville reserves the right to pursue code of conduct violations without the participation of complainants.

Sex Offenses, Lack of Consent: Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim. Definitions relating to this policy are below:

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.”

- Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- When consent is withdrawn or cannot be given, sexual activity must stop.
- Consent cannot be given when a person is incapacitated. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Burden of proof in all cases is “the preponderance of the evidence standard” – whether it is “more likely than not” that the violation occurred. If the evidence presented meets this standard, then the accused must be found responsible.

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

Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape - Sexual intercourse with a person who is under the age of consent in New York State (17 years is the age of consent in New York State.)

Sexual harassment - unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe or pervasive to effectively alter or deny the individual reasonable access to University resources or that such conduct creates an intimidating, hostile or sexually offensive environment for learning, working or living on campus.

Students' Bill of Rights

The State University of New York and SUNY Morrisville are committed to providing options, support and assistance to victims/survivors of these crime and violations regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, or criminal convictions, have the following rights, regardless of whether the crime or violation occurs on campus, off campus, or while studying abroad. Can also be viewed on the website at: http://www.morrisville.edu/student_life/judicialaffairs.aspx.

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Decide whether or not to disclose a crime or violation and participate in the College judicial process and/or criminal justice process free from pressure from the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair and respectful health care and counseling services, where available;
6. 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;
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. 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;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the College judicial process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal Justice, or College judicial process of the institution.

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

I-Reporting:

- New York State University Police, SUNY Morrisville at: 315-684-6410
- Coordinator of Title IX, Brooks Hall, SUNY Morrisville, Morrisville, N.Y. 13408, 315-684-6038

- Coordinator of Student Rights and Responsibilities, Helyar Hall, SUNY Morrisville, Morrisville, N.Y., 315-684-6070
- New York State Police Troop D-Morrisville at 315-684-9550
- Madison County Sheriff's at 315-366-2311
- Chenango County Sheriff's at 607-334-2000

II- Resources:

- Be notified of existing campus and community-based medical, counseling, mental health and student services for victims of sexual assault whether or not the assault is formally reported to campus or civil authorities;
- Use the SUNY SAVR site for access to resources at <https://www.suny.edu/violence-response/>;
- Have access to campus counseling;
- Be informed of and assisted in exercising:
 - To consult with a local rape crisis or local victim assistance organization
 - To have a representative of such organization accompany the victim through the examination:
 - Any rights to confidential or anonymous testing for sexually transmitted infections, HIV, and pregnancy,
 - Any rights to preventive measures such as emergency contraception or HIV prophylaxis,
 - Any rights that may be provided by law to obtain the communicable diseases test results of sexual assault suspects,
 - To be informed by law enforcement of the examination of the evidence kit or transfer of the evidence kit,
 - To be informed by law enforcement if the DNA from the kit matches existing DNA profiles (but this information can be delayed prior to arresting a suspect).
- Be informed of the possible availability of crime victim assistance compensation through the New York State Crime Victims Board;

III- Protection and Accommodations:

- Be given written notice describing options to pursue a criminal complaint with the appropriate law enforcement agency, to pursue the SUNY Morrisville's judicial conduct process, or to pursue both processes simultaneously;
- Reports of sexual assault will be investigated and evaluated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported;
- Victims shall receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities;
- Victims shall receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault;
 - Within 96 hours of an assault, you can get a Sexual Assault Forensic Rape Examination (commonly referred to as a rape kit) at a hospital. While there should

be no charge for a rape kit, there may be a charge for medical or counseling services of campus and, in some cases, insurance may be billed for services. Anyone using these resources may let hospital personnel know if they do not want their insurance policyholder to be notified about access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information may be found here: ovs.ny.gov/victim-compensation, or by calling 1-800-247-8035.

- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.
- Campus personnel shall take reasonable and necessary actions to prevent further unwanted contact of the alleged victim by the alleged violator including issuing “No contact” orders in writing to all parties involved in a reported sexual assault;
- Be given written notice of options for and provided assistance in changing academic and living situations if such changes are reasonably available (The campus will promptly review existing interim measures or accommodations). The parties can submit evidence to support their request.

IV – Administrative Measures

- Both the reporting person and the respondent will be treated equally to ensure that both have equal rights and access to their education and resources.
- Emergency removal of the respondent will be reviewed in accordance with the emergency removal process.
- Residence Hall Relocation will be considered.

Policy for Alcohol 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. SUNY Morrisville recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Morrisville 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 SUNY Morrisville officials or law enforcement will not be subject to code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

The survivors’ personally identifiable information will be kept confidential and will maintain as confidential any accommodations or protective measures provided to the survivor so long as it does not impair the ability to provide such measures. Personally identifiable information about

victims will not be included in any publicly available record-keeping, including the reporting and disclosure of crime statistics.

The College will provide written notification to survivors regarding rights and options, including: available campus and off-campus services such as victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance; available and applicable institutional disciplinary procedures, and an explanation of those procedures; confidentiality in protective measures and Clery reporting and disclosure; and reasonable and available options and assistance with changing academic, living, transportation, and working situations, regardless of whether they choose to report the crime to law enforcement.

No member of the college community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a complaint, serves as a witness, or assists or participates in a proceeding in any manner. Participants who experience retaliation should report incidents promptly.

Survivors' have control of the choices they can make. You don't have to report the assault to anyone if you don't want to. You can report it to a select group of confidential resources like counselors, rape crisis centers, or clergy. If you report it to another college employee, they have an obligation to contact University Police to officially record that a report was received. The matter will be investigated sufficiently to develop a thumbnail sketch of the reported situation to determine if there could be serious risk of further harm to you or members of the community.

The following are recommendations to assist you:

- Do not blame yourself. Sexual assault is *never* the survivor's fault.
- Go to a safe location.
- If you are injured, seek medical attention immediately.
- Do *not* shower, bathe, or douche. The only way medical evidence can be collected is if it is left intact.
- Contact one or more of the resources listed in the table.

If a friend has been assaulted or raped:

- Listen and be supportive.
- Let your friend make her or his own choices.
- Encourage your friend to immediately contact one of the sexual assault resources listed below.
- Stay with your friend during interviews and examinations if she or he wants you to do so.
- Take care of yourself. You may need to talk with someone about how this has affected you.

Resources listed in this section are available for you while at SUNY Morrisville. This is not an exhaustive list:

COMMUNITY RESOURCES

SUNY Morrisville Norwich Campus and City of Norwich	
Fire/Ambulance	911
New York State University Police at Morrisville.	315-684-6410
Norwich City Police	607-334-2424 or 911
Mathias Student Health & Counseling Service Center	315-684-6078
City of Norwich Fire & EMS Department	607-334-3411
UHS Chenango Memorial Hospital	607-337-4111
Title IX Coordinator, Morrisville Campus, Miguel Pereira	315-684-6997
Chenango County	
Chenango County Sheriff	607 334-4040
New York State Police: Norwich	607-334-3296

Chenango County Local Resources (<http://ccspc.webs.com/resources>)

24 hours a day, 7 days a week:

- Mobile Crisis Assessment Team (MCAT) 877-369-6699 or 844-732-6228
- UHS Comprehensive Psychiatric Emergency Program (CPEP) 800-451-0560
- National Suicide Prevention Lifeline 800-273-TALK (8255) / TTY line: 800-799-4889

Monday - Friday 9:00 AM - 5:00 PM:

- Catholic Charities of Chenango County 607-334-8244
- Chenango County Behavioral Health Services 607-337-1600

Hotlines for other issues:

- National Domestic Violence Hotline 800-799-7233 / TDD: 800-787-3224
- NY State Domestic Violence Hotline English: 800-942-6906/Spanish: 800-942-6908
- National Child Abuse Hotline 800-422-4453
- NY State Central Register (to report child abuse) 800-342-3720
- National Parent Helpline (for parents looking for emotional support) 855-427-2736

Police Departments:

- Chenango County Sheriff's Office 607-334-4040 or 607-334-2000
279 County Route 46, Norwich

* Any urgent need for police, fire, or ambulance should be made by calling 911, who will in turn dispatch the appropriate agencies to assist.

Emergency Medical Services/Ambulance:

- Superior Ambulance Service, Inc. 607-772-1456
- City of Norwich Fire & EMS Department 607-334-3411
- Cooperstown Medical Transport 607-433-0000

* Any urgent need for police, fire, or ambulance should be made by calling 911, who will in turn dispatch the appropriate agencies to assist.

Counseling/Advocacy:

- Catholic Charities of Chenango County 607-334-8244
- Chenango County Behavioral Health Service 607-337-1600
- Alcoholics Anonymous 607-722-5983
- Chenango County Drug & Alcohol 607-337-1680
- Opportunities for Chenango 607-334-7114
- Legal Aid Society of Mid-NY Helpline 877-777-6152
- Professional Counseling Center

Denise Spagnola, LCSW-R, CASAC, SAP, BCPCC
Motivational interviewing therapist/trainer; Chemical Dependency Therapist
(Accepts all major health insurance, Medicaid, Medicare)
114 Genesee St.
New Hartford, NY 13413
(315) 733-0520
despag@peoplepc.com

***SUNY SAVR can be accessed 24 hours per day. Wherever you are located, for instant anonymous access to campus and community resources and important policies in over 120 languages go to <https://www.suny.edu/violence-response/>. Search by campus, zip code, or map location for the resources closest to you.

Institutional Disciplinary Procedures

The institutional disciplinary procedure for cases of domestic violence, dating violence, sexual assault, and stalking are the same for any other violation of the Student Code of Conduct. All proceedings must be prompt, fair, and impartial from initial investigation to final result. A proceeding is defined as “all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings or hearings.” The college will conduct a timely review of all complaints of domestic violence, dating violence, sexual assault, and stalking. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint. Extension of all deadlines and time requirements may be extended for good cause as determined by the Office of Student Rights and Responsibilities. Both the respondent and the complainant will be notified in writing of the delay, the reason for the delay, and provided the date of the new deadline or event. An appeal of the results must be submitted within 5 days of receipt of the written result. Absent extenuating circumstances, decisions on appeals are typically issued within 5 days of the appeal proceeding. The burden of proof used in all cases is “the preponderance of the evidence.” Put another way, “whether it is more likely than not” that the violation occurred. If the evidence presented meets this standard, then the accused must be found responsible.

A student will receive written notification of the time and place of a hearing at least ten (10) days before the hearing, unless the student charged waives the 10-day minimum notification period. Whenever possible, written notification will be accomplished by personal delivery by a staff member. Methods of delivery may include one or more of the following: handing a notice to the student, delivery to the campus mailbox, E-mail as an attachment to the student’s college e-mail account. If a student cannot be found with reasonable diligence, delivery may be accomplished by sliding the notice under the door of the student’s on-campus room, or through the U.S. mail to

the student's off campus address. Phone calls, voice mail messages and fax transmissions are occasionally used to reinforce the notification process. These methods will be considered reasonable and sufficient methods of providing notification. Students are responsible for effectively monitoring their college e-mail account and mailbox. The Office of Student Rights and Responsibilities within 24-hours after the hearing concludes, or the next business day if the hearing concludes on a Friday, will communicate the findings to the accused parties and any College official who is determined to have a legitimate interest in the result. In cases involving sexual misconduct violations as well as dating violence, domestic violence, rape, and stalking, both the complainant and accused shall receive simultaneous notice of the results and sanctions imposed (and the rationale for the result and sanctions), as well as notice of the appellate procedures available, and any possible changes to the result that may occur before it becomes final.

