

## AGENDA – BOARD OF TRUSTEES MEETING

---

SUNY Sullivan

Thursday, July 21, 2016 4:00 pm

Farrow Board Room

1. Call to Order
2. **Action Items**
  - **Approval of Minutes of June 16, 2016**
  - **Resolution #426-16 – Donation of Respiratory Care Equipment**
  - **Resolution #427-16 – Approval of 2015-2016 Promotions**
  - **Resolution #428-16 – Approval of Officer in Charge**
  - **Approval to Revisions of Student Code of Conduct**
  - **Approval of Sexual Violence Response Policy**
3. Reorganization of the Board  
*P. Adams will assume the role of chair of the meeting and open the floor for nominations*
4. Community/Public Feedback  
*At any regular meeting of the Board, a member of the public shall be permitted to speak on any issue before the Board for a period not to exceed 2 minutes except if the Chair allots more time.*
5. Chairman's Report
  - Proposed Change to SUNY Sullivan Board of Trustee By-Laws
  - Board Retreat
  - August 2016 Board Meeting
6. Trustee's Reports
  - SPIA Update
  - Landscape Committee Update
  - Finance Committee Update
  - Dorm Corp Update
7. Officer in Charge - Report to the Board
8. Correspondence
9. Feedback to the Officer in Charge
10. Executive Session  
*Executive sessions are held for purposes of discussing proposed or pending current litigation, the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.*

**MINUTES  
MEETING OF THE SULLIVAN COUNTY COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
JUNE 16, 2016**

**MEMBERS PRESENT:** R. Heyman, Chair, P. Adams, P. Coombe, L. Dyrszka, T. Hamlin,  
L. Holmes, S. Jaffe, M. Carcamo

**ALSO PRESENT:** R. Schultz, M. Sudol, S. Mitchell, S. Horton, C. Kashan

R. Heyman called the meeting to order at 4:00 pm with the *Pledge of Allegiance*.

**Approval of Minutes of May 19, 2016**

**Motion by P. Coombe to approve the minutes of May 19, 2016, seconded by L. Holmes and passed.**

Vote:	Patricia Adams	yes	Theresa Hamlin	yes
	Phyllis Coombe	yes	Russ Heyman	yes
	Steven Drobysch	absent	Lyman Holmes	yes
	Larysa Dyrszka	yes	Susan Jaffe	yes
	Paul Guenther	absent	Michael Carcamo	yes

**RESOLUTION #424-16                      RE:                      Intention to Place the Position of Executive Assistant to the President and Administrative Associate to the Board of Trustees in the Unclassified Professional Service**

**WHEREAS:** the President of Sullivan County Community College has presented the Board of Trustees of Sullivan County Community College with a job description for the position of Executive Assistant to the President and Administrative Associate to the Board of Trustees; and

**WHEREAS:** the President has recommended the placement of this position in the unclassified Professional Service as defined in Section 6306 of the Education Law in accordance with Section 35 of the Civil Service Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of Sullivan County Community College hereby states its intention to place this position in the unclassified Professional Service; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution and the job description for the position of Executive Assistant to the President and Administrative Associate to the Board of Trustees be forwarded to the Chancellor of the State University of New York for the purpose of requesting approval of this new position.

**Motion by P. Coombe to approve Resolution #424-16, seconded by T. Hamlin and passed.**

Vote:	Patricia Adams	yes	Theresa Hamlin	yes
	Phyllis Coombe	yes	Russ Heyman	yes
	Steve Drobysch	absent	Lyman Holmes	yes
	Larysa Dyrszka	yes	Susan Jaffe	yes
	Paul Guenther	absent	Michael Carcamo	yes

**COMMUNITY/PUBLIC FEEDBACK**

K. Walters spoke to the Board of Trustees about his recommendations regarding the search for a new president of the college. He suggested searching for a local candidate due to their knowledge of the county.

**CHAIRMAN'S REPORT**

R. Heyman informed the Board of Trustees the Executive Director of the Foundation resigned effective 6/15/16. R. Heyman questioned R. Schultz about several items in his Action Report regarding providing programs/training for the casino; C. Kashan stated she is waiting to hear back from certain individuals at the casino regarding which programs they are interested in.

R. Heyman stated discussion on the Board Retreat will take place soon.

**TRUSTEE'S REPORTS**

Student Trustee Report – M. Carcamo spoke about the SGA and the need for the college to hear their voice. M. Carcamo stated he learned a great deal during his time here and is grateful for the trustee's support of the college; he will continue to encourage students to attend the college.

SPIA Report – T. Hamlin state a meeting took place; Customer Journey Mapping report is being worked on, it will be available soon. Discussions have taken place regarding the Strategic Plan and the college Mission Statement. Work is still progressing on the Data Dashboard. Tech Quality Survey was administered; wifi on campus is an ongoing concern among our students. Middle States has adopted new reporting standards; S. Mitchell will be in charge of reporting.

Landscape Report – P. Adams stated she sent a letter to the other trustees regarding the plan to place basketball courts in front of the residence hall; the Landscape Committee is against the plan. S. Mitchell stated a pre-bid meeting took place this morning; funding for the project may be an issue. P. Adams stated again the need for a Masterplan to ensure uniformity of plans and is requesting additional dialogue prior to any construction taking place. R. Schultz stated optional sites for the basketball court should be considered.

P. Adams commended M. Sudol on all her hard work towards recruiting efforts.

Finance Report – S. Jaffe spoke on behalf of S. Drobysch and stated cash flow is still an issue; the college is currently managing cash flow as it did last year. Freshman numbers are higher now than they were last year at this time, but returning student numbers are lower.

Dorm Corp Report – S. Jaffe stated interior decorations have been taking place in the residence hall; a donor provided furniture and certain areas have been repainted. Planters have been placed outside. C. DePew provided S. Jaffe with photos of past/current students who have attended the college to place on the residence hall walls. S. Jaffe and J. Farrow will focus next on assisting M. Sudol with recruiting efforts. S. Jaffe stated S. Horton suggested Dorm Corp staff could potentially hold an open house prior to the beginning of the fall semester. S. Jaffe also reported approximately 135 Mysteryland staff recently stayed in the residence hall which assisted with fiscal year revenue.

**OFFICE-IN-CHARGE’S REPORT TO THE BOARD**

R. Schultz stated he recently attended the NYCCAP Conference in Ithaca. Completion and remediation are two current focuses of the SUNY Chancellor, as well as teacher education. R. Schultz stated dual enrollment is a concern due to variance in rates; some colleges charging no fee, some charging full tuition and some are charging a fraction. Procedural guidelines will be issued soon by the office of SUNY legal counsel.

R. Schultz also stated an additional round of investment funding (approximately \$20 million) will be available this year; SUNY Sullivan will participate if possible. R. Schultz stated community colleges may be audited soon by the State; advance notice will not be given. Some recommendations from presidents of other colleges include live streaming BOT meetings in an effort to be as transparent as possible and the inclusion of outside community volunteers on the FSA Board.

R. Schultz stated the college is once again submitting a Community College Community Schools grant and also informed the trustees Rockland Community College is in the process of constructing a residence hall.

**CORRESPONDENCE**

No correspondence.

**FEEDBACK TO THE PRESIDENT**

None provided.

**EXECUTIVE SESSION**

**Motion by L. Holmes to enter Executive Session at 4:50 pm to further discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation, seconded by S. Jaffe and passed.**

Vote:	Patricia Adams	yes	Theresa Hamlin	yes
	Phyllis Coombe	yes	Russ Heyman	yes
	Steven Drobysch	absent	Lyman Holmes	yes
	Larysa Dyrszka	yes	Susan Jaffe	yes
	Paul Guenther	absent	Michael Carcamo	yes

**Motion by S. Jaffe to resume Regular Session at 6:10 pm, seconded by T. Hamlin, and passed.**

Vote:	Patricia Adams	yes	Theresa Hamlin	yes
	Phyllis Coombe	yes	Russ Heyman	yes
	Steven Drobysch	absent	Lyman Holmes	yes
	Larysa Dyrszka	yes	Susan Jaffe	yes
	Paul Guenther	absent	Michael Carcamo	yes

**ADJOURNMENT**

**Motion by P. Coombe to adjourn the meeting at 6:10 pm, seconded by L. Dryszka and passed.**

Vote:	Patricia Adams	yes	Theresa Hamlin	yes
	Phyllis Coombe	yes	Russ Heyman	yes
	Steven Drobysch	absent	Lyman Holmes	yes
	Larysa Dyrszka	yes	Susan Jaffe	yes
	Paul Guenther	absent	Michael Carcamo	yes

Respectfully submitted,

P. Adams

Secretary to the Sullivan County Community College Board of Trustees

Recorded by L. Roffel

**Resolution #426-16**

**RE: Approval to Accept a Donation of  
Equipment for the Respiratory Care  
Program**

**Whereas** the Board of Trustees of Sullivan County Community College has the authority and responsibility for adopting policies and approving curricula for Sullivan County Community College; and

**Whereas** the Division of Health Sciences offers a Respiratory Care Program; and

**Whereas** during the 2016 AARC Summer Conference, Thomas McManus, the Director of Respiratory Care, obtained a donation of a Drager acute care ventilator from the Drager Corporation to be used in the Respiratory Care Program, and valued at approximately \$2,000.00 (Two Thousand Dollars); and

**Whereas** Health Sciences Division Chair, Dianne Czahor, acknowledges that this ventilator will be a valuable asset to the program and its students.

**Therefore, Be It Resolved** that the Board of Trustees of Sullivan County Community College accepts the donation of the Drager acute care ventilator and extends its gratitude to the Drager Corporation.

Certified as a true copy of the Resolution adopted by  
the Sullivan County Community College Board of Trustees  
at its meeting held on July 21, 2016

---

Patricia Adams,  
Secretary to the Board of Trustees of  
Sullivan County Community College

**Resolution #427-16**

**Re: Approval of Promotions for 2015-2016**

**Whereas** the faculty and staff listed below have demonstrated exemplary teaching, student advocacy, scholarship, and extra-curricular service to the College and service to the community; and

**Whereas** the PSA has endorsed the process for recognizing excellent performance through promotion in professorial and staff rank; and

**Whereas** the Committee for the Promotion of Teaching Faculty, the Committee for the Promotion of non-Teaching Faculty and Staff, and the Vice President for Academic and Student Affairs have recommended these faculty and staff for promotion to the Officer in Charge; and

**Whereas** the Officer in Charge has reviewed the recommendations and supporting documents and concurs with the administrators.

**Therefore, Be It Resolved** the Board of Trustees of Sullivan County Community College approves the agreement between the PSA and the College, which outlines the promotion process; and

**Therefore, Be It Further Resolved** that the Board approves the following faculty and staff for 2015-2016 promotion to the ranks indicated:

**Teaching Faculty:**

Betsy Conaty to Full Professor  
Erroyl Rolle to Full Professor  
Michael Bel to Associate Professor  
Dr. Allen Kotun to Associate Professor

**Non-Teaching Faculty and Staff:**

Arlene Gordon (3<sup>rd</sup> Promotion)  
Eileen Howell (3<sup>rd</sup> Promotion)  
Jennifer King to Assistant Professor  
Tamara Porter (1<sup>st</sup> Promotion)

**BE IT FURTHER RESOLVED:** that the Board of Trustees of Sullivan County Community College expresses its congratulations to the selected faculty and staff on a job well done.

Certified as a true copy of the Resolution adopted by the  
Sullivan County Community College Board of Trustees  
at its meeting held on July 21, 2016

---

Patricia Adams  
Secretary to the Board of Trustees

**Resolution #428-16**

**RE: Approval of Officer in Charge**

**Whereas** the president of Sullivan County Community College resigned effective May 31, 2016; and

**Whereas** during the May 19, 2016 Board of Trustees meeting, Sullivan County Community College Board of Trustees appointed Dr. Robert Schultz, Vice President for Academic and Student Affairs, Mary Sudol, Division Chair of the Business and Culinary Arts Department, and Dr. Stephen Mitchell, Associate Vice President for Planning, Human Resources and Facilities to be members of an Interim Leadership Transition Team; and

**Whereas**, effective June 1, 2016, the Interim Leadership Transition Team was responsible for all college operations; and

**Whereas** the Sullivan County Community College Board of Trustees has interviewed and voted unanimously to appoint John Quaintance as Officer in Charge of Sullivan County Community College effective July 28, 2016, with a salary of \$150,000 per year, and with all the rights and responsibilities afforded to a president of a community college; and

**Whereas** John Quaintance shall continue as Officer in Charge for ninety (90) days or until such time as an Interim President is appointed by the Sullivan County Community College Board of Trustees and approved by the State University of New York Board of Trustees, whichever comes first; and

**Whereas** the Interim Leadership Transition Team will be dissolved effective July 28, 2016.

**Now Therefore, Be It Resolved** that the Board of Trustees of Sullivan County Community College hereby appoints John Quaintance as Officer in Charge of the college and to dissolve the current Interim Leadership Transition Team, both effective July 28, 2016.

Certified as a true copy of the Resolution adopted by  
the Sullivan County Community College Board of Trustees  
at its meeting held on July 21, 2016

---

Patricia Adams,  
Secretary to the Board of Trustees of  
Sullivan County Community College





**SULLIVAN**  
COUNTY COMMUNITY COLLEGE  
S • U • N • Y

**STUDENT CODE OF CONDUCT**  
EFFECTIVE JULY 1, 2016

## Table of Contents

I.	Purpose	3
II.	Principles	3
III.	Authority and Jurisdiction	4
IV.	Definitions	4
V.	Violations of the Code of Conduct	6
VI.	Court Proceedings Outside of the College	9
VII.	Rights of Students Accused of a Code of Conduct Violation	9
VIII.	Students' Bill of Rights	10
IX.	Emergency Measures	11
X.	Procedures for Initiating Disciplinary Proceedings	12
XI.	Hearing Procedures	14
XII.	Disciplinary Sanctioning	16
XIII.	Sanctions	16
XIV.	Appeals	19
XV.	Disciplinary Records	19
XVI.	Student Onboarding and Ongoing Education	20

# SUNY SULLIVAN STUDENT CODE OF CONDUCT

## I. PURPOSE

Sullivan County Community College is a public community college committed to providing access to opportunities in higher education for students in Sullivan County and beyond. SUNY Sullivan provides programs and resources that educate, inspire, and empower students and the broader community. Through excellence in teaching and learning, we prepare students for a diverse and interconnected world, and we support positive economic and social change within Sullivan County and beyond. We model sustainable actions and promote socially, environmentally, and economically responsible citizenship through an overarching culture of excellence. The Student Code of Conduct is an integral part of the educational mission, emphasizing the development of each individual's acceptance of his or her own personal and social responsibilities and to ensure fairness and due process for all students. Since behavior which is not in keeping with standards acceptable to the College community is often symptomatic of attitudes, misconceptions, and emotional crises; reeducation and rehabilitative activities are essential elements of the disciplinary process.

The Student Code of Conduct is designed to provide and help maintain an atmosphere within the College community that is conducive to academic pursuits. Serious action against a student, such as separation, is considered and invoked only when other remedies fail to meet the needs of the College's mission.

The College, however, recognizes its responsibilities to all members of the academic community – students, faculty, and staff, and the protection of personal and institutional rights and property is a primary focus of the process.

## II. PRINCIPLES

The College principles address the respect for the law, regulations and policies, and the respect for people.

- a. Respect for the Law - Students are expected to respect and obey all regulations and policies of the College and all local, state and federal laws. If regulations, policies or laws are considered to be unfair or improper, it is expected that students will use appropriate, established, and lawful procedures to effect change.
- b. Respect for Self and Others - Students are expected to conduct themselves in a manner which exemplifies respect for people of all races, religions, and ethnic groups, and to adhere to one's personal values without unduly imposing them on others. Respect for one's own mind and body, is essential. In interpersonal relationships, students are expected to respect the rights of others, particularly their right to refuse to participate in any activity. Students should take responsibility to serve as leaders in promoting compassion for others and challenging prejudice. All students enrolled in the College including all student residents, regardless of program affiliation, are expected to know and adhere to the regulations and policies of the College, as well as local, state, and federal laws.

### III. AUTHORITY AND JURISDICTION

- a. The authority for student discipline is derived from the Board of Trustees of the College. The Board of Trustees has vested in the President or the President's designee's authority to discipline a student or student group for violations of the Student Code of Conduct.
- b. A student, registered organization or a person who has submitted an application for admission, housing, or any other service provided by the College which requires student status will be subject to the Student Code of Conduct for any conduct which occurs on College property, the property managed or owned by the Dormitory Corporation or the FSA, and/or at College-sponsored events or off campus under the conditions described in this policy.
- c. The faculty shall have power to recommend rules of conduct which are subject to approval by the Board of Trustees, and shall appoint a judicial body, currently known as the Student Conduct Committee, as provided for in the Faculty by-laws.
- d. Off-Campus Conduct: The College shall take disciplinary action against a student for violations committed off campus if any one of the following applies:
  1. The off-campus conduct is specifically prohibited by law or violates this Code of Conduct.
  2. The off-campus conduct demonstrates that the continued presence of the student on campus presents a danger to the health, safety, or welfare of the college community; is disruptive to the orderly conduct processes and functions of the college; or is intimidating or threatening to the college community or an individual within the college community.
  3. The off-campus conduct is of such a serious nature that it adversely affects the student's suitability to remain a part of the college community.

### IV. DEFINITIONS

- a. **Academic days** - Only those days when the College's classes are in session, excluding holidays and weekend days.
- b. **Advisor**-any individual who provides the reporting individual (in cases of sex based offenses) or the respondent support, guidance or advice during hearings before the Student Conduct Committee.
- c. **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. Furthermore, the expectation is that sex acts that occur in a student centered residence hall are between two consenting adults. Engaging in sexual activity with several students/partners at the same time can pose a variety of risks and in such cases, consent of all partners is questionable.
  1. Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
  2. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
  3. Consent may be initially given but withdrawn at any time.
  4. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual

otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.

5. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
  6. When consent is withdrawn or can no longer be given, sexual activity must stop.
- d. **Chair** - One of the faculty, staff, or student members that is selected from the panel to chair the Student Conduct Committee.
  - e. **College, or SCCC, SUNY Sullivan** – The term College, or SCCC, or SUNY Sullivan refers to Sullivan County Community College.
  - f. **College Official** - The term "college official" refers to any person employed by the College to perform assigned teaching, administrative, professional or other responsibilities.
  - g. **Complainant** - Encompasses the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.
  - h. **Dean of Student Development Services** – The person duly authorized by the President to oversee the administration of the disciplinary process and ensure the enforcement of the Student Code of Conduct. The Dean of Student Development Services may impose sanctions on a case-by-case basis upon students who have been found responsible for violations of the Student Code of Conduct or may hear appeals of students in cases that are heard by another judicial officer. The Dean of Student Development Services may take emergency measures against students who represent a threat to the health, safety, or welfare of the college community. The term "Dean" refers to the Dean of Student Development Services.
  - i. **Disciplinary Conference** - The term "Disciplinary Conference" refers to the individual meeting with the student and the Dean or Judicial Officer after a Notice of Charges has been delivered. This meeting consists primarily of a discussion between the student and the Dean or Judicial Officer and affords the student the opportunity to choose Responsible or Not Responsible to the charges listed on the Notice of Charges and determine the next course of action.
  - j. **Hearing Officer** - A member of the Student Conduct Committee who has been chosen to preside over a hearing to determine if a student has violated the Student Code of Conduct and sanction students when a violation has been committed. A Hearing Officer also presides over hearings when a student appeals the sanctions of the Dean or Judicial Officer.
  - k. **Judicial Officer** - Any college official appointed by the Dean of Student Development Services to investigate, present a notification of charges, to hold disciplinary conferences, and to sanction students on a case by case basis who have been found responsible for violations of the Student Code of Conduct. Judicial Officers, when assigned to adjudicate a case, also represent the college in Student Conduct Committee hearings.
  - l. **Reporting Individual**- Any person who submits a statement alleging that a student violated this Code of Conduct.
  - m. **Respondent** - The term "respondent" refers to any student who has been formally charged with an alleged violation of the Student Code of Conduct.
  - n. **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 (Complainant).
  - o. **Student** - The term "student" refers to any person taking courses at SUNY SULLIVAN on any of its campuses or sites, either full-time or part-time, pursuing undergraduate, or certificate studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with SUNY SULLIVAN or who have been notified

of their acceptance for admission are considered “students”. The term “student” will also refer to student clubs, groups and organizations.

- p. **Student Conduct Committee** – The term Student Conduct Committee refers to one of the Standing Committees of the Faculty Council authorized by the College to determine whether a student has violated the Student Code of Conduct and recommend sanctions that may be imposed when a violation has been committed. This Committee is also authorized to hear appeals from students when not used as the original hearing body.

## V. VIOLATIONS OF THE CODE OF CONDUCT

Any of the following actions constitute conduct for which a student, a group of students, or a student organization may be subject to disciplinary action:

- a. Violence or threat of violence to others or actions which endanger any member or guest of the college community; including but not limited to physical assault.
- b. Theft, conversion, misuse, damage, defacing or destruction of College property or of the property of members of the College community.
- c. Interference with the freedom of movement of any member or guest of the College.
- d. Interference with the rights of others to carry out their activities or duties at or on behalf of the College.
- e. Interference with academic freedom and freedom of speech of any member or guest of the College.
- f. Noncompliance with written, oral requests or orders of authorized college officials or law enforcement officers in the performance of their duties.
- g. Providing false information to college officials, forgery, the withholding of required information or the misuse or alteration of College documents or the College’s name or logos.
- h. Misuse or duplication of any College key or access card to any college premises or services.
- i. Possession or use of firearms, explosives, ammunition, fireworks, weapons (to include but not limited to: knives, pellet guns, air guns, replicas of weapons, nunchaku sticks) or unauthorized possession or use of hazardous materials or dangerous chemicals on College premises.
- j. Actions which cause or attempts to cause a fire or explosion, falsely reporting a fire, explosion or an explosive device; tampering with fire safety equipment or failure to evacuate College buildings during a fire alarm.
- k. Disorderly Conduct - Breach of peace, such as causing a disturbance, being unruly, or conduct which is disruptive or upsetting.
- l. Soliciting, aiding, abetting or inciting others to participate in conduct which violates this regulation.
- m. Lewd, obscene, indecent behavior or voyeurism.
- n. Acts of verbal, written (including electronic communications) or physical abuse, threats, intimidation, bullying, harassment, coercion or other conduct which threaten the health, safety or welfare of any person.
- o. Conduct which constitutes unlawful discrimination or harassment and/or violation of the College Equal Employment Opportunity/Affirmative Action Policy or the Sexual Harassment Policy.
- p. Possession, use, delivery to, sale of, distribution of, controlled substances or drug paraphernalia; as defined in State of New York Statutes.
- q. Endangering the health, safety or welfare of members or guests of the College.
- r. Engaging in Hazing. Hazing is prohibited. Hazing is defined as an action or situation which recklessly or intentionally endangers the mental or physical health or safety of a person(s), for the purpose of initiation or admission into, affiliation with, or as a condition for the continued membership in a group or organization whether conducted on or off campus.