Hearings shall be conducted by a judicial body according to the following guidelines:

- a) Hearings shall be closed to the public.
- b) Admission of any person to the hearing shall be at the discretion of the judicial body.
- c) In hearings involving more than one accused student, the judicial officer, at her/his discretion may permit the hearings concerning each student to be conducted separately.
- d) All parties have the right to be assisted by one advisor of their choice, at their own expense. (Ex: advisors may be a parent, attorney, etc.) Witnesses cannot act as advisors. The complainant and/or the accused student are responsible for presenting her/his own case. A student can quietly confer with their advisor during the hearing provided it does not interfere with the process. A student may request one 10-minute recess to speak with their advisor in private. Advisors may not actively participate in the hearing or interfere with the process. Should an advisor interfere after being warned, the board chair will direct the advisor to immediately leave the hearing room.
- e) Conduct meetings below the judicial board level may be conducted without an advisor.
- f) Students that require any accommodations for the hearing process should inform the judicial Officer immediately so that all reasonable attempts to meet the requested accommodation can be made prior to the scheduling of the judicial hearing. (Ex: interpreter or language translator services for language barriers.)
- g) The complainant, the accused student, and the judicial body shall have the privilege of requesting witness participation and all are, subject to questioning by the judicial body. It is the student's responsibility to provide witness names and contact information to the judicial officer in writing at least 48 hours prior to the scheduled judicial hearing. It is the responsibility of the students to invite their witnesses to the hearing by providing them with the date, time, and location of the hearing.
- h) In all cases, the evidence in support of the charges shall be presented and considered. Pertinent records, exhibits, and/or written statements may be accepted as evidence for consideration by a judicial body at the discretion of the judicial body. All evidence must be submitted by all parties no later than 24 hours in advance of the scheduled judicial hearing.
- i) All procedural questions are subject to the final decision of the judicial body with consult from the Office of Student Rights and Responsibilities hearing Administrator.

- j) After a hearing, the judicial body shall determine by majority vote, whether the student has violated the Student Code of Conduct as charged.
- k) The judicial body shall deliberate and reach its finding in closed executive session. The judicial body's determination shall be made on the basis of whether or not there is a preponderance of evidence which supports the finding of a violation, indicating that it is more likely than not that the accused student violated the Student Code of Conduct.
- l) All hearings, pre-hearing conferences, conduct meetings, and witness and party interviews may be audio recorded by the college judicial staff and maintained on a campus computer, server, or other storage medium consistent with retention practices for other documents in an investigation or conduct file. Only college judicial affairs staff may record the proceedings. No other recordings are permitted. Such recordings often contain personally identifiable and sensitive information about participants. Deliberations are not recorded. Judicial recordings shall be the exclusive property of the College. The Office of Student Rights and Responsibilities Office shall make arrangements for an accused student to have access to the recording for filing an appeal.
- m) If any party disrupts a hearing (by shouting, repeatedly interrupting others, or verbally or physically threatening individuals involved in the hearing, etc.), the presiding hearing officer has the right to remove the disruptive individual from the hearing after he or she fails to heed a warning. The hearing may continue in the absence of any removed party, or it may need to be rescheduled at the discretion of the Office of Student Rights and Responsibilities.
- n) If a student accused of violating College Policy or the Student Code of Conduct fails to schedule a conduct meeting after being given notification they may be charged with failure to comply in addition to the existing charges. If a student fails to attend a scheduled meeting or hearing, the meeting or hearing may be held in the student's absence, and the student will be assumed to have entered a claim of Not Responsible to each charge, but forfeited her/his ability to present information or otherwise participate on her/his behalf. Findings and sanctions, if applicable, will be based on the evidence and not upon the accused student's failure to appear. If the judicial officer learns that the student's failure to appear is for good cause, the judicial officer may grant a new hearing. Otherwise, the decision of the hearing shall stand. Failure of the accused student to respond to the Judicial Office's correspondence will not prevent adjudication of the incident.
- o) Except in the case of a student charged with failing to obey the summons of a judicial body or hearing officer, no student may be found to have violated another part of the Student Code of Conduct solely because the student failed to appear before the judicial body. Upon receiving notification of the scheduled hearing date and time, the accused student or the claimant may request a one-time delay no later than 48 hours prior to the hearing.
- p) An accused student who withdraws from the college shall not be exempt from the disciplinary process for violations which took place prior to withdrawal. The judicial process may be initiated regardless of a student's current enrollment status. This includes conduct which occurs before classes begin or after classes end as well as during the academic year and during periods between terms of actual enrollment. A hold may be placed on the student's account while the disciplinary review is pending. If a student leaves or attempts to withdraw from the College, the College may still proceed with

disciplinary action. Should suspension or expulsion take place following the disciplinary process, these sanctions supersede a withdrawal from the College. Please note that disciplinary expulsions or suspensions result in 100% liability for all semester charges.

- q) Sanctions commence and terminate as specified by the assigning judicial body. The judicial body has flexibility to determine when the sanction is to begin and end within reason. Students who are separated (temporarily suspended, suspended for a period of time, or expelled permanently) from the College through the college judicial process have lost their student status for the time specified, unless their student status is restored through the college judicial process. Separated students are not permitted to attend classes, build their co-curricular transcript, travel on any college related trips, participate in intercollegiate athletics or intramurals, and to attend any events held on college property or property operated for the benefit of the college. While students who are separated by the college judicial process may be eligible to transfer earned credits to another institution, they are not permitted to complete coursework or transfer credits back to Morrisville State. At the discretion of the assigning college judicial body, separated students who are eligible to receive earned credits at the time of separation, may be permitted to complete coursework and/or receive earned credits. Separated students are not permitted to transfer credits back to SUNY Morrisville. Should a student who has completed degree requirements be charged with a violation of the Student Code of Conduct prior to commencement or the conferral of the degree, they are ineligible to graduate until the college judicial process is completed. In Title IX cases, a transcript notation will be placed on the students record as per the Title IX rules and regulations.

Due Process

Students should expect that disciplinary proceedings throughout the Judicial Process will be handled fairly. All SUNY Morrisville students accused of violating the Student Code of Conduct shall be granted the following due process rights:

1. A student has the right to have an advisor present at a hearing.
2. A student has the right to receive written notification of the time and place of a hearing at least ten (10) days before the hearing, unless the student charged waives the 10-day minimum notification period. Notification shall be electronically through Maxient via the student's college email.
3. A student has the right to request a one-time delay that, if reasonable, will be granted by the Office of Student Rights and Responsibilities or designee and to allow delays mutually agreed upon by all parties. In all instances of a delay being granted, written notification of the delay and the reason for the delay will be given to the complainant and respondent.
4. A student has the right to review a copy of the written report(s) in redacted form, supporting the allegations involved. This information shall be made available for review in the Office of Student Rights and Responsibilities office or hearing room upon request of students involved in a hearing.
5. A student with good reason has the right to object to a judicial board member or hearing officer who is serving in the capacity of judicial body. The Office of Student Rights and Responsibilities will determine the validity of the objection and designate a replacement.
6. A student has the right not to present information against her/himself.

7. A student has the right to hear and respond to information presented against her/him. This includes the right to appropriately question available parties in person or indirectly through appropriate technology. In Title IX cases questioning must be done through the advisor for each party. No direct questioning of the other parties is allowed.
8. A student has the right to present information and witnesses on her/his own behalf.
9. A student has the right to written notification of the results of a hearing after the hearing. In Title IX cases both the complainant and the respondent are entitled to simultaneous notification of the results. If the victim is deceased the college reserves the right to disclose the results to the next of kin.
10. A student has the right to appeal the outcome of an Administrative or Judicial Board hearing. Appellate Board decisions are final. In Title IX cases both the accused and the complainant have the right to appeal the outcome of a hearing. Appeal process will be followed and all appeal decisions are final.

Possible Sanctions

When an individual is found responsible for sexual assault the following sanctions are available:

College Expulsion (No Refund, Possible Loss of Grades for the Semester, Possible Transcript Notation)

A student expelled may no longer attend classes or be on College property or property operated for the benefit of the College for any reason. Reinstatement or readmission is not possible. No refunds are allowed for a student who has been disciplinarily expelled.

• College Suspension (No Refund, Possible Loss of Grades for the Semester, Possible Transcript Notation)

Removal from the campus for a specified period of time before being allowed to seek readmission. A student suspended is not allowed to attend classes, build their co-curricular transcript, travel on any college related trips, participate in any type of athletic practice or competition, including intramurals, and are not allowed to attend any campus events or events held on campus during the specified period of time.

• Residence Hall Ban (Entire Residence Hall System)

A student who is banned from the Residence Hall system is not permitted to live in or visit any Residence Hall.

• Residence Hall Expulsion

A student who is expelled from the Residence Hall system is not permitted to live in or visit any Residence Hall. Students expelled from the Residence Halls for disciplinary reasons are not eligible for a refund.

- **Residence Hall Suspension (No Refund for the Semester)**

A student who is suspended from the Residence Halls is not permitted to live in or visit the Residence Hall system for a specified period of time. Once the suspension period is over, the student may reapply for housing.

When an individual is found responsible for dating violence or domestic violence, sexual harassment, or stalking the following sanctions are available:

- **College Expulsion (No Refund, Possible Loss of Grades for the Semester, Possible Transcript Notation)**

A student expelled may no longer attend classes or be on College property or property operated for the benefit of the College for any reason. Reinstatement or readmission is not possible. No refunds are allowed for a student who has been disciplinarily expelled.

- **College Suspension (No Refund, Possible Loss of Grades for the Semester, Possible Transcript Notation)**

Removal from the campus for a specified period of time before being allowed to seek readmission. A student suspended is not allowed to attend classes, build their co-curricular transcript, travel on any college related trips, participate in any type of athletic practice or competition, including intramurals, and are not allowed to attend any campus events or events held on campus during the specified period of time.

- **Residence Hall Ban (Entire Residence Hall System)**

A student who is banned from the Residence Hall system is not permitted to live in or visit any Residence Hall.

- **Residence Hall Expulsion**

A student who is expelled from the Residence Hall system is not permitted to live in or visit any Residence Hall. Students expelled from the Residence Halls for disciplinary reasons are not eligible for a refund.

- **Residence Hall Suspension (No Refund for the Semester)**

A student who is suspended from the Residence Halls is not permitted to live in or visit the Residence Hall system for a specified period of time. Once the suspension period is over, the student may reapply for housing.

- **Stayed College Expulsion**

A student placed on stayed college expulsion is being given one last chance to comply with the Student Code of Conduct and college policies. During the period of time on this sanction, the student must not be found responsible for any violations of the student code of conduct or the student may be subject to immediate activation of the expulsion.

- **Stayed College Suspension**

A student placed on stayed college suspension is being given the chance to finish their current semester before serving their suspension for a specified period of time. No refunds are allowed for a student who has been disciplinarily suspended so the student is given an opportunity to complete the semester so it is not lost. During the period of this sanction the student must not be found responsible for any violations of the student code of conduct or the student may be subject to immediate activation of the suspension.

- **Stayed Residence Hall Expulsion**

A student placed on stayed residence hall expulsion is being given one last chance to comply with the Student Code of Conduct and college policies. During the period of this sanction the student must not be found responsible for any violations of the student code of conduct or the student may be subject to immediate activation of the expulsion from the Residence Halls.

- **College Probation**

- **Residence Hall Ban (From a Specific Residence Hall or Portion Thereof)**

A student whose privileges to enter a specific Residence Hall (or portion thereof) have been revoked is no longer permitted to live in or enter that facility (or portion thereof) for any reason. If they violate this directive, they will be subject to arrest for trespassing as appropriately defined in Article 140 through 140.17 of the New York State Penal Law.

- **Residence Hall Ban (All but Current Residence Hall)**

A student is only allowed to enter the Residence Hall in which they live. They are not permitted to enter any other Residence Halls without authorization from the Office of Residence Life. If they are found responsible for violating this sanction, they may be subject to arrest for trespassing as appropriately defined in Article 140 through 140.17 of the New York State Penal Law.

- **Residence Hall Relocation**

A student who is relocated to another Residence Hall is not permitted to live in or enter their former Residence Hall after relocation without authorization from the Office of Residence Life.

- **Apology Letter**

A student may be required to complete a letter of apology by an imposed deadline.

- **Campus Probation**

A student placed on Campus Probation has been given notice that their actions are inappropriate within the College Community and they must act more responsibly in the future. Campus Probation will be for a designated period of time no more than 6 months.

- **Community Service**

A student may be required to abide by a community service assignment with specific service requirements and completion deadline.

- **Financial Restitution**

A student may be required to make reimbursement for damages by a specified deadline as long as there are no criminal charges filed.