- s. Unauthorized use or abuse of College Computing Resources and/or violation of the Computer and Network Acceptable Use Policy. See Appendix A.
- t. Stalking: Engaging in a course of conduct directed at a specific person and causes a reasonable person to fear for his or her safety or the safety of others or causes that person to suffer substantial emotional damage. This includes but not limited to: two or more acts by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property.
- u. Domestic Violence: a violent crime which entails a pattern of abusive behavior committed by a current or former intimate partner or spouse, a person sharing a child with the Complainant, and/or a person who cohabitates with or has cohabitated with the Complainant as a spouse or intimate partner. Domestic Violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
- v. Dating Violence: a violent act committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and the existence of the relationship shall be determined based on the Complainant's statement with consideration of the length of the relationship, the type of the relationship, and the frequency of the relationship.
- w. Sexually based offenses:
  - For a detailed description of the SUNY Sullivan Sexual Violence Response Policy,**  
<http://sunysullivan.edu/sexual-violence-response-policy/?ref=srch>
  - 1. Sexual Violence: Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including, but not limited to rape, sexual battery, sexual assault, and sexual coercion.
  - 2. Non-Consensual Sexual Contact: Any intentional sexual touching, however, slight, with any object, by a man or a woman upon a man or a woman that is without consent or by force.
  - 3. Force: Using physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation, and coercion that overcome resistance or produce consent.
  - 4. Sex Discrimination: Sex discrimination includes all forms of sexual harassment, sexual assault, and sexual violence by employees, students, or third parties against employees, students, or third parties. A student who commits sex discrimination constitutes a violation of this Code of Conduct. Other forms of sex discrimination will be handled by the appropriate college officials.
  - 5. Sexual Exploitation: Sexual exploitation occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
    - i. Invasion of sexual privacy;
    - ii. Prostituting another student;
    - iii. Non-consensual video or audio-taping of sexual activity;
    - iv. Going beyond the boundaries of consent (such as allowing other persons to watch consensual sexual acts;)
    - v. Engaging in voyeurism;
    - vi. Knowingly transmitting an STI or HIV to another student;
    - vii. Exposing one's genitals in non-consensual circumstances;
    - viii. Inducing another to expose their genitals;
    - ix. Sexually based stalking and or bullying

- x. Any act which could constitute a violation of any local law or ordinance, State of New York or Federal law.
- y. Misuse of Alcoholic Beverages.
  - 1. Underage possession and/or consumption of alcoholic beverages is prohibited. Possession of drug or alcohol paraphernalia is also prohibited.
  - 2. The consumption of any alcoholic beverage in public places on the campus is prohibited except where specifically authorized by the President. All buildings, lobbies, walkways, Residence Hall Facilities, and grounds of the campus are, for the purpose of this rule, considered to be public places. The Paul Grossinger Dining Room is exempt from the public places restriction.
  - 3. Violation of the Alcohol Policy as set forth in either the Student Code of Conduct or the Residence Hall Handbook.
  - 4. Hosting – Allowing underage drinking; allowing excessive drinking or allowing an intoxicated person to leave and/or operate a motor vehicle.
- z. Inappropriate Conduct at College-Sponsored Events – Students are expected to govern their behavior at all College-sponsored events and conduct themselves within the guidelines of the Student Code of Conduct. This applies to events that are held on or off campus.
  - aa. Violation of Disciplinary Probation - failure to abide by conditions of probation.
  - bb. Obstruction of Student Code of Conduct Process – Acts that disrupt or interfere with the College disciplinary process, including but not be limited to:
    - 1. Failure to appear at an official college hearing when proper notification has been provided; (nothing in this subsection shall be construed to compel self-incrimination).
    - 2. Knowingly falsifying, distorting or misrepresenting information before a disciplinary proceeding;
    - 3. Deliberate disruption or interference with the orderly conduct of a disciplinary proceeding,
    - 4. Knowingly initiating a complaint/referral without cause;
    - 5. Use of threats, coercion, or intimidation to discourage an individual’s participation in or other proper participation or use of the disciplinary process;
    - 6. Tampering with information to be used in a Hearing;
    - 7. Attempting to influence the impartiality of a member of the disciplinary process prior to or during the course of the disciplinary proceeding;
    - 8. Harassing, intimidating, coercing, retaliating, or in any way discriminating against an individual because of the individual’s informal or formal complaint or participation in the disciplinary process;
    - 9. Violating and/or failing to comply with or fulfill disciplinary sanctions.
  - cc. Disruptive Conduct - Any other action that impairs, interferes with or obstructs the mission, purposes, order, academic atmosphere, operations, processes and/or functions of Sullivan County Community College.
  - dd. Any unauthorized use of electronic or other devices to make an audio or video record of any person while on College premises without his/her prior knowledge or without his/her effective consent when such recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room or restroom.
  - ee. Violation of any College Policy or Regulation published in hard copy or available electronically on the College’s website.
  - ff. Violation of Housing and Residential Life policies and procedures as outlined in either the Housing Contract or Housing Guidebook.



- gg. Failing to report behavior that violates the Student Code of Conduct and which endangers the safety or welfare of the college community and guests.

## **VI. COURT PROCEEDINGS OUTSIDE OF THE COLLEGE**

- a. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Student Development Services or Judicial Officer. Determinations made or sanctions imposed under this Student Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
- b. Any admission of guilt, responsibility or against the student's interest made by a student at off-campus proceedings shall be conclusive for College purposes.
- c. A verdict of guilty, a plea of guilty, a plea of no contest (nolo contendere) or similar plea in a court of law by a respondent will operate as a conclusive finding that the student is "responsible" for the purpose of SUNY SULLIVAN disciplinary proceedings.
- d. The College may amend its charge(s) based on information obtained through an outside proceeding where that information is relevant to activity adversely affecting the College community.

## **VII. RIGHTS OF STUDENTS ACCUSED OF A CODE OF CONDUCT VIOLATION**

A student against whom disciplinary action may be taken shall have the following rights:

- a. The right to be notified in writing of the charges against him/her.
- b. The right to a disciplinary conference within 3 (three) academic days after the College provides the student with a notice of charges. The Dean or Judicial Officer may decide that a disciplinary conference cannot be scheduled within such time due to a health, safety, or welfare emergency or other extenuating circumstances. In such cases, a disciplinary conference will be scheduled as soon as that emergency lifts or extenuating circumstances clear or at the request of the student. This provision shall not constitute the indefinite postponement of the student's due process rights. All efforts shall be made to ensure the student's due process rights are exercised.
- c. The right to a fair and impartial hearing on the charges by a duly constituted panel of the Student Conduct Committee.
- d. The right to present information and witnesses relevant to his or her defense at the hearing.
- e. The right to have an advisor of choice be present at said conferences and/or hearings. The advisor may not present statements, arguments, or question witnesses or participate directly in any hearing, but may speak privately to their advisee during the proceeding. The advisor or the advisee may request a brief recess to consult which will be granted at the discretion of the Hearing Officer. Members of the Student Conduct Committee may not serve as a student's advisor at the hearing.
- f. The right to question all adverse witnesses by appropriate mechanisms, unless the student has waived a hearing. Appropriate mechanisms may include written submission of questions to the hearing chair of the hearing who will then determine if the question is appropriate. If so, the chair will direct the question to the witness.

- g. The right to not be forced to present testimony which would be self-incriminating. However, the College is not required to postpone disciplinary proceedings, pending the outcome of any outside criminal or civil case.
- h. The right to request an appeal of the sanction imposed as long as appropriate appeal procedures are followed.
- i. The right to have his or her status remain unchanged pending final disciplinary action except in cases involving the health, safety or welfare of the College community.

## **VIII. STUDENTS' BILL OF RIGHTS**

The State University of New York and SUNY Sullivan is committed to providing options, support, and assistance to members of the SUNY Sullivan community that are affected by sexual assault, sexual harassment, intimate partner violence, domestic violence, dating violence and/or stalking to ensure that they can continue to participate in college and campus programs, activities, and employment, regardless of whether the crime or violation occurred on campus or off campus. The rights listed below are afforded to all students reporting sexual violence, as well as all students accused of sexual violence, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, status as a domestic violence victim, or criminal conviction.

SUNY Sullivan values the dignity of individuals and will take the necessary measures to ensure that individuals who report offenses are treated in a compassionate manner.

### **All SUNY Sullivan students have the right to:**

- a. Make a report to any law enforcement agency of their choosing and/or the SUNY Sullivan Office of Public Safety.
- b. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
- c. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution.
- d. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard:
  - 1. To receive written, advanced notice of a disciplinary hearing involving the Respondent.
  - 2. Student has the right to request a postponement of disciplinary conferences and/or hearings for reasonable cause. Such requests must be made in writing to Chair of the Student Conduct Committee or the Dean of Student Development Services and must include the reason for the request. Should the Complainant wish to not be present in the same room as the Respondent during the disciplinary hearing, alternative arrangements may be made as is reasonable.
  - 3. Be accompanied by an advisor of choice who may assist and advise a Complainant, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process. The advisor may not present statements, arguments, or question witnesses or participate directly in any hearing, but may speak privately to their advisee during the proceeding. The advisor or the advisee may request a brief recess to consult which will be granted at the discretion of the Student Conduct Committee Chair. Members of the Student Conduct Committee may not serve as a student's advisor at the hearing.

4. To only have information pertinent to the case be presented and not have unrelated prior behavior presented against him/her.
  5. To question the Respondent and witnesses and to call witnesses during disciplinary proceedings. The Complainant has the right to participate in disciplinary proceedings via technology.
  6. To present a statement of impact in disciplinary proceedings if the Respondent is found in violation of the Code of Conduct.
  7. To be informed simultaneously and in writing of the results of disciplinary proceedings, any appellate procedures available, any changes to the results that may occur prior to the time that the result becomes final, and when the results become final.
  8. To appeal the findings/sanctions on the same grounds afforded to the charged student (see Chapter 14: Appeals) in cases of sexual harassment, sexual assault, rape or violence. The Appeal must be considered by a duly constituted panel of the Student Conduct Committee.
- e. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
  - f. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
  - g. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
  - h. Be free from retaliation by the institution, and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
  - i. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College. This means that we will not schedule meetings or hearings on days of religious observance (for instance, holding a hearing on a Friday night when the Complainant or respondent is a religious Jewish person), require a student to undergo medical procedures that they say are forbidden by their religion, or otherwise require a Complainant to have to choose between their religion or belief system and reporting to the institution.
  - j. To request changes in housing and/or class schedule which would enhance the safety and security of the Complainant when those changes are reasonably available.

*(Sexual assault is defined to be a Code of Conduct violation consistent with the Federal Register definition of rape adopted by the Department of Education in Final Regulations [<https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act#h-100>]: “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” Consent for these purposes is the consent definition in these policies and the legislation)*

## **IX. EMERGENCY MEASURES**

- a. The Dean of Student Development Services, or other Judicial Officers duly assigned by the Dean of Student Development Services, has the authority to take appropriate immediate action against a student who poses a significant danger of imminent or serious physical harm to others at the College, or where the Dean or Judicial Officer determines that an emergency exists which affects the health, safety or welfare of a student or the college community. Emergency Measures include but are not limited to, one or more of the following:
  1. Interim Suspension - A student under interim suspension may not attend classes, may not be on or come onto College property, may not participate in any College activities or organizations, and may not use College facilities, equipment or resources.