- **Letter of Warning**

A student given a letter of warning has been received written notification that their behavior was inconsistent with College rules and regulations.

- **Student Development Module**

Students may be directed to complete development modules by a specific deadline. Failure to complete the sanction will result in the student being charged and found responsible for Failure to Comply which will result in 2 months being added to the other sanctions assigned.

- **Verbal Warning**

A student may receive a verbal warning at the discretion of staff when their behavior is inconsistent with College rules and regulations but not deemed serious enough to warrant further action.

- **Emergency Removal**

An emergency removal is an administrative action and does not effectuate, in any way, a pre-judging of the allegations against the respondent, who is entitled to a presumption of non-responsibility pending the completion of a College Judicial Board hearing.

An emergency removal enables the institution to respond quickly to an emergency. An institution may remove a respondent on an emergency basis whether a grievance process is underway or not. An emergency removal is not limited to instances where the complainant has reported an alleged sexual assault or rape, but could also be justified to address alleged severe, pervasive and

objectively offensive verbal or online sexual harassment. The identification of an immediate risk situation is not limited to the details of the alleged sexual harassment incident itself, but may also evaluate and respond to a respondent's related post-incident actions or behaviors.

- **No Contact Order (With another Person)**

A No Contact Order is an Administrative action directed to parties of an incident to refrain from any form of contact or communication with the specified party. This is a campus order valid on university property only. Prohibited contact includes but is not limited to: electronic, oral, or written to include email, texts, etc. This extends to all actions which may occur as a result of "third parties" (friends, family members, or acquaintances) acting on your behalf.

- **Temporary College Suspension**

A student may be temporarily suspended from SUNY Morrisville pending a College Judicial Board hearing. Temporary suspension means that they are banned from College property, or property operated for the benefit of the College, until disposition of the charges against them. Students placed on temporary suspension are to contact the Office of Student Rights and Responsibilities (315-684-6070) with questions about College rules, regulations, and the hearing process within three (3) days. A student who has been temporarily suspended is responsible for contacting faculty/staff regarding any absence, commitments on Campus, or course work. "Student Status" is frozen. Students who are suspended are not allowed to build their co-curricular transcript, travel on any college related trips, participate in any type of athletic practice or competition, including intramurals, and are not allowed to attend any campus events or events held on campus. In rare cases when a student must be temporarily suspended from the college prior to a college judicial board hearing, the Office of Student Rights and Responsibilities in consultation with the Provost, may remove the suspension prior to the judicial board hearing. Students are not permitted to withdraw while charges of the Student Code of Conduct are pending resolution in a college judicial board hearing. The campus will promptly review existing temporary suspensions at a party's request, including requests to modify the terms or discontinue it. Parties can submit evidence to support their request.

- **Restorative Justice Process**

After review of the relevant facts in a given case, the reviewer(s) may decide to recommend that a case be handled through a restorative justice process instead of the judicial process. Restorative justice brings students together in small groups, empowers them to resolve conflicts and focuses on the needs of all involved. It is a non-judicial process used to deal with incidents where harm has been done to a person or community. It focuses on repairing that harm and restoring the balance of relationships among members of a community. Participation is voluntary and the person who did the harm has to accept responsibility for what they did.

• **No College Judicial Action**

After review of the relevant facts in a given case, the reviewer(s) may decide that no College Judicial action is necessary.

• **Pending College Judicial Action**

When students depart from the College with a College Judicial case pending, the case may remain “open” or under investigation. A hold will be placed on the students record and the student may not be allowed to return to the College until the case has been adjudicated through the College Judicial system.

For more information, review the Code of Conduct,
<https://www.morrisville.edu/handbook/conduct>.

Employee Policies

DRUG FREE WORKPLACE POLICY – Appendix B

TITLE IX FORMAL COMPLAINT GRIEVANCE POLICY – Appendix C

SEXUAL HARASSMENT PREVENTION POLICY- Morrisville State College Policy # 2101 – Appendix D

SEXUAL AND ROMANTIC RELATIONSHIP POLICY – Appendix E

Location of Registered Sex Offender Information

The State of New York requires sex offenders to register with the Police Department or Sheriff's Department in the jurisdiction in which they reside. The State makes this information available to law enforcement agencies. This information is available to the public at the local police department. For information on sex offender registration go to www.criminaljustice.ny.gov or contact the University Police at SUNY Morrisville located in Brooks Hall or call (315) 684-6410.

Disclosure of Crime Log Information

The New York State University Police at SUNY Morrisville maintains a daily crime log that contains specified information about any and all reported crimes that occur within the patrol jurisdiction. The daily crime log can be viewed at the New York State University Police at SUNY Morrisville located in Brooks Hall. Certain information may be withheld from the crime log under specified circumstances, primarily information that would jeopardize the success of an investigation or the safety of a person involved in the investigation. The New York State University Police at SUNY Morrisville makes the crime log for the most recent 60-day period open to public inspection during normal business hours, while crime logs containing material more than 60 days old are retained for seven years for public inspection upon two days' notice.

Missing Student Policy and Procedure

It is the policy of SUNY Morrisville to treat all reports of missing students as serious incidents and to investigate such reports completely. SUNY Morrisville University Police will thoroughly investigate all reports of missing students, treating every report as one where the person reported

missing may be at risk, until significant information to the contrary is confirmed. The College encourages timely reporting of missing students to New York State University Police by all members of the SUNY Morrisville Community, to assist in locating students who are reported missing, and to comply with federal law as stated in the Missing Person Procedures of the Higher Education Opportunity Act 488(3) HEA section 485U1.

Response and Investigation

Missing student: When a report of a missing student is received by SUNY Morrisville or local police agencies (i.e., NYS Police, Madison County Sheriff's Office), the receiving department will conduct a preliminary investigation in order to verify the complaint relating to the reported missing student. If the student's absence is verified, the incident will be reported and shared between departments. Both departments will continue the investigation to locate the missing student. If, after further investigation the missing student is not located, both departments will determine the most efficient manner of continuing the investigation. In any event, information relating to any report of a missing student shall be shared by both parties no later than twelve (12) hours from the time of the initial report. If the missing student is located or returns to SUNY Morrisville at any time after the matter has been reported, each party shall notify the other immediately.

Reporting Missing Students

A student may be considered to be missing if the student's absence is contrary to his or her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but are not limited to: (1) absence from multiple classes; (2) indicators that a student may be a victim of foul play; (3) expressed suicidal thoughts; (4) indicators of drug dependency; (5) indicators that the student may be in a life-threatening situation or has been with persons who may endanger his or her welfare. SUNY Morrisville University Police suggests to all members of the SUNY Morrisville community that if there is a possibility that a student is missing, consult University Police as soon as possible, by calling 911.

Any College employee who receives information indicating that a student may be missing must report this information to University Police immediately whether the student is a resident or non-resident student. Any student, who believes that another student is missing, is encouraged to notify University Police as soon as possible. University Police will investigate all incidents of reported missing students and will exhaust all leads to locate resident students (those who live in on-campus facilities). In situations where the student is a non-resident (resides off campus), University Police will help notify the proper law enforcement agency in the jurisdiction where the student resides or was last seen and assist with the investigation. This notification will be done within 24 hours of receiving a credible report. Nothing in this policy requires the University Police to wait 24 hours before reporting to the law enforcement agency with jurisdiction. Upon receiving a report of a missing student, and conducting a preliminary check of the student's room and other areas on campus the student may frequent, University Police will notify the Provost and the Vice President of Student Affairs.

Procedures for Reporting a Missing Person/Student on the Norwich Campus:

A SUNY Morrisville employee, student or other member of the college community receiving information regarding an alleged missing person/student should immediately report it to the University Police Department by doing one of the following:
Call (315) 684-6410, Norwich Campus staff (607) 334-5144 and Norwich City Police (607) 334-2424 or 911.

Procedures for reporting a missing person/student off campus in proximity to the Norwich Campus, call either:

NYS Police (607) 334-3296 or 911

Chenango County Sheriff's Department (607) 334-2000

In the event that a student under the age of 18 years old is reported missing, his/her parents or legal guardian will be notified.

Efforts will be made to ensure confidentiality of missing person reports.

Emergency Contact Information

At the beginning of each academic semester, all students will be notified of the following:

1. The student will have the opportunity to identify a contact person or persons whom will be notified within 24 hours of the determination by law enforcement that the student is missing;
2. This contact information will be confidential and will be accessible only to authorized university officials and it will not be disclosed except to law enforcement personnel involved in a missing persons investigation;
3. For students who are 18 years of age or older, this notification to the designated emergency contact person will be notified within but no later than 24 hours after the student is determined to be missing. Students who are under 18 years of age and not emancipated, the Dean of Students and/or University Police must notify the student's custodial parent or guardian within 24 hours of the determination that the student is missing and will also notify the student's designated emergency contact person.

Annual Fire Safety Report

The Higher Education Opportunity Act (HEOA) requires two safety-related requirements for the institutions that participate in the federal student financial aid programs which follow:

1. **Fire Log:** Institutions must keep a fire log that states the nature of the fire, date, time and general location of each fire in on-campus student housing facilities. SUNY Morrisville complies with this rule by including all fire related incidents in the University Police Blotter. To view the most recent seven (7) days of information please contact University Police located in Brooks Hall at (315) 684-6410. The public can also view the most recent 60 days of fire related incidents by contacting the Office of Environmental Health and Safety located in Brooks Hall at (315) 684-6410.
2. **Annual Fire Safety Report:** Institutions with on-campus student housing must publish annually a fire safety report that provides information on campus fire safety practices and standards. SUNY Morrisville complies with this regulation by including all fire related incidents at on-campus student housing facilities as part of the *Annual Security & Fire Safety Report*. Information contained in this annual fire safety report includes: number and causes of fires at all on-campus student housing facilities, number of fire-related deaths; related injuries; value of fire related property damage; information on fire evacuation procedures;

fire safety education and training programs; fire systems in each student housing facility; number of regular mandatory fire drills; and Fire Safety Policies for on-campus student housing facilities. The public can also view the annual fire safety report by contacting the Office of Environmental Health and Safety located in Brooks Hall building at (315) 684-6410.

Morrisville Main Campus Annual Security Report

Institutions with more than one campus must comply independently with all of the CLERY Act and the fire and safety related HEA requirements. For the purpose of these requirements, a **separate campus** must meet the following requirements:

- Your institution owns or controls the site
- The site is not reasonably geographically contiguous with the main campus
- The site has an organized program of study
- There is at least one person on site acting in an administrative capacity

Under these requirements, the main campus of SUNY Morrisville must publish their own Annual Security Report as a separate campus.

Each semester, an e-mail notification is made to all enrolled students, faculty, and staff that provides the Annual Security Report, Norwich Annual Security Report, and Annual Fire Safety Report as attachments. The email also provides the link to the website to access these reports.

Anyone wishing to receive a hard copy of any of these Annual Reports, are invited to please stop by New York State University Police located in Brooks Hall or the Office of Student Rights and Responsibilities located in Helyar Hall, Morrisville, NY 13408. If you would like to request that a copy be mailed to you, please call (315) 684-6070.

Anyone wishing to receive a hard copy of the Norwich Annual Security Report, please stop by the SUNY Morrisville Norwich Campus Administration Office, located on the second floor at Roger W. Follett Hall, 20 Conkey Avenue, Norwich, NY 13815. If you would like to request that a copy be mailed to you, please call (607) 334-5144.

You may review the statistics contained in the Annual Security Report by accessing the U.S. Department of Education's website at <http://surveys.ope.ed.gov/campussafety>.

2023 CLERY Statistics

Part I – Primary Crimes										Part II – Arrests and Referrals							
	Criminal Homicide		Sex Offenses								Arrests and Referrals						
	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Drug Arrests	Drug Referrals	Alcohol Arrests	Alcohol Referrals	Weapon Arrests	Weapon Referrals
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

There were no Unfounded Crimes for 2023.

2023 CLERY Statistics Continued

Part III - Hate Crimes														Part IV				
	Criminal Homicide		Sex Offenses											Criminal Incidents				
<u>Hate Crime Category Legend:</u> R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, E=Ethnicity, NO=National Origin, GI=Gender Identity, D=Disability	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Larceny Theft	Simple Assault	Intimidation	Destruction/Damage/Vandalism of Property	Stalking	Dating Violence	Domestic Violence
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

There were no Unfounded Crimes for 2023.

2022 CLERY Statistics

Part I – Primary Crimes											Part II – Arrests and Referrals						
	Criminal Homicide		Sex Offenses									Arrests and Referrals					
	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Drug Arrests	Drug Referrals	Alcohol Arrests	Alcohol Referrals	Weapon Arrests	Weapon Referrals
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

There were no Unfounded Crimes for 2022.

2022 CLERY Statistics Continued

Part III - Hate Crimes														Part IV				
	Criminal Homicide		Sex Offenses											Criminal Incidents				
Hate Crime Category Legend: R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, E=Ethnicity, NO=National Origin, GI=Gender Identity, D=Disability	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Larceny/Theft	Simple Assault	Intimidation	Destruction/Damage/Vandalism of Property	Stalking	Dating Violence	Domestic Violence
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

There were no Unfounded Crimes for 2022.

2021 CLERY Statistics

Part I – Primary Crimes											Part II – Arrests and Referrals						
	Criminal Homicide		Sex Offenses									Arrests and Referrals					
	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Drug Arrests	Drug Referrals	Alcohol Arrests	Alcohol Referrals	Weapon Arrests	Weapon Referrals
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

There were no Unfounded Crimes for 2021.

2021 CLERY Statistics Continued

Part III - Hate Crimes														Part IV				
	Criminal Homicide		Sex Offenses											Criminal Incidents				
Hate Crime Category Legend: R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, E=Ethnicity, NO=National Origin, GI=Gender Identity, D=Disability	Murder and Non-negligent Manslaughter	Negligent Manslaughter	Rape	Fondling	Incest	Statutory Rape	Robbery	Aggravated Assault	Burglary	Motor Vehicle Theft	Arson	Larceny/Theft	Simple Assault	Intimidation	Destruction/Damage/Vandalism of Property	Stalking	Dating Violence	Domestic Violence
On Campus – Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
On Campus – Non-Residence Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total On Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Non-Campus	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

There were no Unfounded Crimes for 2021.

APPENDIX A-Legal Definitions

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.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- When consent is withdrawn or cannot be given, sexual activity must stop.
- Consent cannot be given when a person is incapacitated. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

Burden of proof in all cases is “the preponderance of the evidence” – whether it is more likely than not that the violation occurred. If the evidence presented meets this standard, then the accused must be found responsible.

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

Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent in New York State (17 years is the age of consent in New York State.)

Sexual harassment - Unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe or pervasive to effectively alter or deny the individual reasonable access to

University resources or that such conduct creates an intimidating, hostile or sexually offensive environment for learning, working or living on campus.

Aggravated assault - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

Arson - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary - The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Crime - An act or the commission of an act that is forbidden or the omission of a duty that is commanded by a public law and that makes the offender liable to punishment by that law.

Criminal Offense - An infraction of law.

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.

Domestic Violence – A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of victim, by a person with whom the victim shares a child in common, by a person who is cohabitation with or has cohabitated with, the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.

Drug Abuse Violations - Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (ex: morphine, heroin, codeine); marijuana; synthetic narcotics (ex: Demerol, methadone); and dangerous nonnarcotic drugs (ex: barbiturates, Benzedrine).

Hate Crimes - A hate crime, also known as a bias crime, is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Larceny – Theft – The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Liquor Law Violations - The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to

commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Motor Vehicle Theft - The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Murder and Non-negligent Manslaughter - The willful (non-negligent) killing of one human being by another.

Non-campus - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by the school that is used in direct support of or in relation to the institution's education purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

On-campus - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to the institution's educational purposes. These buildings include residential halls, any building or property that is owned by the institution but controlled by another person, those frequently used by students and those that support institutional purposes such as a food or retail vendor.

Public Property – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Robbery - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Simple Assault – Unlawful physical assaults by one person upon another where no weapon is displayed by the offender, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Stalking - Engaging in 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 that would make a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

Weapons Possession - The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

APPENDIX B - Employee DRUG-FREE WORKPLACE POLICY

The College, in compliance with the Federal Drug-Free Workplace act of 1988 and the DrugFree Schools and Communities Act of 1989, had adopted the following policy, which must be adhered to as a condition of employment:

A. Policy: The unlawful possession, use, or distribution of a controlled sub-stance or alcohol on the college premises or as a part of any college activity is prohibited. Employees who unlawfully manufacture, distribute, dispense, possess, or use a controlled substance or alcohol will be subject to disciplinary procedures consistent with applicable laws, rules, regulations, and collective bargaining agreements. Furthermore, on-the-job impairment from alcohol or controlled substances is prohibited.

B. Guidelines and Procedures: 1. Any college employee convicted of a criminal drug statute violation occurring in the workplace must provide written notification to his/her supervisor of the conviction within five (5) days after the conviction. As required by the Federal Drug-Free Workplace Act of 1988, the college will inform contracting or granting agencies of such convictions within ten (10) days after receiving notice of conviction. 2. Within 30 days of having received notification of an employee's conviction for a workplace drug statute violation, the college will take appropriate action up to and including termination or may require an employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program. 3. The college will make a good faith effort to maintain a drug/alcohol-free workplace. That effort will include drug awareness education programs, an Employee Assistance Program to assist employees seeking treatment and rehabilitation programs, and the implementation and strict enforcement of this policy.

APPENDIX C - SUNY Morrisville 2024 Title IX Grievance Procedure

1. Effective Date and Changes to Procedure Based on Court Rulings and Legal Challenges or Changes in Law or Regulation

This Grievance Procedure applies to incidents that occur on or after August 1, 2024. Any incidents reported under this Grievance Procedure that occurred on or before July 31, 2024, will be processed through the institution's 2020 Title IX Grievance Policy.

Should any portion of the 2024 Title IX Final Rule (89 Fed. Reg. 33474 (Apr. 29, 2024)), be stayed or held invalid by a court of law, or if the 2024 Title IX Final Rule is withdrawn or modified to not require elements of this Procedure, the Procedures in their entirety, or the invalidated elements of this Procedure, they will be deemed revoked as of the publication date of the opinion or order from the Court and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by the date of the opinion or order publication by the Court. If this Procedure is revoked in this manner, any conduct covered under this Procedure shall be investigated and adjudicated under the previous 2020 Title IX Grievance Policy and/or the Student Code of Conduct and/or Sexual Assault Response Policy. SUNY Morrisville will update this Procedure as soon as practicable to reflect any court rulings or changes that invalidate parts of the Procedure, if applicable.

2. Scope of Procedure

Sex-Based Harassment is considered discrimination on the basis of sex if it includes harassment due to actual or perceived sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and/or gender identity.

3. Jurisdiction of Procedure

SUNY Morrisville's Title IX Coordinator will determine if this Grievance Procedure applies to a Complaint. This Grievance Procedure will apply when the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct alleged occurred on or after August 1, 2024;
- The conduct alleged occurred in the United States. The conduct alleged occurred in the United States, except for cases of sexual assault, domestic violence, dating violence and stalking; in which case, if such occurred off campus or during study abroad, will be subject to the jurisdiction of this Grievance Procedure;
 - The conduct alleged occurred in SUNY Morrisville's Education Program or Activity;
- and
- The conduct alleged, if true, would constitute Sex-Based Harassment as defined in this Grievance Procedure.

NOTE: SUNY Morrisville has an obligation to address a sex-based hostile environment under its Educational Program or Activity, even when some conduct alleged to be contributing to the Hostile Environment occurred outside SUNY Morrisville’s Education Program or Activity, or outside of the United States. SUNY Morrisville’s Title IX Coordinator will work with all Complainants to assess such complaints that may fall under these criteria, and direct to appropriate University Policies and Procedures that may apply if this Grievance Procedure does not. SUNY Morrisville will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this Grievance Procedure as outlined in the Dismissals section below.

Conduct that Occurs under SUNY Morrisville’s Education Program or Activity includes but is not limited to conduct that occurs in a building owned or controlled by a student organization that is officially recognized by SUNY Morrisville, and conduct that is subject to SUNY Morrisville’s disciplinary authority under SUNY Morrisville’s Student Code of Conduct.

If all elements of jurisdiction are met, SUNY Morrisville will investigate the allegations according to this Grievance Procedure as appropriate, unless informal resolution is pursued or there are grounds for dismissal of the complaint.

4. Non-Discrimination in Application

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, race, color, national origin, religion, creed, age, disability, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or other protected classes covered by applicable federal, state, or local law. All requirements and protections are equitably provided to individuals regardless of such protected status(es) or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution’s policy or process may contact the U.S. Department of Education’s Office for Civil Rights using contact information available at <https://ocrcas.ed.gov/contact-ocr>. Individuals may also file complaints with the New York State Division of Human Rights (DHR), using contact information available at <https://dhr.ny.gov/complaint>.

5. Student’s Bill of Rights

All Students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously;
3. 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 by the institution;

4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. 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;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from Retaliation by the institution, any Student, the Accused and/or the Respondent, and/or their friends, family, and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a Reporting Individual or Complainant, Accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

VI. Definitions

1. **Accused** means a person accused of a violation who has not yet entered an institution's judicial or conduct process.
2. **Admission** means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an Education Program or Activity operated by SUNY Morrisville.
3. **Bystander** means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of an institution.
4. **Code of Conduct** means the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.
5. **Consent** means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent. The definition of Consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent to any sexual act or prior consensual sexual activity between or with any Party does not necessarily constitute Consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot Consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to Consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When Consent is withdrawn

or can no longer be given, sexual activity must stop. “Consent” and “affirmative consent” may be used interchangeably under this Grievance Procedure.

6. Complainant means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment as defined in these procedures and who was participating or attempting to participate in SUNY Morrisville’s Education Program or Activity; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute Sex-Based Harassment under this grievance procedure and who was participating or attempting to participate in SUNY Morrisville’s Education Program or Activity at the time of the alleged Sex-Based Harassment.

A Complainant may also be referred to as a Reporting Individual in this Grievance Procedure, in alignment with New York State Education Law Article 129-B.

7. Complaint means an oral or written request to SUNY Morrisville that objectively can be understood as a request for SUNY Morrisville to investigate and make a determination about alleged Sex-Based Harassment at the institution.

8. Confidential Employee means:

- (1) An employee of SUNY Morrisville whose communications are privileged under Federal or State law. The employee’s confidential status is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- (2) An employee of SUNY Morrisville whom the recipient has designated as confidential for the purpose of providing services to persons related to Sex-Based Harassment. If the employee also has a duty not associated with providing those services, the employee’s confidential status is only with respect to information received about SexBased Harassment in connection with providing those services; or
- (3) An employee of SUNY Morrisville who is conducting an Institutional Review Boardapproved human-subjects research study designed to gather information about SexBased Harassment. The employee’s confidential status is only with respect to information received while conducting the study.

9. Disciplinary Sanctions means consequences imposed on a Respondent following a determination under this grievance procedure that the Respondent violated SUNY Morrisville’s prohibition Sex-Based Harassment.

10. Education Program or Activity means any academic, extracurricular, research, occupational training or other Education Program or Activity operated by SUNY Morrisville that receives Federal financial assistance.

11. Party means Complainant or Respondent

12. Peer Retaliation means Retaliation by a Student against another Student.

13. Relevant means related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.

14. Remedies means measures provided, as appropriate, to a Complainant or any other person SUNY Morrisville identifies as having had their equal access to SUNY Morrisville’s Education Program or Activity limited or denied by Sex-Based Harassment. These measures are provided

to restore or preserve that person's access to SUNY Morrisville's Education Program or Activity after SUNY Morrisville determines that SexBased Harassment occurred.

15. **Respondent** means a person who is alleged to have violated SUNY Morrisville's prohibition on Sex-Based Harassment.