2. Interim Suspension from College Housing - A student under interim suspension from College Housing may not reside in College Housing and may not come into College Housing facilities and/or adjacent areas of College Housing.
  3. If the Dean or Judicial Officer determines that other interim measures are more appropriate to protect the health, safety, or welfare of the student or the College community, the Dean or Judicial Officer may:
    - i. restrict or bar attendance of any or all classes;
    - ii. restrict or bar access or contact with individuals;
    - iii. restrict or bar access to College property, places, facilities or equipment;
    - iv. restrict or ban participation in College activities or organizations; or
    - v. otherwise restrict or ban access to College resources or conduct.
- b. A student subject to Emergency Measures shall be furnished:
1. Written notice of the Emergency Measure and the reason(s) for the action.
  2. The opportunity to participate in disciplinary proceedings or to present relevant information for consideration of his/her case.
- a. Emergency Interim Measures may be taken at any time prior to the conclusion of the College Disciplinary process including during the appeal process.
- b. A hold on registration may immediately be placed on all students who have Emergency Measures taken against them, which prevents the student from accessing, changing or altering his/her course registration and/or admission status.
- c. Review of Emergency Measures:
1. Pertinent to No Contact Order: Both the respondent and the reporting individual shall, upon request and consistent with institution policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no contact order, including potential modification, and shall be allowed to submit evidence in support of his or her request. Institutions may establish an appropriate schedule for the respondent(s) and the reporting individual to access applicable institution buildings and property at a time when such buildings and property are not being accessed by the reporting individual.
  2. Pertinent to Interim Suspension: Both the respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of an interim suspension, including potential modification, and shall be allowed to submit evidence in support of his or her request.
  3. Pertinent to Interim measures/accommodations: Both the respondent and the reporting individual shall, upon request and consistent with the institution's policies and procedures, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any such interim measure and accommodation that directly affects him or her, and shall be allowed to submit evidence in support of his or her request.

## **X. PROCEDURES FOR INITIATING DISCIPLINARY PROCEEDINGS**

- a. Complaints - Any person or entity may request charges be filed against a student for alleged violation of law or College regulations or policies. An investigation may take place of the circumstances of the complaint. The complaint regarding a student's conduct must be submitted as follows:

1. Filing a police report with the Office of Public Safety or requesting that a report from another law enforcement agency be sent to the Office of Public Safety and referral to the Dean or Judicial Officer; or providing a written and signed statement to the Dean or Judicial Officer. Written statements should include all information and evidence the person making the complaint can produce.
  2. Reports must be made to either law enforcement or the appropriate administrator within 6 months of the incident, or knowledge about the incident. No student may be charged with a violation to the Student Code of Conduct if the report is made past the 6-month period. This provision shall apply except in incidents involving patterns of behavior (i.e. stalking, sexual misconduct, domestic violence, etc.). These incidents must be reported within one (1) calendar year from the date of the incident or knowledge about the incident.
- b. When a complaint against a student is received, all other administrative processes and petitions related to the student at the College are suspended and may not be processed further until final disposition of the complaint or special permission by the Dean of Student Development Services.
- c. The Dean or Judicial Officer will determine if there are reasonable grounds to believe that the allegations of the complaint are true, and if true, would constitute a violation of the College's Code of Conduct.
1. The Dean or Judicial Officer may conduct an Investigation Conference with the student. This conference shall include an explanation of the process, the student's rights and a review of the incident. No student shall be required to testify against him/herself.
  2. The Dean or Judicial Officer may conduct an investigation with others as related to the incident or complaint.
  3. Nothing in this policy shall prevent the mediation of a complaint when deemed appropriate by the College.
  4. Nothing in this policy shall prevent the disposition of a complaint administratively by written agreement with mutual consent of the parties involved. Such disposition shall be final and there shall be no subsequent proceedings.
  5. If an alleged violation of the Code of Conduct is not handled through other appropriate channels, is not dismissed, or is not settled informally, then the Dean or Judicial Officer shall present in writing formal charges to the student.
- d. Notice of Charges - The notification of charges shall be in writing and include: the specific conduct code violations, a brief description of alleged offenses, the student's rights, and an invitation to attend a Disciplinary Conference; the date, place, and time of this Disciplinary Conference is also included. Email notification is considered written notice.
1. The Disciplinary Conference shall take place within three academic days, excluding holidays and weekends, from the date of Notice of Charges.
  2. If a hold on registration is not already in effect, as an Emergency Measure, upon issuing the Notice of Charges the Dean or Judicial Officer may place a hold on registration until final disposition of the complaint.
- e. Disciplinary Conference - After the Notice of Charges has been issued, a Disciplinary Conference shall be scheduled.
1. There are no witnesses called and it consists primarily of a discussion between the respondent and the Dean in an effort to resolve the matter.
  2. The Disciplinary Conference is not audio taped or recorded.
  3. At the conclusion of the disciplinary conference, the respondent may accept or deny responsibility to the student code of conduct violations on the Notice of Charges.

4. If the respondent chooses to accept responsibility, or fails to attend the disciplinary conference, the authority may assess such sanctions as are deemed appropriate. This acceptance of responsibility or failure to appear shall constitute as the respondent's waiver of a formal hearing and right of appeal. The student retains the right only to appeal the severity of the sanction.
  5. Brief written decisions (including findings of fact) will serve as records of disciplinary conference and will be communicated in writing within 7 academic days of the Disciplinary Conference.
- f. Formal Disposition by Hearing - When a respondent denies responsibility, a hearing shall be scheduled within 5 (five) academic days after the date of the Disciplinary Conference. (A Formal Hearing is defined as any hearing before the Student Conduct Committee or a College Hearing Officer)
  - g. Notice of Hearing - The notification of hearing shall be in writing and include:
    1. The date, time and location of the Student Conduct Committee or Hearing Officer hearing.
    2. A copy of his/her rights and the hearing procedures.
    3. The respondent shall have the opportunity to challenge the impartiality of the hearing officer within an academic day after notification of the hearing. In the event that a student has opted not to challenge the impartiality of a hearing office within the allotted time, the Hearing Officer shall remain as scheduled. The student shall state in writing the basis for such challenge. A hearing officer or chair so challenged may be replaced by the Dean of Student Development Services for good cause shown.
  - h. Postponement of Hearing - The student may request postponement of a hearing in writing to the Judicial Officer or Dean of Student Development Services. The postponement may be granted when the circumstances presented demonstrate that a postponement is necessary to ensure fairness to the process or on any other reasonable grounds. The Judicial Officer, Hearing Officer, or Dean may postpone the hearing on the College's behalf for administrative reasons.
  - i. Review of Evidence - Throughout proceedings involving an accusation of sexual assault, domestic violence, dating violence, stalking, or sexual activity that may otherwise violate the institution's code of conduct, the respondent has the right:
    1. To review and present available evidence in the case file, or otherwise in the possession or control of the college, and relevant to the conduct case.
    2. The college will not release such evidence into the possession of the respondent. The respondent may make arrangements to review said materials at the campus at a mutually agreeable time with the Dean of Student Development Services or designee. Copies of evidence may not be made, nor released.

## **XI. HEARING PROCEDURES**

- a. The hearing is not a legal proceeding. Formal rules of process, procedure, or evidence do not apply.
- b. Objectives of the Hearing. Requisite levels of due process and fairness will be provided to all participants during these proceedings. The hearing shall have the following objectives.
  1. Inform the student of the charges.
  2. Give the responding student an opportunity to respond to the charges.
  3. Review the facts of the case.
  4. Determine if any violation of the Student Code of Conduct was committed based on preponderance of evidence—whether it is “more likely than not” that the violation occurred.
  5. Determine disciplinary sanction(s) to be imposed based upon the facts, as determined at the hearing.

- c. Witnesses - Witnesses at hearings will not be sworn in. Each witness will be admonished that he or she is required to tell the truth. A student giving untrue testimony at a hearing is subject to disciplinary charges. Witnesses may be called by the respondent, the complainant (in cases of stalking, domestic violence, dating violence, and/or a sexually based offense), a judicial officer, the Dean of Student Development Services, or the Student Conduct Committee.
- d. Advisor - The respondent and the reporting individual (in cases of stalking, domestic violence, dating violence, and/or a sexually based offense) may choose one advisor to be present at the hearing at the student's expense. The advisor/attorney may not present statements, arguments, or question witnesses or participate directly in any Hearing, but may speak privately to their advisee during the proceeding. The advisor or the advisee may request a brief recess to consult which will be granted at the discretion of the Hearing Officer. Members of the Student Conduct Committee may not serve as a student's advisor at the hearing.
- e. Information - Pertinent records, exhibits, and written statements may be accepted as information for consideration by the Hearing Officer or the Student Conduct Committee at the discretion of the Hearing Officer.
- f. Burdens of Proof - The Student Conduct Committee shall determine whether it is more likely than not that the respondent violated the Student Code of Conduct by a preponderance of evidence.
- g. Hearings:
  - 1. All hearings before the Student Conduct Committee will be digitally recorded by the College. That recording will serve as the only official record of these proceedings and shall be the property of the College. No other recordings are permitted. Deliberations shall not be recorded.
  - 2. All hearings before the Student Conduct Committee will require that at least 3 members of the Committee be present, excluding the Dean or Judicial Officer.
  - 3. The following is a guide to the format of events for hearings. The Student Conduct Committee or Hearing Officer may change the order if necessary. The Student Conduct Committee may question any party or witness directly.
    - i. Review of Hearing procedures.
    - ii. Reading of Charges
    - iii. Opening statement and presentation of evidence by the College, followed by the opening statement and presentation of evidence by the respondent.
    - iv. Questioning of College witnesses, followed by the questioning of respondent's witnesses.
    - v. Questions directed to the respondent and the College by the Student Conduct Committee.
    - vi. Closing statement by the College, followed by the closing statement of the respondent.
    - vii. Deliberation by the Student Conduct Committee (not taped)
    - viii. Decision and/or imposed sanction(s) by the Student Conduct Committee.
- h. The Student Conduct Committee will find the student "Responsible" or "Not Responsible" for each of the alleged violations listed on the Notice of Charges.
- i. If the respondent fails to appear at the scheduled hearing (after proper notice), the student shall be found responsible for each of the alleged violations listed on the Notice of Charges and may not appeal the finding of responsibility. The student retains the right only to appeal the severity of the sanction.
- j. The Student Conduct Committee shall send a notification in writing to the respondent and the complainant (in cases of stalking, domestic violence, dating violence, and/or a sexually based offense) of the outcome, the rationale for the outcome, and the sanction(s) imposed, within three (3) academic days of the conclusion of the hearing.

- k. The Student Conduct Committee may, up until the deliberation phase, suspend a hearing and request more information, including the calling of appropriate witnesses and collection of appropriate documents and or evidence. The hearing must reconvene within 2 academic days.

## **XII. DISCIPLINARY SANCTIONING**

Disciplinary sanctioning is intended:

- a. To make sure the student sanctioned has learned from the experience.
- b. To educate the student so he or she does not commit the violation again.
- c. To offer the student the opportunity to make good on a mistake.
- d. To ensure that College expectations regarding appropriate behavior are clear.
- e. To educate the student concerning how his or her behavior impacts others in the community.
- f. To protect the College community from people who may harm others in the community or who may substantially interfere with the educational mission of the College or other institutions. Students who are found responsible for stalking, domestic violence, dating violence, or a sexually based offense are subject to suspension or expulsion due to the extreme serious nature of these violations.
- g. To be imposed progressively with the exception of egregious violations. Past violations and the student's disciplinary history will be considered during sanctioning.

## **XIII. SANCTIONS**

In light of the facts and circumstances of each case and the progressive discipline policy, the following sanctions or combination of sanctions may be imposed upon any individual student or student organization found "Responsible" for violations of this Code:

- a. Educational Activities - required attendance at educational programs, meeting with appropriate officials, written research assignments, planning and implementing educational programs, or other educational activities at the student's or student organization's own expense.
- b. Counseling Assessment and Recommended Treatment – referral for assessment and treatment to the College Counselors or another agency at the student's expense.
- c. Community/College Service - required completion of a specified number of hours of service to the campus or general community.
- d. Change in College Housing Assignment to include Suspension (held in abeyance), Suspension, and Dismissal. Students remain financially responsible for obligations under the housing contract. Changes in the housing assignment may include, but are not limited to:
  - 1. A mandated change in a rooming assignment.
  - 2. Residence Hall Suspension held in abeyance: A defined period of time during which a student's residence hall privileges are suspended, but are held in abeyance. The student may continue to live in the Residence Hall but if found "responsible" for another violation of the Student Code of Conduct, the suspension will automatically be imposed. A suspension may be held in abeyance for up to one year.
  - 3. Residence Hall Suspension: Termination of the housing contract for a defined period of time up to one academic year. The student must remove all belongings and vacate college housing. The student is not allowed in college housing and is banned from the adjacent areas.