16. **Retaliation** means intimidation, threats, coercion, or discrimination by any person by SUNY Morrisville, a student, or an employee or other person authorized by SUNY Morrisville to provide aid, benefit, or service under SUNY Morrisville's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a complain, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this grievance procedure, including an informal resolution process.

17. **Sex-Based Harassment** means sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

- (1) Quid pro quo harassment. An employee, agent or other person authorized by SUNY Morrisville's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct:
- (2) Hostile Environment Harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from SUNY Morrisville's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following: (i) the degree to which the conduct affected the Complainant's ability to access SUNY Morrisville's Education Program or Activity; (ii) the type, frequency, and duration of the conduct, (iii) the Parties' ages, roles within SUNY Morrisville's Education Program of Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct; (iv) the location of the conduct and the context in which the conduct occurred; and (v) other Sex-Based Harassment in SUNY Morrisville's Education Program or Activity;
- (3) Sexual Assault (as defined in the Clery Act, 20 U.S.C. 1092(f)) means any sexual act directed against another person, without the Consent of the victim, including instances where the victim is incapable of giving Consent;
- (4) Dating Violence (as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act) means any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.
- (5) Domestic Violence means any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or domestic violence law of New York, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York; or

(6) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

18. **Student** means a person who has gained Admission.

19. **Supportive Measures** means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) restore or preserve that Party's access to SUNY Morrisville's Education Program or Activity, including measures that are designed to protect the safety of the Parties or SUNY Morrisville's educational environment; or (2) provide support during SUNY Morrisville's grievance procedures for Sex-Based Harassment or during the informal resolution process.

6. NOTE: Disability Accommodations

Generally

This procedure does not alter any institutional obligations under applicable federal disability laws, including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Procedure that do not fundamentally alter the Procedures. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically SUNY Morrisville 2024 Title IX Grievance Procedure 7 requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Requests for Reasonable Accommodations During the Title IX Grievance Procedure

If the complainant or Respondent discloses a disability, the Title IX Coordinator may consult, as appropriate, with the Accessibility Services Center to provide support to students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

7. Policy for Alcohol and/or Drug Use Amnesty

The health and safety of every student at SUNY Morrisville is of utmost importance. SUNY Morrisville recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Morrisville strongly encourages students to report 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 SUNY Morrisville's officials or law enforcement will not be subject to SUNY Morrisville's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

8. Basic Requirement of the Grievance Procedure

SUNY Morrisville is required to:

- Treat Complainants and Respondents equitably;
- Ensure that any person designated by SUNY Morrisville as a Title IX Coordinator, investigator, or decisionmaker does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
- Establish reasonably prompt timeframes for the major stages of this Grievance Procedure, including a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the Parties that includes the reason for the delay;
- Ensure that reasonable steps to protect the privacy of the Parties and witnesses during the pendency of the Grievance Procedure are taken, provided that the steps do not restrict the abilities of the Parties to obtain and present evidence, including by speaking to witnesses (as long as such does not result in Retaliation), consult with their family members, confidential resources, or advisors, or otherwise prepare for or participate in this Grievance Procedure;
- Ensure an objective evaluation of all evidence that is Relevant and not otherwise impermissible under this Procedure, including both inculpatory and exculpatory evidence, and provide that credibility determinations must not be based on a person's status as a Complainant, Respondent, or Witness;
- Exclude impermissible evidence from consideration as defined in the Grievance Procedure; and
- Clearly articulate principles for how SUNY Morrisville will determine which policies and procedures apply if not all such complaints are handled under this institutional Grievance Procedure.

Per New York State Law, SUNY Morrisville is also required to additionally ensure that Complainants are advised of their right to:

- Notify University Police, local law enforcement, and/or state police;
- Have emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a Complainant to provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated New York Penal Law should be addressed to law enforcement or to the district attorney, who shall also explain whether he or she is authorized to offer the reporting individual confidentiality or privacy, and shall inform the Complainant of other reporting options;
- Disclose confidentially the incident to institution representatives, who may offer confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
- Disclose confidentially the incident and obtain services from the state or local government;
- Disclose the incident to institution representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals;
- File a report of sexual assault, domestic violence, dating violence, and/or stalking and the right to consult the Title IX Coordinator and other appropriate institution representatives for information and assistance, ensure that Complainants know that reports shall be investigated in accordance with this Grievance Procedure and/or any other institutional policies that may be applicable, and ensure that a Complainant's identity will remain private at all times if said Complainant wishes to maintain privacy;

- Disclose, if the accused is an employee of SUNY Morrisville, the incident to SUNY Morrisville’s Human Resources Department or the right to request that a confidential or private employee assist in reporting to the appropriate representative for the Human Resources Department, at which point, such referral shall be handled according to the appropriate policies and procedures related to employee complaints;
- Receive assistance from appropriate SUNY Morrisville representatives in initiating legal proceedings in family court or civil court; and
- Withdraw a complaint or involvement from SUNY Morrisville’s Grievance Procedure at any time.

9. Reporting Sex-Based Harassment Occurring Between Students to the Institution

Non-Confidential Reports

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

Contact Information for the Title IX Coordinator at SUNY Morrisville:

Amy McLaughlin
 Director of Human Resources and Title IX Coordinator
 mclaugai@morrisville.edu
 315-684-6038

Confidential Reports

The following officials at SUNY Morrisville will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX:

- Title IX Coordinator or designee(s);
- Officials with Authority to institute corrective measures under Title IX;
- All other employees at SUNY Morrisville that are not designated as confidential resources.

The following officials at SUNY Morrisville may provide confidentiality:

- Mental Health Counselors and medical personnel in the Health Center.

There are other confidential options available for crisis intervention, resources and referrals, but these are not reporting mechanisms to the institution, meaning that disclosure on a call to one of these hotlines does not provide any information to SUNY Morrisville.

Complainants are encouraged to additionally contact a campus confidential or private resource so that SUNY Morrisville can take appropriate action in these cases. Some resources for confidential disclosure NOT to the institution are:

- The New York State Office for the Prevention of Domestic Violence hotlines:
<http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options that

can be found and are presented in several languages can also be found here:
<http://www.opdv.ny.gov/help/index.html> (or by calling 1-800-942-6906).

- SurvJustice: <http://survjustice.org/our-services/civil-rights-complaints/>;
- Legal Momentum: <https://www.legalmomentum.org/>;
- NYSCASA: <https://nyscasa.org/responding>;
- NYSCADV: <http://www.nyscadv.org/>;
- Pandora’s Project: <http://www.pandys.org/lgbtsurvivors.html>;
- GLBTQ Domestic Violence Project: <http://glbtqdv.org/>;
- RAINN: <https://www.rainn.org/get-help>; and
- Safe Horizons: <http://www.safehorizon.org/>.

Privacy vs. Confidentiality

References made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances such as a health and/or safety emergency or child abuse. References made to privacy mean SUNY Morrisville offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be related only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. SUNY Morrisville will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

At the First Instance of Disclosure of a Report

SUNY Morrisville shall ensure that, at a minimum, at the first instance of disclosure by a Complainant to a SUNY Morrisville representative, the following information shall be presented to the Complainant: “You have the right to make a report to university police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from Retaliation for reporting an incident; and to receive assistance and resources from your institution.”

10. Supporting and Interim Measures

Providing Supportive Measures

Complainants who report allegations of Sex-Based Harassment have the right to receive supportive measures from SUNY Morrisville regardless of whether they file a complaint. Supportive measures are non-disciplinary and non-punitive. Supportive measures may vary depending upon what is reasonable available at SUNY Morrisville.

As appropriate, supportive measures may include without limitation:

- Counseling services
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services, as available
- Restrictions on contact applied to one or more Parties (no contact orders)
- Changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative

- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Training and education programs related to Sex-Based Harassment
- Assistance by SUNY Morrisville's police or security forces, if applicable, or other officials in obtaining an order of protection or, if outside of New York state, an equivalent protective or restraining order.

Supportive measures must not unreasonably burden either Party and must be designed to protect the safety of the Parties or SUNY Morrisville's educational environment, or to provide support during SUNY Morrisville's Sex-Based Harassment grievance procedures under this policy or during informal resolution under this procedure.

SUNY Morrisville may modify or terminate supportive measures at the conclusion of the grievance procedure, or at the conclusion of the informal resolution process, or may continue them beyond that point within SUNY Morrisville's discretion.

SUNY Morrisville will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to SUNY Morrisville's Education Program or Activity, or there is an exception that applies, such as:

- SUNY Morrisville has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to an appropriate third Party with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purpose of the policy when it is necessary to address conduct that reasonably may constitute Sex-Based Harassment under Title IX in SUNY Morrisville's Education Program or Activity;
- As required by Federal law, federal regulations, or the terms and conditions of a federal award; or
- To the extent such disclosures are not otherwise in conflict with Title IX, when required by State or local law or when permitted under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g, or its implementing regulations, 34 CFR Part 99).

Note on Orders of Protection and their equivalent. SUNY Morrisville must provide a copy of the order of protection or equivalent when it is received by SUNY Morrisville, and Parties shall have the opportunity to meet or speak with the Title IX Coordinator, who can explain the order and answer questions about it, including information from the other about the Accused's/Respondent's responsibility to stay away from the protected person or persons. Parties are entitled to an explanation of the consequences for violating these orders, including without limitation, arrest, additional conduct charges, and interim suspension or emergency removal, as applicable. A Complainant is also entitled to receive assistance from University Police in effecting an arrest when an individual violates an order of protection or, if University Police does not possess arresting powers, then to call on and assist local law enforcement in effecting and arrest for violating such order, in accordance with limits on current law enforcement jurisdiction and procedures.

Process for Review of Supportive Measures

SUNY Morrisville provides for a Complainant or Respondent to seek modification or reversal of SUNY Morrisville's decision to provide, deny, modify, or terminate a supportive measure.

Grounds for challenge of supportive measures include, but are not limited to:

- Whether a supportive measure is reasonably burdensome;
- Whether a supportive measure is reasonably available;
- Whether a supportive measure is being imposed for punitive or disciplinary reasons;
- Whether the supportive measure is being imposed without fee or charge; and
- Whether the supportive measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

This review will be conducted by an impartial employee of SUNY Morrisville, who did not make the challenged decision on the original supportive measure request. The impartial employee of SUNY Morrisville who makes this determination will have the authority to modify or reverse the decision if that impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the procedures as outlined above for providing supportive measures in accordance with the Title IX regulations.

Parties are only allowed to challenge their own individual supportive measures. Challenges by one Party will not be heard to supportive measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

Emergency Removal

SUNY Morrisville retains the authority to remove a Respondent from all or part of SUNY Morrisville's Education Program or Activity on an emergency basis, where SUNY Morrisville (1) undertakes an individualized safety and risk analysis, and (2) determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of Sex-Based Harassment justifies removal.

SUNY Morrisville will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Appeals may be sent to the Vice President of Student Affairs who will hear the challenge to the removal determination.

The decisionmaker who hears a challenge to an emergency removal must not be involved in any decision regarding responsibility or appeal of a determination.

Emergency removals will not be considered Relevant evidence that can be considered in reaching a determination of whether Sex-Based Harassment occurred.

Administrative Leave

SUNY Morrisville retains the authority to place a non-student employee Respondent on administrative leave during the Grievance Procedure, consistent with the SUNY Morrisville Employee Handbook and Collective Bargaining Agreements.

Note on student employees: when a Complainant or Respondent is both a student and an employee of SUNY Morrisville, SUNY Morrisville must make a fact-specific inquiry to determine whether this procedure applies to that student employee. SUNY Morrisville will consider if the Complainant or Respondent's primary relationship with SUNY Morrisville is to receive an education and whether the alleged Sex-Based Harassment occurred while the Party was performing employment-related work.

XII. The Title IX Grievance Procedure for Sex-Based Harassment Occurring Between Students

o Filing a Complaint

Who can make a Complaint?

- A Complainant (as defined in Section VI(6) of this Grievance Procedure); or
- The Title IX Coordinator

Note on Title IX Coordinator initiated Complaints: In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, the Title IX Coordinator must determine whether to initiate a Complaint of Sex-Based Harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of Sex-Based Harassment would occur if a complaint is not initiated;
- The severity of the alleged Sex-Based Harassment, including whether the Sex-Based Harassment, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the Sex-Based Harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of SUNY Morrisville;
- The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment, or Sex-Based Harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether Sex-Based Harassment occurred; and
- Whether SUNY Morrisville could end the alleged Sex-Based Harassment and prevent its recurrence without initiating this Grievance Procedure.

If after considering these and other Relevant factors, the Title IX Coordinator determines that the conduct as alleged present as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents SUNY Morrisville from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures as listed in Section VI of this Grievance Procedure.

Is there a particular format that the Complaint needs to be in?

As defined in VI(6) of this Grievance Procedure, a Complaint can be an oral or written request to SUNY Morrisville that objectively can be understood as a request for SUNY Morrisville to investigate and make a determination about alleged Sex-Based Harassment at the institution.

Who can I report a Complaint to?

Any reports of Sex-Based Harassment may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are other ways in which a Party may report a Complaint.

SUNY Morrisville requires that any employee who is not a Confidential Employee and who either has authority to institute corrective measures on behalf of SUNY Morrisville or has responsibility for administrative leadership, teaching, or advising in SUNY Morrisville's Education Program or Activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex Discrimination, including SexBased Harassment.

All other employees at SUNY Morrisville who are not Confidential Employees and are not employees as identified above are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex-Discrimination, including Sex-Based Harassment.

Note: If an employee has personally been subject to conduct that reasonably may constitute Sex Discrimination, including Sex-Based Harassment, under Title IX or any institutional policy or Grievance Procedure, these requirements do not apply to an employee reporting a personal Complaint.

What is the timeframe for SUNY Morrisville to evaluate if the Title IX Coordinator is initiating an investigation under tis Grievance Procedure?

The Title IX Coordinator must evaluate whether the Complaint falls under this Grievance Procedure ten business days after the Complaint is made and must issue the Notice of Allegations as soon as practicable after the Complaint is evaluated. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, on a case-by-case basis, with good cause and the rationale for the extension or delay.

Can I make a Complaint and request initiation of the Grievance Procedure even if I have made a complaint to law enforcement?

Yes, SUNY Morrisville has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent complaint before law enforcement. This process is an administrative process that is different from the criminal justice process. Per New York state law, it is required that SUNY Morrisville's process run concurrently with a criminal justice investigation and proceeding, however, temporary delays are allowed as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than ten days except when law enforcement specifically requests and justifies a longer delay.

- **Multi-Party Situations and Consolidation of Complaints**

SUNY Morrisville may consolidate complaints alleging Sex-Based Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of Sex-Based Harassment arise out of the same facts or circumstances.

SUNY Morrisville can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular complaints when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

- **Allegations Potentially Falling Under Two Policies**

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

- **Dismissal of a Complaint**

Grounds for Dismissal

SUNY Morrisville may dismiss a complaint of Sex-Based Harassment for any of the following reasons:

- SUNY Morrisville is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in SUNY Morrisville's Education Program or Activity and is not employed by SUNY Morrisville;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint of these procedures, and SUNY Morrisville determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Sex-Based Harassment under Title IX or this Grievance Procedure even if proven; or
- SUNY Morrisville determines that the conduct alleged in the complaint, even if proven, would not constitute Sex-Based Harassment under Title IX or these procedures. Note: SUNY Morrisville must make reasonable efforts to clarify the allegations with the Complainant before dismissing under this basis.

Notice of Dismissal

If SUNY Morrisville dismisses a complaint, SUNY Morrisville is required to promptly notify the Complainant of the basis for dismissal.

If the dismissal of the complaint occurs before a Notice of Allegations is issued to the Respondent, the Title IX Coordinator does not need to notice the Respondent at that time. However, if the Complainant appeals the dismissal, the Respondent will need to be noticed of the complaint allegations and given an opportunity to respond to the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then SUNY Morrisville must notify the Respondent and Complainant of the dismissal and the basis for the dismissal simultaneously in writing.

Appeal rights must also be outlined in any notification of dismissal of a complaint, as included below under Appeal of Dismissals.

Appeal of Dismissals

SUNY Morrisville must notify the Complainant that a dismissal may be appealed and provide the Complainant with an opportunity to appeal the dismissal of a complaint on the following grounds:

- Procedural irregularity: procedural irregularity that affected the outcome of the matter (i.e., a failure to follow SUNY Morrisville's own policy to a degree that had a material effect on the outcome of the matter);
- New evidence: New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred or dismissal of the complaint was made; and
- The Title IX Coordinator, investigator(s), or decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome of the matter.

If the dismissal occurs after the Respondent has been notified of the allegations, then SUNY Morrisville must also notify the Respondent that the dismissal may be appealed on the grounds set out above.

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

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

Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the Party for correction, but the time for appeal will not

be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by an appeal board, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decisionmaker in the same matter. Outcome of appeal will be provided in writing simultaneously to both Parties, and include rationale for the decision.

- **Notice of Allegations**

Upon initiating SUNY Morrisville's Grievance Procedures, the Title IX Coordinator shall provide a notice of allegations in writing to the Parties whose identities are known. Such notice will occur as soon as practicable after SUNY Morrisville receives a complaint if there are not extenuating circumstances. SUNY Morrisville will provide the Notice of Allegations within 10 business days after receiving a complaint.

What does the Notice of Allegations Include?

The written Notice of Allegations must include:

- SUNY Morrisville's Grievance Procedures;
- Sufficient information available at the time of the issuance of the Notice of Allegations to allow the Parties to respond to the allegations, which includes the identities of the Parties involved in the incident(s), the conduct alleged to constitute Sex-Based Harassment under the Grievance Procedures, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to SUNY Morrisville;
- A statement that the Parties are entitled to
 - An equal opportunity to access the Relevant and not otherwise impermissible evidence; or
 - An accurate description of the Relevant and not otherwise impermissible evidence, with an equal opportunity for the Parties to access the underlying Relevant and not otherwise impermissible evidence upon request of any Party;
- A statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment until a determination is made at the conclusion of SUNY Morrisville's Grievance Procedures and that prior to the determination, the Parties will have an opportunity to present Relevant and not otherwise impermissible evidenced to a trained, impartial decisionmaker;
- Parties may have an advisor of their choice, and that the advisor may be, but is not required to be, an attorney;
- SUNY Morrisville's code of conduct prohibits knowingly making false statements or knowingly submitting false information during SUNY Morrisville's Grievance Procedures; and
- If, in the course of an investigation, SUNY Morrisville decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original written Notice of Allegation provided, SUNY Morrisville is required to provide written notice of any additional allegations to the Parties whose identities are known.

What if SUNY Morrisville decides to investigate additional allegations of Sex-Based Harassment?

If, in the course of an investigation, SUNY Morrisville decides to investigate additional allegations of Sex-Based Harassment by the Respondent toward the Complainant that are not included in the original issued written Notice of Allegations, or that are included in a complaint that is consolidated under this Grievance Procedure, SUNY Morrisville shall provide notice of the additional allegations to the Parties whose identities are known.

What if I have safety concerns about a Notice of Allegations being issued to a Respondent?

To the extent that SUNY Morrisville has reasonable concerns for the safety of any person as a result of providing a written Notice of Allegations, SUNY Morrisville through the Title IX Coordinator, may reasonably delay providing the written Notice of Allegations in order to address the safety concern appropriately. Reasonable concerns must be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

- **Advisor of Choice and Participation of Advisor of Choice**

A Party's advisor of choice may accompany the Party to any meeting or proceeding and SUNY Morrisville cannot limit the choice of who that advisor may be or their presence for the Parties in any meeting or proceeding unless such advisor does not follow SUNY Morrisville's established rules of decorum and rules around participation.

- **Investigation**

General Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute Sex-Based Harassment in a 90 day timeframe, after issuing the Notice of Allegations.

SUNY Morrisville, and not the parties, have the burden to conduct an investigation that gathers sufficient evidence to determine whether Sex-Based Harassment occurred under this Grievance Procedure. This burden does not rest with either Party, and either Party may decide not to share their account of what occurred, or may decide not to participate in the investigation or hearing. This does not shift the burden of proof away from SUNY Morrisville and does not indicate responsibility.

SUNY Morrisville cannot access, consider, or disclose medical records without a waiver from the Party (or parent, if applicable) to whom the records belong, or of whom the records include information. SUNY Morrisville will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence, as described below.

Notice of Participation

SUNY Morrisville will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate if a Party is invited to expected to participate in any such meeting or proceeding.

Advisors of Choice and Participation of Advisors of Choice

SUNY Morrisville will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, a n attorney, and not limit the choice of presence of the advisor for the Complainant or Respondent in any meeting or proceeding.

Access to and Review of the Investigative Report

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with an equal opportunity to access and review an accurate description of the Relevant evidence collected throughout the investigation that is not otherwise impermissible in the form of an investigative report.

The parties and their advisors of choice will also have an equal opportunity to access and review the underlying Relevant and not otherwise impermissible evidence summarized in the investigative report upon the request of any Party.

The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party and their advisors of choice with a reasonable opportunity to respond to the investigative report. Both Parties will have the opportunity to respond to the investigative report prior to the live hearing.

SUNY Morrisville will take reasonable steps to prevent and address the Parties' and their advisors of choice's unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to SUNY Morrisville's Student Code of Conduct, if applicable and other University policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

Review and Access to Relevant and Not Otherwise Impermissible Evidence

Each Party will have an equal opportunity to present fact witnesses and other inculpatory and exculpatory evidence that are Relevant and not otherwise impermissible, to the Title IX Coordinator and/or an investigator designated by the Title IX Coordinator. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will review all evidence gathered through the investigation and determine what evidence is Relevant and what evidence is impermissible regardless of relevance, consistent with this Grievance Procedure.

Each Party and their advisors of choice will have an equal opportunity to review and access the evidence that is Relevant to the allegations of sex-based discrimination and not otherwise impermissible regardless of relevance prior to the conclusion of the investigation. The Title IX Coordinator and/or investigator designated by the Title IX Coordinator will provide each Party with a reasonable opportunity to respond to the evidence. Both Parties will have the opportunity to respond to the evidence prior to the live hearing.

SUNY Morrisville will take reasonable steps to prevent and address the Parties' unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure. Participating individuals who engage in the unauthorized disclosure of information and evidence obtained solely through this Grievance Procedure may be subject to SUNY Morrisville's Student Code of Conduct, if applicable and other University policies and/or procedures that may apply.

Note: Disclosures of information and evidence for purposes of administrative proceedings or litigation related to the complaint of Sex-Based Harassment are authorized and not considered unauthorized disclosures potentially subject to other disciplinary action.

Relevant Evidence

Evidence is Relevant when it is related to the allegations of Sex-Based Harassment under investigation as part of this Grievance Procedure.

Questions are Relevant when they seek evidence that may aid in showing whether the alleged Sex-Based Harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Sex-Based Harassment occurred.

Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are excluded as impermissible (i.e., must not be accessed or considered, except by SUNY Morrisville to determine whether an exception applies, must not be disclosed, and must not otherwise be used) regardless of whether they are Relevant:

- Evidence that is protected under a privileged as recognized by Federal or State law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless SUNY Morrisville obtains that Party's or witness's voluntary, written consent for use in SUNY Morrisville's Grievance Procedure; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct with the Respondent that is offered to prove consent to the alleged Sex-Based Harassment. Note: the fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the

Complainant's Consent to the alleged Sex-Based Harassment or preclude determination that Sex-Based Harassment occurred.

Timeframes

An investigation shall take ten school days to complete. If there are any delays or extensions, the Title IX Coordinator must appropriately notice the Parties in writing, as detailed below.

Extensions and Delays

SUNY Morrisville allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice to the Parties that includes the reason for the extension or delay.

- **Live Hearing**

General Rules for Live Hearings

SUNY Morrisville will not issue a finding or disciplinary sanction arising from an allegation of Sex-Based Harassment without holding a live hearing unless otherwise resolved through an informal resolution process as outlined in this Grievance Procedure.