4. Dismissal: Termination of the housing contract for an indefinite period of time. The student is not allowed to live in college housing and must vacate the premises. The student is not allowed in college housing and is banned from the adjacent areas.
- e. Restitution - Payment made for damage or loss caused by the responsible student.
  - f. Restriction or Revocation of Privileges - Temporary or permanent loss of privileges, including, but not limited to the use of a particular College facility, resources, equipment or visitation privileges.
  - g. Disciplinary Warning - A disciplinary sanction in writing notifying a student that the student's behavior did not meet College standards. All disciplinary warnings will be taken into consideration if further violations occur.
  - h. Disciplinary Probation - A disciplinary sanction in writing notifying a student that his or her behavior is in serious violation of College standards. This is a time of observation and review during which the student may be able to prove his/her ability to meet the standards of the college. Disciplinary Probation may not exceed one academic year. If the student is found "responsible" for another violation of the code of conduct during the period of Disciplinary Probation, the College will consider increasing the level of the subsequent sanction.

*(Some sanctions that may be placed on a student during a probationary period include, but are not limited to, restriction of the privilege to: participate in student activities or in student organizations; represent the College on athletic teams, student organizations or in other leadership positions; gain access to College Housing buildings or other areas of campus; use of College resources and/or equipment; or contact with specified person(s).)*

- i. Suspension - Mandatory separation from the College. During the period of suspension, the student is barred from SUNY SULLIVAN and from accessing any courses and/or campus resources unless specific permission is granted by the Dean. Once the entire period of suspension has been served, the student may seek readmission. Specific conditions may be imposed upon the student before s/he is readmitted to the College. A suspended student shall not receive credit for the semester in which the suspension or dismissal occurred, and will be liable for all tuition and fees for that semester.
- j. Suspension held in abeyance- A student whose suspension is held in abeyance may attend classes and, if applicable, continue to live in the Residence Hall. A student, who is found responsible for a violation of the Student Code of Conduct during this period of suspension in abeyance, will be suspended. A suspension held in abeyance may not exceed one academic year.
- k. Revocation of Admission and/or Degree – Admission to or a degree awarded from SUNY SULLIVAN may be revoked for fraud, misrepresentation or other violation of SUNY SULLIVAN standards in obtaining the degree or for other serious violations committed by a student prior to graduation. The SUNY Sullivan Board of Trustees is the only entity which can revoke a degree which was previously awarded to a student.
- l. Withholding Degree – SUNY SULLIVAN may withhold awarding a degree otherwise earned until completion of the process set forth in this Student Conduct Code, including completion of all sanctions imposed, if any.
- m. Expulsion - Indefinite dismissal from the College. Should the student wish to readmit, s/he may do so by writing to the Dean of Student Development Services but only after 2 academic years have expired since the imposition of the expulsion. During the time of expulsion, the student is barred from SUNY SULLIVAN. An expelled student shall not receive credit for the semester in which the suspension or dismissal occurred, and will be liable for all tuition and fees for that semester.
- n. Deactivation of the Student Organization's status at the College.
- o. Administrative Withdrawal from individual courses or all courses registered for at the College. Students remain financially responsible for tuition and fees.
- p. Other Appropriate Action - A disciplinary action not specifically set out above, but deemed proper by the Dean, Student Conduct Committee or Hearing Officer.

- q. Alcohol Abuse Sanction Guidelines - Depending on the amount of alcohol involved and those involving severe intoxication and/or police or emergency medical response, students, found responsible for offenses regarding the use, possession, sale or distribution of alcohol, may be sanctioned as follows at the discretion of College officials. These violations are per academic year.
1. First Violation
    - i. Completion of an educational program.
    - ii. Parental Notification (Parental Notification may be implemented depending on the severity or nature of the first violation.)
  2. *Second Violation*
    - iii. Completion of an approved evaluation and treatment program at the student's own expense.
    - iv. Suspension from College Housing for a period of one year. (may be held in abeyance)
    - v. Parental Notification
    - vi. Disciplinary Probation for at least 1 semester
  3. Third Violation
    - i. Suspension from the college and/or college housing for the remainder of the semester and up to one year.
    - ii. Parental Notification
    - iii. Disciplinary Probation for 1 year

***Alcohol Amnesty Policy:*** *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 Sullivan 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 Sullivan 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 Sullivan officials or law enforcement will not be subject to SUNY Sullivan'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. The student, however, may be required to complete an alcohol and/or drug assessment, and/or educational classes on the detrimental effects of drugs and alcohol. In cases where students are under the age of 21 years, his/her parents or guardians will be notified.*

- r. Drug Abuse Sanction Guidelines: Depending on the amount and type of illegal substance involved, the student may be suspended or expelled from the College, as well as prosecuted. At the minimum, a student may be sanctioned as follows:
1. First Violation
    - iv. Suspension from college housing for a period of one year. (may be held in abeyance)
    - v. Disciplinary Probation for one year.
    - vi. Parental Notification.
  2. Second Violation
    - vii. Suspension from College Housing (may be held in abeyance) up to one year.
    - viii. Suspension from the College (may be held in abeyance) up to one year.
    - ix. Completion of an approved evaluation and treatment program at the student's expense.
  3. Third Violation - Suspension from the college and/or college housing.

Persons found to be involved in the sale of illegal drugs may be subject to expulsion from the College.

#### **XIV. APPEALS**

A student may appeal the finding of the Student Conduct Committee hearing (Responsible/Not responsible) or the sanctions imposed by the Dean, Judicial Officer, or Student Conduct Committee.

- a. Standards for Appeal.
  1. Failure to receive the due process required by law.
  2. Severity of the sanction.
  3. New material or information that could not be discovered at the time of the hearing.
- b. All appeals must be received in writing within five academic days of the date of the Notice of Decision/Sanction to the Dean of Student Development Services for consideration by the appropriate appellate body. All appeals must specify the basis for the appeal.
- c. The burden of proof at the appellate level rests with the respondent.
- d. The student's pre-decision status will remain unchanged pending the appeal determination, except where the safety, health or general welfare of the student or the College community is involved.
- e. Appeals of decisions and/or sanctions imposed by the Judicial Officer are heard by the Student Conduct Committee. The final appeal is heard by the Dean of Student Development Services.
- f. Appeals of decisions and/or sanctions imposed by the Dean of Student Development Services are heard by the Student Conduct Committee. The final appeal is heard by the College President.
- g. Considering an appeal, the President, the Dean, or the Student Conduct Committee may reopen the hearing, order a new hearing with the same or different members of the Student Conduct Committee, uphold the prior decision or revise the sanction. The student shall be provided written notice of the decision from the appropriate entity within five (5) academic days.
- h. final appeal is irrevocable and binding on all parties. There are no further appeals within the College.

#### **XV. DISCIPLINARY RECORDS**

- a. The record of student disciplinary proceedings is part of a student's educational record and are subject to educational records confidentiality laws. Conduct records, disciplinary records and law violations are kept in the Dean of Student Development Services. These files are separate from academic transcripts.
- b. Issuance of Transcripts, Flagging of Records, and Retention of Records in Cases of Disciplinary Action. The transcripts and future registration records of students subject to disciplinary action are flagged in accordance with the following guidelines:
  1. The Dean will flag the records where:
    - i. A student has committed disciplinary acts culminating in suspension and/or expulsion;
    - ii. A student has failed to appear before the Dean, when reasonably notified as to his or her involvement in disciplinary matters;
    - iii. A student with severe behavioral problems is no longer attending the College, and it is the determination of the Dean of Student Development Services that a complete review of his or her record is to be made prior to readmission.

2. When a student requests issuance of his or her transcript to another educational institution, outside agency or individual, such transcript shall be issued subject to the following guidelines:
  - a. If the student has had a disciplinary action taken against him/her which falls under paragraph (1) above and is the result of one or more of the following violations: A, I, R, or T, U, V, W the transcript will carry a notation of the judicial sanction imposed upon the student such as:
    1. "Suspended after a finding of responsibility for a code of conduct violation", or
    2. "Expelled after a finding of responsibility for a code of conduct violation."
  - b. For the respondent who withdraws from SUNY Sullivan while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they "withdrew with conduct charges pending."
  - c. Transcript notations and appeals seeking removal of a transcript notation for a suspension may be requested by the respondent provided that such notation shall not be removed prior to one year after conclusion of the suspension. Such requests may be made to the Dean of Student Development Services. The decision of the Dean is final and is not subject to further appeal.
  - d. Notations for expulsion shall not be removed.
  - e. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

## XVI. STUDENT ONBOARDING AND ONGOING EDUCATION

SUNY Sullivan, in accordance with SUNY-wide policy and state and federal law, will continue to educate all new and current students using a variety of best practices aimed at educating the entire College community in a way that decreases sexual violence and maintains a culture where sexual assault and acts of sexual violence are not tolerated.

*(See Title IX of the Education Law Amendments of 1972, Section 503 of the Violence Against Women's Reauthorization Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and New York State Education Law article 129b)*

SUNY Sullivan will conduct these trainings for all new students, whether first-year or transfer students. The College will use multiple methods to educate students about sexual violence prevention.

Students at SUNY Sullivan shall be offered general and specialized training in sexual violence prevention. The College will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population.

Further, the College will, as appropriate, provide or expand specific training to include students that are also employees of the campus, leaders and officers of registered/recognized student organizations.

In accordance with New York State Education Law section 129-b, the College will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

SUNY Sullivan will engage in a regular assessment of sexual violence education and prevention programming and policies to determine effectiveness.

For detailed information on student onboarding and continuing education regarding the prevention of sexual violence, please see the SUNY Sullivan Sexual Violence Prevention Policy, section XII:  
<http://sunysullivan.edu/sexual-violence-response-policy/?ref=srch>



**SULLIVAN**  
COUNTY COMMUNITY COLLEGE  
S · U · N · Y

**SEXUAL VIOLENCE RESPONSE POLICY**  
EFFECTIVE JULY 1, 2016

## Table of Contents

I.	Introduction	3
II.	Student’s Bill of Rights	3
III.	Procedures for Responding to an Individual Who Has Been the Victim of Sexual Violence	5
IV.	Resources for Victims/Survivors of Sexual Violence	6
V.	Protection and Accommodations	6
VI.	Options for Confidentially Disclosing Sexual Violence	7
VII.	How to Report Sexual Violence	9
VIII.	Resources and Support for Students Who Are Accused of Sexual Violence	11
IX.	Investigation Procedures	11
X.	Adjudication of Sexual Violence Complaints	13
XI.	Prohibition Against Retaliation	14
XII.	Student Onboarding and Ongoing Education	14
XIII.	Institutional Crime Reporting	16
XIV.	Scope of this Policy	16
XV.	Definitions	17

## **I. Introduction**

SUNY Sullivan strives to maintain a respectful, safe, and nonthreatening environment for its students, faculty, staff, and visitors. The College does not tolerate sexual violence of any kind, which includes sexual harassment, sexual assault, intimate partner violence and stalking. This policy establishes procedures for responding to incidents of sexual violence and sets forth available resources for individuals reporting sexual violence (Complainant) and for individuals accused of or responding to allegations of sexual violence (Respondent).