The live hearing may be conducted with the Parties physically present in the same geographic location. SUNY Morrisville has the discretion to conduct the live hearing with the Parties physically present in separate locations, with technology enabling the decisionmaker and Parties to simultaneously see and hear the Party or the witness while that person is speaking. A Party may also request this option prior to the hearing.

SUNY Morrisville shall create and audio or audiovisual recording or transcript of any live hearing and make it available to the Parties for inspection and review.

Participants in the Live Hearing

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

Complainant and Respondent (The Parties)

If a Party chooses not to participate in the process or the hearing, the live hearing may still proceed in the absence of a Party, and SUNY Morrisville may reach a determination of responsibility in their absence, including through any evidence gathered and other witness statements. SUNY Morrisville will not threaten, coerce, intimidate, or discriminate against any Party in an attempt to secure the Party's participation. The decisionmaker cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the live hearing, or a refusal to answer questions.

The Parties shall be subject to SUNY Morrisville's rules of Decorum <https://www.morrisville.edu/handbook/college-council-rules>.

The Decisionmaker

The hearing body will consist of a panel of more than 1 members and will determine if a Party is found responsible through a majority vote. No member of the hearing body will have served as the Title IX Coordinator, Title IX investigator or advisor to any Party in the case, nor may any member of the hearing body serve on the appeals body in the case. No member of the hearing body will have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor of or against the Parties to the particular case. The hearing body will be trained prior to serving during any hearing. The Parties will have an opportunity to raise any objections regarding a decisionmaker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of Choice

The Parties have the right to select an advisor of their choice, who may be, but is not required to be, an attorney. The advisor of choice may accompany the Parties to any meeting or hearing they are permitted to attend but may not speak for the Party. An advisor of choice is not prohibited from being a witness in the hearing. Advisors of choice are subject to SUNY Morrisville's rules of decorum and may be removed upon violation of those rules <https://www.morrisville.edu/handbook/college-council-rules>.

Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from Retaliation. Witnesses are subject to SUNY Morrisville's rules of decorum, and may be removed upon violation of those rules <https://www.morrisville.edu/handbook/college-council-rules>.

Hearing Procedures

For all live hearings conducted, the decisionmaker will open and establish rules and expectations for the hearing. The Parties will each be given an opportunity to provide opening statements. Questioning of the Parties and witnesses will occur according to the procedures below.

Questioning Parties and Witnesses

During a live hearing, each Party is allowed to ask Relevant and not otherwise impermissible questions and follow-up questions of the Parties and witnesses through the decisionmaker. No questioning to another Party or witness will be conducted by a Party personally.

Procedures for Decisionmaker's Evaluation of Questions and Limitation on Questions

The panel of decisionmakers will determine whether a proposed question is Relevant and not otherwise impermissible as described in this Grievance Procedure, prior to the question being posed, and will explain any decision to exclude a question as not Relevant or otherwise impermissible.

If a panel of decisionmakers determines that a Party's question is Relevant and not otherwise impermissible, then the question must be asked unless such question is unclear or harassing of the Party or witness being questioned. The panel of decisionmakers must give a Party an opportunity to clarify or revise a question that a panel of decisionmakers has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question so that it is no longer unclear or harassing, the question must be asked.

Refusal to Respond to Questions and Inferences Based on Refusal to Respond to Questions

A panel of decisionmakers may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible.

The panel of decisionmakers must not draw an inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's refusal to respond to such questions.

Continuances or Granting Extensions

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

Newly-discovered Evidence

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

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

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

If the Decision-maker answers in the affirmative to both questions, then the Parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questions of the witness.

- **Determination Regarding Responsibility and Sanctioning**

Standard of Proof

SUNY Morrisville uses the preponderance of the evidence standard of proof to determine whether or not Sex-Based Harassment occurred. This means that the investigation and hearing

determine whether it is more likely than not that a violation of the Grievance Procedures occurred.

General Considerations for Evaluating Evidence and Testimony

The decisionmaker is required to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that Sex-Based Harassment occurred, whatever the quantity of the evidence is, he decisionmaker must not determine that Sex-Based Harassment occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgement of the decisionmaker. Decisionmakers shall not draw inferences regarding a Party or witness' credibility based on the Party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

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

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

Communication of the Determination in Writing

All determinations on whether Sex-Based Harassment occurred will be communicated to the Parties in writing, simultaneously.

The written determination will include:

- A description of the alleged Sex-Based Harassment;
- Information about the policies and procedures that SUNY Morrisville used to evaluate the allegations;
- The decisionmaker's evaluation of the Relevant evidence and determination on whether Sex-Based Harassment occurred;
- Any Disciplinary Sanctions SUNY Morrisville will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by SUNY Morrisville to the Complainant, and, to the extent appropriate, other students identified by SUNY

Morrisville to be experiencing the effects of Sex-Based Harassment, if there is a finding that Sex-Based Harassment occurred; and

- SUNY Morrisville’s procedures for Complainant and Respondent to appeal.

Timeline of Determination Regarding Responsibility

If there are not extenuating circumstances, the determination regarding responsibility will be issued by SUNY Morrisville within ten school days of the completion of the hearing.

Determination of Disciplinary Sanctions After a Finding of Responsibility

Per New York state law, past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction. However, it is not admissible prior to determination of responsibility.

In addition, each Party will have an opportunity to make an impact statement during the point of the proceeding where the decisionmaker is deliberating on appropriate sanctions.

Finality of Determination

The determination regarding responsibility becomes final either on the date that SUNY Morrisville provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

Disclosures of Outcome by the Parties

The Complainant and Respondent have the right to choose whether to disclose or discuss the outcome of a conduct or judicial process related to sexual assault, dating violence, domestic violence, or stalking.

The Complainant and Respondent have the right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

○ Appeals

Each Party may appeal a determination regarding responsibility. To appeal, a Party must submit their written appeal within 5 business days of being notified of the decision, indicating the grounds for appeal.

For appeals resulting from dismissal of a complaint, please see the section on Dismissal of Complaints.

Ground for Appeal

The limited grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether Sex-Based Harassment occurred, or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Additional Procedures for Appeal Process

SUNY Morrisville will notify the Parties of any appeal, provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome, and will notify the Parties of the result of the appeal and the rationale for the result.

The submission of an appeal stays (or pauses) any sanctions for the period during which an appeal determination is being assessed. Supportive measures and remote learning opportunities remain available while an appeal is being deliberated and before a final decision has been made.

Appeals will be decided by an appeal board, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decisionmaker in the same matter.

- **Informal Resolution**

Procedures for Entering and Exiting Informal Resolution Process

At any time prior to determining whether Sex-Based Harassment occurred under this Grievance Procedure, including prior to making a Complaint, Parties may instead seek SUNY Morrisville's assistance to resolve allegations of Sex-Based Harassment, and may elect to enter the informal resolution process.

The Parties may voluntarily elect to enter SUNY Morrisville's informal resolution process at any time through an informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties.

No Party may be required to participate in informal resolution, and SUNY Morrisville may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the Grievance Procedure that the Parties paused will continue. In participating in the informal resolution process, the Parties understand that the timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive Measures will be available, or continue to be available if already provided, during an informal resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that Sex-Based Harassment does not continue or recur within SUNY Morrisville's Education Program or Activity.

Notice Prior to Entry into Informal Resolution Process

Before the initiation of an informal resolution process, the Title IX Coordinator must provide to the Parties a written notice that explains:

- The allegations;
- The requirements of the informal resolution process;
- That, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume SUNY Morrisville's Grievance Procedures;
- That the Parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the Parties from initiating or resuming SUNY Morrisville's Grievance Procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- What information SUNY Morrisville will maintain and whether and how SUNY Morrisville could disclose such information for use in its Grievance Procedures if they are initiated or resumed.

Determination to Approve Entry into Informal Resolution Process

Even where the Parties agree to submit to a matter to informal resolution, the Title IX Coordinator or other designated official may approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or other designated official may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the Respondent is a repeat offender, whether the alleged conduct would present a future risk of harm to others, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution may be available to address allegations of student-on-student and is not allowed to address allegations of employee-on-student Sex-Based Harassment.

At any time after the commencement of the informal resolution process, the Title IX Coordinator or other designated official may determine that the informal resolution process is not an appropriate method for resolving the matter and may require that the matter be resolved through the Grievance Procedures. This determination is not subject to appeal.

If informal resolution is approved or denied, SUNY Morrisville will provide the outcome in writing simultaneously to the Parties. If informal resolution is approved, the Title IX Coordinator

shall also provide the information of the facilitator in writing to the Parties in a reasonable timeframe once the facilitator is assigned.

Role of the Facilitator

Informal resolution processes are managed by trained facilitators. All facilitators must not be the same person as the investigator or the/a decisionmaker(s) in SUNY Morrisville's Grievance Procedures. Any person designated to facilitate informal resolution must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The Title IX Coordinator may serve as the facilitator, subject to these restrictions.

All facilitators must have specialized training, required by law and regulation. Such training includes:

- SUNY Morrisville's obligation to address sex discrimination, including Sex-Based Harassment, in its Education Program or Activity;
- The scope of conduct that constitutes sex discrimination, including Sex-Based Harassment, under Title IX, including the definition of Sex-Based Harassment;
- All applicable notification and information requirements related to parental, family, or marital status, including pregnancy and related conditions, and SUNY Morrisville's response to sex discrimination;
- The rules and practices associated with SUNY Morrisville's informal resolution process; and
- How to serve impartially, including by avoiding conflicts of interest and bias.

Contents of Informal Resolution Agreements

Potential terms that may be included in an informal resolution agreement between the Parties include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of SUNY Morrisville's education programs or activities or attendance at specific events, including restrictions SUNY Morrisville could have imposed as Remedies or Disciplinary Sanctions had SUNY Morrisville determined at the conclusion of the Grievance Procedures that Sex-Based Harassment Occurred.

Breach of Informal Resolution Agreements

If a Party breaches the resolution or if SUNY Morrisville has other compelling reasons, such as if it learns of any fraud by a Party in entering into the agreement, SUNY Morrisville may void the agreement and initiate or resume the Grievance Procedures.

Confidentiality

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the complaint are confidential while the Parties participate

in the informal resolution process. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. Should the Parties withdraw from the informal resolution process, information disclosed or obtained for purposes of the informal resolution process may be incorporated into the Grievance Procedures, provided that this information is disclosed and reviewed by the Parties under SUNY Morrisville's Grievance Procedures.

Informal Resolution Options

SUNY Morrisville offers the following informal resolution procedures for addressing complaints of Sex-Based Harassment described under this Grievance Procedure.

Administrative Resolution

Should the Parties mutually determine to enter the informal resolution process, and the Respondent elects to accept responsibility for the allegations of the complaint at any point during the informal resolution process, the institution may administratively resolve the complaint. Where the Respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and a decision-maker(s) will convene to determine the Respondent's sanction and other Remedies, as appropriate and consistent with institutional policy. The Parties will be given an opportunity to be heard at the sanctions hearing, including without limitation, the submission of impact statements, and the Parties may be accompanied by their Advisor, but questioning of Parties or witnesses will not be permitted. The Parties will receive simultaneous written notification of the decision regarding sanctions and Remedies, which may be appealed according to the process described in the appeal process within this Grievance Procedure.

XIII. Transcript Notations

For crimes of violence, including, without limitation, sexual violence, defined as crimes that meet the reporting requirements pursuant to the Clery Act (20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII)), SUNY Morrisville is required to make a notation on the transcript of a student found responsible for suspension or expulsion, per SUNY Morrisville's Transcript Notation Policy (<https://www.morrisville.edu/handbook/policies/transcript-notation>).

XIV. Retaliation

When SUNY Morrisville has information about conduct that reasonably may constitute Retaliation under Title IX or its Grievance Procedures, SUNY Morrisville is obligated to initiate its Grievance Procedures or, as appropriate, SUNY Morrisville's informal resolution process.

SUNY Morrisville will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a complaint of Sex-Based Harassment or sex discrimination under SUNY Morrisville's

Title IX Grievance Procedures, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under SUNY Morrisville's Title IX Grievance Procedures.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations. No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under SUNY Morrisville's Grievance Procedures.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX, or its implementing regulations constitutes Retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or Sex-Based Harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or complaint of SexBased Harassment.

Complaints alleging Retaliation may be filed according to this grievance procedure.

Code Charges

Code Charge One: Sex-Based Harassment: sexual harassment and other harassment on the basis of sex, including harassment because of gender identity, sexual orientation, sex characteristics, sex stereotypes, and/or pregnancy and other conditions, that is:

A. Quid pro quo harassment. An employee, agent or other person authorized by SUNY Morrisville's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

B. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from SUNY Morrisville's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes the following considerations:

- (i) The degree to which the conduct affected the Complainant's ability to access SUNY Morrisville's Education Program or Activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The Parties' ages, roles within SUNY Morrisville's Education Program or Activity, previous interactions and other factors about each Party that may be Relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other Sex-Based Harassment in SUNY Morrisville's Education Program or Activity;

Code Charge Two: Sexual Assault: as defined in the Clery Act, meaning any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;

Code Charge Three: Dating Violence: as defined in the Violence Against Women Act (VAWA) Reauthorization of 2022 and the VAWA Amendments to the Clery Act, is any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Code Charge Four: Domestic Violence: any felony or misdemeanor crimes committed by a person who: (A) is a current or former partner of the victim under the family or domestic violence laws of New York, or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shared a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of New York.

Code Charge Five: Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

Disciplinary Sanctions

All five code charges listed above are to be considered Category III Violations of the Student Code of Conduct. A description of all possible Disciplinary Sanctions for Category III Violations are described below.

College Expulsion (No Refund, Possible Loss of Grades for the Semester, Possible Transcript Notation): A student expelled may no longer attend classes or be on College property or property operated for the benefit of the College for any reason. Reinstatement or readmission is not possible. No refunds are allowed for a student who has been disciplinarily expelled.

College Suspension (No Refund, Possible Loss of Grades for the Semester, Possible Transcript Notation): Removal from the campus for a specified period of time before being allowed to seek readmission. A student suspended is not allowed to attend classes, build their co-curricular transcript, travel on any college related trips, participate in any type of athletic practice or competition, including intramurals, and are not allowed to attend any campus events or events held on campus during the specified period of time.

Guest Privileges Revoked: A student whose guest privileges are revoked has permanently lost the privilege of hosting guests in the Residence Hall system.

Residence Hall Ban (Entire Residence Hall System): A student who is banned from the Residence Hall System is not permitted to live in or visit any Residence Hall.

Residence Hall Expulsion: A student who is expelled from the Residence Hall System is not permitted to live in or visit any Residence Hall. Students expelled from the Residence Halls for disciplinary reasons are not eligible for a refund.

Residence Hall Suspension (No Refund for the Semester): A student who is suspended from the Residence Hall System is not permitted to live in or visit any Residence Hall for a specified period of time. Once the suspension period is over, the student may reapply for housing in the Residence Hall System.

Stayed College Expulsion: A student placed on stayed college expulsion is being given one last chance to comply with the Student Code of Conduct and college policies. During the period of time on this sanction, the student must not be found responsible for any violations of the student code of conduct, or the student may be subject to immediate activation of the expulsion.

Stayed College Suspension: A student placed on stayed college suspension is being given the chance to finish their current semester before serving their suspension for a specified period of time. No refunds are allowed for a student who has been disciplinarily suspended so the student is given an opportunity to complete the semester, so it is not lost. During the period of this sanction the student must not be found responsible for any violations of the student code of conduct, or the student may be subject to immediate activation of the suspension.

Stayed Residence Hall Expulsion: A student placed on stayed residence hall expulsion is being given one last chance to comply with the Student Code of Conduct and college policies. During the period of this sanction the student must not be found responsible for any violations of the student code of conduct, or the student may be subject to immediate activation of the expulsion from the Residence Hall System.

APPENDIX D - Employee SEXUAL HARASSMENT PREVENTION POLICY

The State University of New York College of Agriculture and Technology at Morrisville, heretofore referred to as SUNY Morrisville, is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of SUNY Morrisville's commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with SUNY Morrisville. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. SUNY Morrisville's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with SUNY Morrisville. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who is determined to have engaged in behavior which would violate this policy may be subject to disciplinary measures, up to and including termination of employment.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint. SUNY Morrisville will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of SUNY Morrisville who is determined to have engaged in retaliation may be subject to disciplinary measures, up to and including termination of employment.
4. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, the Title IX Coordinator or Affirmative Action Officer. All employees, paid or unpaid interns or nonemployees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
5. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject SUNY Morrisville to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who are determined to have engaged in sexual harassment, including managers and supervisors who engage are determined to have engaged in sexual harassment or who allow such behavior to continue, are in violation of this policy and may be subject to discipline.
6. All reports and/or complaints of harassment, including sexual harassment, will be taken seriously and dealt with promptly.) In cases where an investigation is warranted, SUNY Morrisville will keep the investigation confidential to the extent possible. In cases where an investigation confirms a violation of this policy, appropriate corrective action will be taken. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

7. All employees are encouraged to report any harassment or behaviors that violate this policy. SUNY Morrisville will provide all employees a complaint form for employees to report harassment and file complaints.
8. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Title IX Coordinator or Affirmative Action Officer.
9. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex.

Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient’s job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body or poking another employee’s body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.

- Unwanted sexual advances or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - o Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - o Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity."

Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. SUNY Morrisville cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or nonemployee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager, the Title IX Coordinator or the Affirmative Action Officer. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, the Title IX Coordinator or the Affirmative Action Officer.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the

Title IX Coordinator or the Affirmative Action Officer.

Supervisors and managers who are determined to have engaged in sexual harassment, who fail to report suspected sexual harassment, or who otherwise knowingly allow sexual harassment to continue are in violation of this policy and may be subject to disciplinary action, up to and including termination.

Supervisors and managers determined to have engaged in retaliation may be subject to disciplinary measures, up to and including termination of employment.

Complaint and Investigation of Sexual Harassment

All reports and/or complaints of harassment, including sexual harassment, will be taken seriously and dealt with promptly. In cases where an investigation is warranted, SUNY Morrisville will keep the investigation confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. SUNY Morrisville will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations will be conducted by the Title IX Coordinator, the Affirmative Action Officer or a designee of the institution and should be done in accordance with the following steps:

- Upon receipt of complaint, the Title IX Coordinator, the Affirmative Action Officer or a designee of the institution will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
 - Request and review all relevant documents, including all electronic communications.
 - Interview all parties involved, including any relevant witnesses;
 - Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - o A list of all documents reviewed, along with a detailed summary of relevant documents;
 - o A list of names of those interviewed, along with a detailed summary of their statements;
 - o A timeline of events;
 - o A summary of prior relevant incidents, reported or unreported; and
 - o The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the reporting individual and respondent of the final determination in writing and work with Human Resources and appropriate supervisors to implement any necessary corrective actions.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by SUNY Morrisville but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at SUNY Morrisville, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections. Union employees at SUNY Morrisville should consult with their union representative for additional details.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to SUNY Morrisville does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination Page 8 of 8 is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669- 4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime, thus you may wish to contact the local police department.

APPENDIX E – SEXUAL AND ROMANTIC RELATIONSHIP POLICY

Rationale:

The State University of New York College of Agriculture and Technology at Morrisville, heretofore referred to as SUNY Morrisville, is strongly committed to being a community that promotes the exchange of ideas, builds mutual trust and respect, encourages communication, and reduces misunderstandings. This policy addresses situations that may lead to a breakdown of trust and respect resulting from sexual and amorous relationships. The college recognizes that the decision to engage in such relationships is a personal one. Nonetheless, to fulfill its legal and ethical obligations and commitment to promoting equal employment and educational opportunity and a safe and welcoming community for students and employees, the college states the following:

Policy:

1. The Sexual and Romantic Relationship Policy applies to all employees, faculty, students, and staff. For the purposes of this policy, students who are employees of the campus, are subject to adherence and are categorized as employees.
2. Romantic or sexual relationships between employees and students over whom the employee has current supervisory, instructional, or other professional responsibility are discouraged, however, should such a relationship develop, it must be disclosed so that appropriate measures may be taken to remove the reporting relationship.
3. Consensual relationships between college employees and all students are strongly discouraged.
4. Sexual or romantic relationships between faculty or staff where there is a supervisory or reporting relationship between the participants must be reported to the appropriate campus entity. At SUNY Morrisville, faculty or staff engaged in a sexual or romantic relationship where this is a supervisory or reporting relationship must report their relationship to their appropriate supervisor and/or human Resources.
5. For sexual or romantic relationships in the workforce (including for student-teaching assistants or graduate student teachers) appropriate action will be taken upon a report of such a relationship. Appropriate action may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other actions deemed necessary and in the best interest of all parties.
6. Provisions will be made for pre-existing relationships or marriages where a potential supervisory relationship may develop. However, those pre-existing relationships should be revealed to the appropriate supervisor and/or human resources for review. Appropriate action may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other actions deemed necessary and in the best interest of all parties.
7. Individuals determined to be in violation of this policy may face disciplinary action, up to and including termination.

Elaboration:

The college strives to create a welcoming environment for all employees, students, and visitors. It is the policy of the college to provide an environment where employees and students are free from harassment, including sexual harassment. When a party in a position of authority induces another to enter into a non-consensual relationship, the harm to the individuals and institution is

clear. Some relationships that are consensual may also be problematic. This policy addresses specific romantic and/or amorous situations between fellow employees; employees and students; and other sexual and romantic relationships where a supervisory or evaluative role could exist that could lead to a breakdown in mutual trust and respect and could result in a hostile working or learning environment.

Sexual and Romantic Relationships between Employees and Students

Sexual and romantic relationships between employees and students may be detrimental to the learning environment at the college. These relationships exceed professional, collegial, or academic partnerships. They are problematic because of the unequal status of the parties and the real or perceived conflict of interest, particularly when the employee has supervisory, instructional, or other professional responsibility over the student. This imbalance makes it difficult or impossible for the student to genuinely consent to entering into an amorous or sexual relationship and may impede the real or perceived freedom of the student to terminate or alter the relationship. All of these factors negatively impact the student's ability to benefit from the college.

The relationship may also negatively affect others in the classroom, department, office, team, or unit. It may create a real or perceived impropriety, sense of favoritism, loss of objectivity, and a conflict of interest in any supervisory, instructional, or other professional role. If a conflict of interest arises, the employee may also be in violation of the New York Public Officers Law, Section 74 "Code of Ethics". The relationship may damage the credibility or reputation of the employee, the department, or the college as a whole and may expose individuals or the institution to legal action and liability.

Sexual and Romantic Relationships between Employees

Relationships of a romantic and/or sexual nature between members of the College community other than students can present a conflict of interest in violation of the New York Public Officers Law responsibility for, the other.

Many of the concerns about intimate relationships between faculty members or employees and students also apply to relationships between supervisors and employees they supervise. Those relationships therefore are strongly discouraged. Supervisors shall disclose any such relationships to their supervisors in order to avoid or mitigate conflicts of interest in connection with the supervision and evaluation of the employees with whom they have an intimate relationship. Mitigation may involve the transfer of either the supervisor or employee, reassigning the responsibility to evaluate the employee to a different supervisor, or other appropriate action.

For purposes of this section, supervising an employee means supervising in an employment setting, including hiring, evaluating, assigning work, or making decisions or recommendations that confer benefits such as promotions, raises or other remuneration, or performing any other function that might affect employment opportunities.

Procedure:

It is the responsibility of the employee to disclose the relationship to their supervisor, Human Resources or the Affirmative Action Officer and to remove themselves from situations violating this policy. Employees found to be in violation of this policy may face disciplinary action, up to and including termination. Compliance with this policy does not protect any individual from a complaint of sexual harassment or discrimination. All such complaints will be addressed as outlined in the College's Discrimination Complaint Procedure.