## **II. Student's Bill of Rights**

The State University of New York and SUNY Sullivan is committed to providing options, support, and assistance to members of the SUNY Sullivan community that are affected by sexual assault, sexual harassment, intimate partner violence, domestic violence, dating violence and/or stalking to ensure that they can continue to participate in college and campus programs, activities, and employment, regardless of whether the crime or violation occurred on campus or off campus. The rights listed below are afforded to all students reporting sexual violence, as well as all students accused of sexual violence, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, status as a domestic violence victim, or criminal conviction.

SUNY Sullivan values the dignity of individuals and will take the necessary measures to ensure that individuals who report offenses are treated in a compassionate manner.

### **All SUNY Sullivan students have the right to:**

- a. Make a report to any law enforcement agency of their choosing and/or the SUNY Sullivan Office of Public Safety.
- b. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
- c. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution.
- d. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard:
  1. To receive written, advanced notice of a disciplinary hearing involving the Respondent.
  2. Student has the right to request a postponement of disciplinary conferences and/or hearings for reasonable cause. Such requests must be made in writing to Chair of the Student Conduct Committee or the Dean of Student Development Services and must include the reason for the request. Should the victim wish to not be present in the same room as the Respondent during the disciplinary hearing, alternative arrangements may be made as is reasonable.
  3. Be accompanied by an advisor of choice who may assist and advise a Complainant, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process. The advisor may not present statements, arguments, or question witnesses or participate directly in any hearing, but may speak privately to their advisee during the proceeding. The advisor or the advisee may request a brief recess to consult which will be granted at the discretion of the Student Conduct Committee Chair. Members of the Student Conduct Committee may not serve as a student's advisor at the hearing.
  4. To only have information pertinent to the case be presented and not have unrelated prior behavior presented against him/her.
  5. To question the Respondent and witnesses and to call witnesses during disciplinary proceedings. The Complainant has the right to participate in disciplinary proceedings via technology.



6. To present a statement of impact in disciplinary proceedings if the Respondent is found in violation of the Code of Conduct.
  7. To be informed simultaneously and in writing of the results of disciplinary proceedings, any appellate procedures available, any changes to the results that may occur prior to the time that the result becomes final, and when the results become final.
  8. To appeal the findings/sanctions on the same grounds afforded to the charged student (see Student Code of Conduct Chapter XIV; Appeals) in cases of sexual harassment, sexual assault, rape or violence. The Appeal must be considered by a duly constituted panel of the Student Conduct Committee.
- e. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
  - f. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
  - g. Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat a description of the incident.
  - h. Be free from retaliation by the institution, and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
  - i. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the College. This means that we will not schedule meetings or hearings on days of religious observance (for instance, holding a hearing on a Friday night when the Complainant or respondent is a religious Jewish person), require a student to undergo medical procedures that they say are forbidden by their religion, or otherwise require a Complainant to have to choose between their religion or belief system and reporting to the institution.
  - j. To request changes in housing and/or class schedule which would enhance the safety and security of the victim when those changes are reasonably available.

The Student Code of Conduct can be accessed here:

<http://sunysullivan.edu/student-code-of-conduct/>

### **III. Procedures for Responding to an Individual Who Has Been the Victim of Sexual Violence**

**A. Ensuring the Complainant's Safety:** If you or the Complainant believe that there is an immediate threat or danger, call the Police. (*The term 'Complainant' encompasses the term victim, survivor, complainant, claimant, or witness with victim status*)

**In emergency situations, dial 911.** Below are the non-emergency numbers for local law enforcement agencies:

The Complainant may contact any of the following:

**SUNY Sullivan Office of Public Safety:** (C115) 845-434-5750 x4315  
**Title IX Coordinator for Students:** (Office J113), 845-434-5750 x4263  
**NY State Police - Campus Sexual Assault Victims' hotline** 844-845-7269  
**Sullivan County Sheriff's Department** (845) 794-7100  
**Town of Fallsburg Police:** 845-434-4422

**B. Offering Medical Treatment:** Individuals who have experienced a recent sexual assault or act of physical violence are encouraged to visit a hospital, clinic, or Student Health Services to assess and address their medical needs.

*(Student Health Services is for students only and does not perform emergency medical care or Sexual Assault Forensic Examinations. However, the Health Services will provide non-emergent care and medical follow up, including attention to injuries and evaluation for STI's and pregnancy)*

A medical exam can assess a victim's injuries and provide necessary medical advice and medication. Complainants should be advised that information provided during a medical exam is confidential and will not be released or shared without the Complainant's consent. Individuals reporting sexual assault should also be advised of their option to undergo a Sexual Assault Forensic Exam. These exams are performed by skilled clinicians at local hospitals. The exam includes assessment for and treatment of injury, addressing concerns of pregnancy and sexually transmitted infections (STI's), and collection of evidence. Individuals reporting sexual assault should be advised as follows:

- a. That choosing to undergo a Sexual Assault Forensic Exam does not require that the Complainant report the violence to local law enforcement, the SUNY Sullivan Office of Public Safety or College administration. However, the exam is strongly recommended as it will greatly enhance the likelihood of a successful prosecution of the assailant in criminal cases should the victim choose to report the incident now or in the future. (*For the purposes of evidence collection, the Sexual Assault Forensic Exam should be conducted within 96 hours of the assault. However, even if 96 hours have elapsed, the exam is still recommended. The Sexual Assault Forensic Exam is free, and does not have to be charged to the victim's insurance*)
- b. That it is important not to bathe, wash or change clothes, or brush one's teeth prior to seeking medical attention. If possible, it is also best that the victim not take fluids or use the bathroom prior to the exam.
- c. That information provided during the Sexual Assault Forensic Exam is confidential, and will not be released or shared with anyone, including Police and the College, without the victim's consent.
- d. 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: <https://www.ovs.ny.gov/help-crime-victims>
- e. If an individual reporting sexual violence chooses to obtain medical care, assistance should be provided in arranging for transportation to the hospital or clinic chosen by the Complainant. This assistance can be provided by the Office of Public Safety, Residential Life Staff, counseling staff, Health Services or the Title IX Coordinator. Complainants should be further informed that they can request that an advocate accompany them to the hospital.

**Campus Health Services (Students only):** (H012) 845-434-5750 x4419

Off-campus advocates are also available to the entire campus community:

**RISE – Rape Intervention Services & Education** (Catskill Regional Medical Center): 845-791-9595

**NYS Office of the Prevention of Domestic Violence:** – Hotline 1-800-942-6906

**Pandora’s Project - LGBTQ survivors:** National Hotline: 888-843-4564

<http://pandys.org/lgbtsurvivors.html>

**C. Provide information:** At the first instance of disclosure by a Complainant to ANY College employee, the following information shall be presented to the Complainant:

***“You have the right to make a report to the SUNY Sullivan Office of Public Safety, local law enforcement, and/or State Police or choose not to report; to report the incident to the SUNY Sullivan Title IX Coordinator; to be protected by SUNY Sullivan from retaliation for reporting an incident; and to receive assistance and resources from SUNY Sullivan”***

Students that have reported sexual violence should then be directed to the Title IX Coordinator for students, and this policy for further guidance and information. All other members of the College community should be directed to the Title IX Coordinator for Employees, and this policy for further guidance and information.

#### **IV. Resources for Victims/Survivors of Sexual Violence**

Persons who experience unwelcome sexual behavior may respond to the experience in many different ways, including feeling confused, overwhelmed, and vulnerable, out of control, embarrassed, angry, distrustful, or depressed. SUNY Sullivan provides a variety of resources for support and advocacy to assist individuals who have experienced sexual violence. The College will also provide Complainants with information about how to report the violence, should they chose to do so. Complainants have the right to emergency access to one of the following College representatives:

**Title IX Coordinator for Students:** (Office J113), 845-434-5750 x4263

**Title IX Coordinator for Employees:** (Office J109), 845-434-5750 x4268

**Office of Public Safety:** (C115) – (845) 434-5750 x4315  
emergency number from a campus phone dial 360

The above representatives are trained in interviewing victims of sexual assault and will be available upon the first instance of disclosure by a Complainant to provide written information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic exam or other medical examination as soon as possible. These representatives can also provide information about an administrative investigation by the College and the criminal justice process and will inform the individual about the different standards of proof utilized by each process. The above representatives will refer a Complainant to law enforcement if there are questions about whether a specific incident violated the law. Each representative will inform the Complainant whether he or she is authorized to offer the Complainant confidentiality or privacy.

The College offers a wide range of services to students who have been impacted by sexual violence, including consultations to discuss options for medical care, reporting, counseling, academic and housing accommodations, and student conduct complaints. The College makes an effort to prevent the Complainants having to experience re-victimization by having to repeat their personal account each time.

#### **V. Protection and Accommodations**

Individuals reporting sexual violence and individuals accused of or responding to allegations of sexual violence are afforded the following protections and accommodations:

- a. When the Respondent is a student, to have the institution issue a “No Contact Order.” When a No Contact order is in effect, continued contact with the protected individual is a violation of Community Rights and Responsibilities and will result in additional conduct charges. If the Respondent and a protected person observe each other in a public place, it is the responsibility of the Respondent to leave the area immediately and without directly contacting the protected person. Both the Respondent and Complainant may request a prompt review of the need for and terms of a No Contact Order, consistent with the Student Code of Conduct. Parties may submit evidence in support of their request.
- b. To have assistance from the SUNY Sullivan Office of Public Safety or other college officials in initiating legal proceedings in family court or criminal court, including but not limited to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- c. To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a College official who can explain the order and answer questions about it, including information from the order about the Respondent’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s). *(The Title IX Coordinator, and the SUNY Sullivan Office of Public Safety are available to explain and answer questions about Orders of Protections to Complainants and Respondents.)*
- d. To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- e. To have assistance from College Office of Public Safety in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of College Office of Public Safety or, if outside of the jurisdiction to call on and assist local law enforcement in effecting an arrest for violating such an order.
- f. When the Respondent is a student and presents a continuing threat to the health and safety of the community, to subject the Respondent to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension in accordance with the procedures set forth in the Code of Student Conduct.
- g. When the Respondent is not a student but is a member of the College community and presents a continuing threat to the health and safety of the community, to subject the Respondent to interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and SUNY Sullivan policies and rules.
- h. When the Respondent is not a member of the College community, to have assistance from SUNY Sullivan Office of Public Safety or other college officials in obtaining a persona non grata letter, subject to legal requirements and College policy.
- i. To receive assistance from appropriate College representatives/community partners in initiating legal proceedings in family court or civil court.
- j. To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them.

Students that have experienced sexual violence may request accommodations through any of the offices referenced in this section of this policy. All other members of the College community, including those accused of or responding to allegations of sexual violence, may request reasonable accommodations through their designated Title IX Coordinator.

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

SUNY Sullivan wants individuals who have experienced sexual violence to get the information and support that they need regardless of whether they would like to move forward with a report of sexual violence to campus officials or to police. A person may want to talk with someone about something they have observed or experienced, even if they are not sure that the behavior constitutes sexual violence. A

conversation where questions can be answered is far superior to keeping something to one's self. Confidentiality varies, and this section of the policy is aimed at helping our community understand how confidentiality applies to the different resources that may be available.

**Privileged and Confidential Resources on Campus:** Complainants have the right to confidentially disclose an incident to College officials who are designated as confidential resources. These individuals can assist in obtaining services for Complainants. Individuals who are confidential resources will not report crimes to law enforcement or College officials without permission, except in extreme circumstances, such as a health and/or safety emergencies; individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to himself, herself or others, or the mandatory reporting of child abuse.

While counseling staff and Health Services employees do not have privilege, they are considered confidential resources as discussed above and so it is important to understand that they will not share a Complainant's name, or any other identifiable information, without the Complainant's written consent.

*(On April 29, 2014 the United States Department of Education's Office for Civil Rights issued "significant guidance" on the implementation of Title IX of the Education Amendments of 1972 in a document entitled, "Questions and Answers on Title IX and Sexual Violence." Section E of that document sets forth the limited and anonymous reporting requirements)*

### **Confidential Resources for Students:**

**Health Services** (H012) – 845-434-5750 x4419

**Counseling Staff** (E212) - Center for Student Learning and Development Services  
845-434-5750 x4335 or 4241

**NY Confidential Resources for Employees:** SUNY Sullivan employees may confidentially disclose the incident and obtain services from the following resources and hotlines. Please note that **the hotlines are for crisis intervention, resources, and referrals, and are not reporting mechanisms**, meaning that disclosure on a call to a hotline does not provide any information to the campus.

### **New York State Office for the Prevention of Domestic Violence**

[www.opdv.ny.gov/help/dvhotlines.html](http://www.opdv.ny.gov/help/dvhotlines.html) 1-800-942-6906

**Pandora's Project - LGBTQ survivors:** <http://pandys.org/lgbtsurvivors.html>

**Off-Campus Healthcare Providers** - Complainants may also confidentially disclose the incident and obtain services from RISE:

**RISE** – Rape Intervention Services & Education (Catskill Regional Medical Center): 845-791-9595

It is important for Complainants to be aware that:

- a. Medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered;
- b. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: <https://www.ovs.ny.gov/help-crime-victims>, or by calling 1-800-247-8035.
- c. Note that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him or herself or others and the mandatory reporting of child abuse.

### **Requesting Confidentiality; How SUNY Sullivan Will Weigh the Request and Respond:**

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

SUNY Sullivan may also take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify the Complainant or the situation they disclosed.

SUNY Sullivan may seek consent from a Complainant prior to conducting an investigation. He or she may decline to consent to an investigation, and that determination will be honored unless the College's failure to act does not adequately mitigate the risk of harm to the Complainant or other members of the College community. Honoring the Complainant's request may limit the College's ability to meaningfully investigate and pursue conduct action against a Respondent. If SUNY Sullivan determines that an investigation is required, the Complainant will be notified and immediate action will be taken as necessary to protect and assist the Complainant.

When an individual discloses an incident but wishes to maintain confidentiality, SUNY Sullivan will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

- a. Whether the Respondent has a history of violent behavior or is a repeat offender;
- b. Whether the incident represents escalation, such as a situation that previously involved sustained stalking;
- c. The increased risk that the Respondent will commit additional acts of violence;
- d. Whether the Respondent used a weapon or threatened to use a weapon;
- e. Whether the Complainant is a minor; and
- f. Whether we possess other means to obtain evidence such as security footage, and whether the report reveals a pattern of perpetration at a given location or by a particular group.

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

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

*(A number of significant guidance documents issued by the Department of Education's Office of Civil Rights have indicated that Title IX of the Education Law Amendments of 1972 requires an institutions Title IX Coordinator to keep records necessary to track patterns or identify areas of concern.)*

**Public Awareness/Advocacy Events:** If a situation is disclosed through a public awareness event such as "Take Back the Night," candlelight vigils, protests, or other public event, SUNY Sullivan may use the information provided to inform the need for additional education and prevention efforts, and in some cases may result in an investigation.

## VII. How to Report Sexual Violence

In accordance with the Student's Bill of Rights, Complainants shall have the right to pursue more than one of the options below at the same time, or to choose not to participate in any of the options below. Reporting to the College Complainants have the right to report an incident of sexual violence to one of the following College officials who can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Please note that faculty or staff who can offer privacy may still be required by law and college policy to inform the Title IX Coordinator.

*(The United States Department of Education Office of Civil Rights guidance states that Title IX of the Education Amendments of 1972 requires an institution's "responsible employees" to report all known incidents of sexual violence to the institutions Title IX Coordinator. This guidance defines "responsible employee" as an any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty)*

Faculty and staff will:

- a. Provide the Complainant with a copy of the Students' Bill of Rights
- b. Disclose that they are private and not confidential resources, and that they may be required by law and SUNY Sullivan policy to inform the Title IX Coordinator.
- c. Notify Complainants that the criminal justice process uses different standards of proof and evidence than institutional administrative procedures, and questions about the penal law or the criminal process should be directed to law enforcement or the District Attorney.

**Title IX Coordinator for students:** The Title IX Coordinator is available to receive reports and to provide information and assistance regarding an incident of sexual assault, domestic violence, dating violence, and/or stalking. Reports will be investigated in accordance with SUNY Sullivan policy and a Complainant's identity shall remain private at all times if they wish to maintain privacy. If a Complainant wishes to keep his/her identity anonymous, he or she may call the Title IX Coordinator anonymously to discuss the situation and available options.

**Title IX Coordinator for students:** (Office J113), 845-434-5750 x4263

**Title IX Coordinator for employees:** When the Respondent is an employee, a Complainant may also report the incident to SUNY Sullivan Office of Human Resources or may request that one of the confidential resources (Counselors and Health Services employees) or another College Official assist in reporting to Human Resources. Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the Respondent is an employee of an affiliated entity or vendor of the College, College officials will, at the request of the reporting party, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

**Title IX Coordinator for Employees:** (Office J109), 845-434-5750 x4268

**Reporting to the Police:** Complainants have the right to file a criminal complaint through the SUNY Sullivan Office of Public Safety or with any local law enforcement of their choosing:

**SUNY Sullivan Office of Public Safety:** (C115) 845-434-5750 x4321

**Title IX Coordinator for Students:** (Office J113), 845-434-5750 x4263

**NY State Police - Campus Sexual Assault Victims' hotline** 844-845-7269

**Sullivan County Sheriff's Department** (845) 794-7100

**Town of Fallsburg Police:** 845-434-4422

**Anonymous Reporting Options:** For anonymously reporting incidents of sexual violence to SUNY Sullivan officials are available here:

<http://sunysullivan.edu/category/home/campus-life/safety-security/anonymous-reporting/>

**Withdrawal of Complaints/Involvement:** A Complainant has the right to withdraw their complaint from the SUNY Sullivan process at any time.

### **VIII. Resources and Support for Students Who Are Accused of Sexual Violence**

The following support resources are available to students who have been accused of sexual violence:

- a. Students who are accused of sexual violence (Respondents) may discuss their situations privately with licensed clinicians at the Center for Student Learning and Development Services. Respondent conversations with College counselors and staff will not be reported to anyone else in the College except in cases of a threat of imminent physical harm. However, statements made to certain employees in these offices may not be legally confidential. When seeking private advice and support from these offices or from any College employee, students should always confirm

whether legal confidentiality applies to their communications with the person to whom they are speaking.

- b. Respondents may request reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to prevent retaliation and avoid an ongoing hostile environment. Respondents may request accommodations through the Title IX Coordinator, who can serve as a point to assist with these measures.

VII. Respondents have the right to due process as per the SUNY Sullivan Code of Conduct section VII (Rights of Students Accused of a Code of Conduct violation):

<http://sunysullivan.edu/student-code-of-conduct/>

- a. The College will treat Respondents with fairness and respect and will ensure that its investigations and disciplinary proceedings are conducted in accordance with principles of due process.
- b. A Respondent accused of sexual violence may be assisted during the disciplinary hearings and related meetings by an advisor of their choice. An advisor is any individual who provides the Respondent support, guidance, or advice. Advisors may not address the student conduct hearing board panelists during a disciplinary hearing but may speak privately with the advisee during the proceedings.

### IX. Investigation Procedures

SUNY Sullivan is committed to conducting adequate, reliable, and impartial investigations of reports and complaints of sexual violence, and to doing so in a timely manner. The Title IX Coordinator is responsible for overseeing and coordinating many aspects of this response.

**All SUNY Sullivan employees, other than Health Services employees and counseling staff, are required to promptly and fully report all information about alleged or suspected sexual violence to the Title IX Coordinator.**

- A. **When the Title IX Coordinator receives a report** alleging actual or suspected sexual violence, he or she will do the following:
  - 1. Review all available information to determine whether or not immediate remedial action can and should be taken.
  - 2. In conjunction with SUNY Sullivan Office of Public Safety, determine whether a timely warning should be issued to the entire College community in accordance with Clery Act requirements. Should SUNY Sullivan determine that a timely warning is necessary, the College will make every effort to notify the Complainant prior to the issuance of the notification.
  - 3. Conduct a preliminary inquiry into the report or assign a team of investigators to do so.
- B. **Purpose of the Investigation:** SUNY Sullivan will conduct an investigation into allegations of sexual violence that occur within the SUNY Sullivan community or that have an effect on the SUNY Sullivan community. The purpose of an investigation is:
  - 1. When the Respondent is a student or an employee, to collect and compile evidence for the purpose of determining whether the complaint, if accepted as true, alleges a violation of SUNY Sullivan policy and if so, which specific policies may have been violated;
  - 2. When the Respondent is a student or employee, to determine whether the allegations warrant a review by Human Resources, if such review has not yet been initiated;  
*(When the Respondent(s) is a member of SUNY Sullivan community, the investigation report will not contain opinions as to the credibility of the evidence. Nor will it contain findings of fact or opinions as to whether the conduct alleged can be proven by the preponderance of the evidence standard. Rather, the report will determine whether the complaint, if accepted as true, alleges a violation of SUNY Sullivan policy and if so, which specific policies may have been violated)*



3. When the Respondent is not a member of SUNY Sullivan community, to collect and compile evidence relevant to the allegations in order to determine whether a violation of College policy has occurred. This determination will be made by the Title IX Coordinator, or a designee(s).
  4. To assist SUNY Sullivan in its obligation to stop individual instances of sexual violence, to prevent the recurrence of the violence, and to remedy any effects the violence has had on the entire College community.
- C. **Preliminary Inquiry:** Upon receipt of a report alleging sexual violence, the Title IX Coordinator or a designee will assess whether a formal Title IX investigation will be conducted under this policy; that is, whether the allegations in the initial report(s), if true, would constitute prohibited sexual violence in accordance with SUNY Sullivan policy. This preliminary review, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within seven (7) days of receipt of the complaint.
- D. **Investigation Process when the Respondent is a Student:** If the Title IX Coordinator determines that an investigation is necessary, the following will occur, in no particular order:
1. The Title IX Coordinator will assign a team of investigators to conduct the investigation. The Title IX Coordinator may be a member of that team.
  2. The Title IX Investigation team will notify all parties to the complaint, if their identities are known, that the College will be conducting an investigation;
  3. The Title IX Investigation team will contact the alleged victim/survivor in order to:
    - a. Advise the victim/survivor of resources available both on and off campus for support, advocacy, and accommodations for safety and security;
    - b. Advise the victim/survivor of their reporting rights and options, including the right to request that the College not take action;
    - c. Advise the victim/survivor about the investigation process;
    - d. Advise the victim/survivor about the College's prohibition against retaliation;
    - e. Conduct an interview of the victim/survivor, should they choose to participate;
    - f. Allow the victim/survivor to provide evidence, including, but not limited to documents, recordings, and names of potential witnesses.
  4. The Title IX Investigation team will meet with the Respondent(s) in order to:
    - g. Advise the respondent(s) of resources available both on and off campus for support, advocacy, and accommodations;
    - h. Advise the respondent about the investigation process;
    - i. Advise the respondent about the College's prohibition against retaliation;
    - j. Conduct an interview of the respondent, should they choose to participate;
    - k. Allow the respondent to provide evidence, including, but not limited to documents, recordings, and names of potential witnesses.
  5. The Title IX Investigation team will attempt to meet with and speak to all witnesses who have or may have information relevant to the investigation.
  6. The Title IX Investigation team will attempt to collect all evidence relevant to the investigation;
  7. When it appears that the investigation may result in a student conduct referral, the Title IX Investigation team will prepare a draft investigation report. Once that draft is prepared the following will occur:
    - a. First, each witness will be permitted to review the portion of the report that memorializes their statements to investigators. The witness will be permitted to suggest changes, offer clarifications, and make additions. The witness will ultimately be asked to affirm, in writing, (1) that they are satisfied that they have shared all relevant information known to them, and (2) that the report is an accurate representation of their conversations with the investigators.

- b. Next, the victim/survivor and the respondent(s) will be permitted to review the entire draft report. With respect to their own statements, they will be permitted to suggest changes, offer clarifications, and make additions. Each party will also be given the opportunity to respond to the content of the draft report, request that additional questions be asked of witnesses or the other party to the complaint, and to offer additional evidence or information.
  - c. If one party has additional questions, or if additional evidence is offered, the investigators will follow up on those questions or the evidence and if relevant, will include it in the draft report. The process set forth in paragraph (b), above, will then be repeated until all parties are satisfied that investigation is thorough and complete.
8. Once the victim/survivor and the respondent(s) are satisfied that the investigation report is accurate as to their statements and complete in that it contains all relevant information, a final investigation report will be prepared and distributed to the parties. The parties will then be required to affirm, in writing, that: (1) they have had the opportunity to review the report in its entirety, (2) the portion of the report in which their statements are summarized is accurate and complete, (3) they are satisfied that they have shared all relevant information and evidence known to them, and (4) they are satisfied that the investigation was thorough and complete.
  9. If the investigation identifies evidence that, if true, could constitute a violation of the Student Code of Conduct, the Title IX Coordinator will make a referral to the Student Conduct Committee and the investigation report will be provided to that committee for further action.
  10. Absent extenuating circumstances, investigation and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint. All deadlines and time requirements detailed below may be extended for good cause as determined by the Title IX Coordinator. Both the respondent and the complainant will be notified in writing of the delay, the reason for delay, and be provided the date of the new deadline or event. Extensions requested by one party will not be longer than 5 business/school days.
- E. Investigation Process when the Respondent is an Employee:** When the Respondent is an employee, the investigation will be conducted by the Office of Human Resources and the Title IX Coordinator or designee in accordance with applicable collective bargaining agreements. When the Respondent is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the Complainant, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and institutional policy.

## **X. Adjudication of Sexual Violence Complaints**

**Student Conduct Process:** When the alleged perpetrator of an act of sexual violence is a student, the Complainant has the right to request that student conduct charges be filed against the Respondent. Conduct proceedings are governed by the procedures set forth in SUNY Sullivan's Student Code of Conduct as well as federal and New York State Law, including the due process provisions of the United States and New York State Constitutions.

*(Title IX of the Education Law Amendments of 1972, section 503 of the Violence Against Women Act Reauthorization Act, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act govern set forth certain requirements for the administrative adjudication of sexual assault complaints on college campuses. See also New York State Education Law Article 129b.)*

The Student Code of Conduct can be accessed here:

<http://sunysullivan.edu/student-code-of-conduct/>

**Employee Complaint Adjudications:** When the Respondent is an employee, disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements. When the Respondent is an employee of an affiliated entity or vendor of the college, college officials will, at the request of the Complainant, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and College policy.

## **XI. Prohibition against Retaliation**

Retaliation is an intentional act taken against an individual who initiates or participates in any sexual violence or misconduct investigation or proceeding. Any act of retaliation, either directly or through a third party, against a person who files a sexual violence complaint, serves as a witness, or assists or participates in any manner in any investigation or conduct proceeding involving allegations of sexual violence is strictly prohibited and will result in a disciplinary action. Reports of retaliation can be made to the following College Officials:

**Title IX Coordinator for Students:** (Office J113), 845-434-5750 x4263

**Title IX Coordinator for Employees:** (Office J109), 845-434-5750 x4268

## **XII. Student Onboarding and Ongoing Education**

SUNY Sullivan believes that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, SUNY Sullivan, in accordance with SUNY-wide policy and state and federal law, will continue to educate all new and current students using a variety of best practices aimed at educating the entire College community in a way that decreases sexual violence and maintains a culture where sexual assault and acts of sexual violence are not tolerated.

*(See Title IX of the Education Law Amendments of 1972, Section 503 of the Violence Against Women's Reauthorization Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and New York State Education Law article 129b)*

During the course of their onboarding to SUNY Sullivan, which will not be limited to a single day during orientation, all new first-year and transfer students will receive training on the following topics:

- a. The institution prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any Respondent individual within the jurisdiction of the institution.
- b. Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- c. Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- d. The role of the Title IX Coordinator, Office of Public Safety, and other relevant offices that address violence prevention and response.
- e. Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term effects.
- f. The Students' Bill of Rights and Sexual Violence Response Policy, including:
  1. How to report sexual violence and other crimes confidentially, and/or to College officials, campus law enforcement and security, and local law enforcement.
  2. How to obtain services and support.
- g. Bystander intervention and the importance of taking action, when one can safely do so, to prevent violence.

- h. The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases. (See *SUNY Sullivan Code of Conduct, section XIII. "Sanctions"*)
- i. Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
- j. Consequences and sanctions for individuals who commit these violations.

The onboarding process is not limited to a single day of orientation. SUNY Sullivan will conduct these trainings for all new students, whether first-year or transfer students. The College will use multiple methods to educate students about sexual violence prevention.

Students at SUNY Sullivan shall be offered general and specialized training in sexual violence prevention. SUNY Sullivan will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population.

Further, the College will, as appropriate, provide or expand specific training to include students that are also employees of the campus, leaders and officers of registered/recognized student organizations.

In accordance with New York State Education Law section 129-b, the College will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

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

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

SUNY Sullivan will engage in a regular assessment of sexual violence education and prevention programming and policies to determine effectiveness.

### **XIII. Institutional Crime Reporting**

Reports of certain crimes occurring in certain geographic locations will be included in SUNY Sullivan's Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the Complainant or victim/survivor.

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

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

#### **XIV. Scope of this Policy**

This policy applies to all members of SUNY Sullivan community and its guests, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, gender expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants or other members of the College community (including but not limited to vendors, visitors and guests) may not be subjected to harassment that is prohibited by law, or treated adversely or retaliated against based upon a protected characteristic. This policy applies both on-campus and off-campus, as described below:

**On-campus violations:** This policy forbids acts of sexual violence anywhere on campus. "Campus" includes College-owned or leased property, streets and pathways contiguous to College property, or in the immediate vicinity of campus. It also includes the property, facilities, and leased premises of organizations affiliated with the College, including College housing and College-recognized housing. College housing includes all types of College residence housing, such as halls and apartments.

**Off-campus violations:** Off-campus violations, including online behavior, that affect a clear and distinct interest of the College are subject to disciplinary sanctions. For example, sexual violence by a student is within the College's interests when the behavior:

- a. Involves conduct directed at a College student or other member of the College community;
- b. Occurs during College sponsored events (e.g., field trips, social or educational functions, College-related travel, student recruitment activities, internships, and service learning experiences);
- c. Occurs during the events of organizations affiliated with the College, including the events of student organizations;
- d. Poses a disruption or threat to the College community; or
- e. The effects of the violence are such that they create a hostile environment within the College community.

#### **XV. Definitions**

##### **A. Terms used throughout this policy:**

**Accused individual:** (Respondent) A person accused of a violation who has not yet entered a judicial or institutional administrative conduct or review process.

**Affirmative consent:** 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.

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

**Reporting Individual-** Any person who submits a statement alleging that a student violated the SUNY Sullivan Code of Conduct.

**Respondent:** A person accused of a violation who has entered an institutional administrative review process or administrative student conduct process.

**Sexual assault:** Any physical sexual act committed without consent.

**Sex discrimination:** Includes all forms of sexual misconduct by employees, students, or third parties against employees, students, or third parties. Students, College employees, and third parties are prohibited from harassing other students and/or employees whether or not the incidents of harassment occur on the College campus and whether or not the incidents occur during working hours.

**Sexual violence:** The term sexual violence as used throughout this policy includes sexual harassment, sexual assault, and domestic violence, dating violence, intimate partner violence and stalking.

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

## **B. Federal and State Laws referred to throughout this policy**

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

This federal law, passed in 1990, the "Clery Act" requires all colleges and universities who receive federal funding to share information about crime on campus and their efforts to improve campus safety through the publishing of an annual security report. Additionally, the act requires institutions to provide survivors of sexual violence with reasonable accommodations and assistance in reporting and it requires institutions to outline specific policies and procedures for the prevention of sexual violence in their annual security reports.

### New York State Education Law Article 129-B

New York State Education Law Article 129-B, also known as "Enough is Enough", requires all colleges in the State of New York to adopt a comprehensive set of policies and guidelines, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement.

### Title IX of the Education Amendments of 1972

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

### Violence Against Women Act ("VAWA") Reauthorization Act of 2013

This federal law requires colleges and universities to: (1) report dating violence, domestic violence, sexual assault, and stalking, beyond crime categories the Clery Act already mandates; (2) adopt certain student

discipline procedures, such as for notifying purported victims of their rights; and (3) adopt certain institutional policies to address and prevent campus sexual violence through the education and training of an institution's community.

### **C. Prohibited Conduct: Community Rights and Responsibilities**

The following conduct is prohibited by SUNY Sullivan Rights and Responsibilities and is applicable to students:

#### Intimate Partner Violence

Intimate Partner Violence includes Dating Violence and Domestic Violence, both of which are further defined below. Intimate Partner Violence can occur in relationships of the same or different genders.

Dating Violence – Any act of violence, including physical, sexual, psychological, and verbal violence, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating Violence can occur as a single act, or it can consist of a pattern of violent, abusive, or coercive acts that serve to exercise power and control in the context of a romantic or intimate relationship. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of the interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship.

Domestic Violence – Any violent felony, non-violent felony, or misdemeanor crime, as those terms are defined by the laws of the State of New York and of the federal government committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

#### Retaliation

Engaging, directly or indirectly, in any action or attempting to harass, intimidate, retaliate against, or improperly influence any individual involved with the Student Conduct System. An intentional act taken against an individual who initiates any sexual misconduct complaint, including stalking of intimate partner violence, pursues legal recourse for such a complaint, or participants in any manner in the investigation of such a report. Any act of retaliation is prohibited and is subject to a student conduct referral.

#### Sexual Assault I

Sexual intercourse or any sexual penetration, however slight, of another person's oral, anal, or genital opening with any object (an object includes but is not limited to parts of a person's body) without the active consent of the victim.

#### Sexual Assault II

Touching a person's intimate parts (defined as genitalia, groin, breast, or buttocks), whether directly or through clothing, without the active consent of the victim. Sexual Assault II also includes forcing an unwilling person to touch another's intimate parts.

#### Sexual Exploitation

Non-consensual, abusive sexual behavior that does not otherwise constitute Sexual Assault I, Sexual Assault II or Sexual Harassment. Examples include but are not limited to: intentional, nonconsensual tampering with or removal of condoms or other methods of birth control and STI prevention prior to or during sexual contact in a manner that significantly increases the likelihood of STI contraction and/or pregnancy by the non-consenting party; nonconsensual video or audio taping of sexual activity; allowing others to watch consensual or nonconsensual sexual activity without the consent of a sexual partner;

observing others engaged in dressing/undressing or in sexual acts without their knowledge or consent; trafficking people to be sold for sex; and inducing incapacitation with the intent to sexually assault another person.

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

#### Stalking

Intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimate, annoy or alarm him or her. Stalking does not require direct contact between parties and can be accomplished in many ways, including through the use of electronic media such as internet, pagers, cell phones, or other similar devices.

#### **D. Prohibited Conduct: Criminal Offenses in the State of New York**

The New York State Penal Law defines criminal conduct in the state of New York. Definitions of criminal offenses can be accessed here: <http://ypdcrime.com/penal.law/> The Penal Law is applicable to all members and guests of SUNY Sullivan community within the State of New York.

For questions or information or questions regarding conduct prohibited by New York State and Federal Law, please contact the SUNY Sullivan Office of Public Safety.