



# CAYUGA COMMUNITY COLLEGE

## Right-to-Know Annual Security Report



**CAYUGA:**  
COMMUNITY COLLEGE  
State University of New York

**2023-2024**

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Dear Students, Colleagues, and Members of the Community:

On behalf of Cayuga Community College, thank you for sharing our concern for campus safety and security. Enclosed herein please find the college’s annual security report pursuant to the Jeanne S. Clery Act and amendments. At Cayuga, our foremost concern is the safety and well-being of students, faculty, staff and visitors. The Office of Public Safety is dedicated to advance the safety, security, and quality of life within our community.

Cayuga Community College has nearly 4,000 students attending both the Auburn Campus located at 197 Franklin Street in Auburn, New York a city in Cayuga County and the Fulton campus located at 11 River Glen Drive in Fulton, New York a city in Oswego County.

The Office of Public Safety is staffed by a team of 10 professional law enforcement officers. All members of the Department routinely visit offices, conduct security related surveys, security escorts and inspections of campus facilities to promote safety.

While the College has robust policies and procedures designed to maximize the safety of students and their possessions, it is imperative that students, faculty, and staff take responsibility for their own safety by taking simple, common sense precautions, and by reporting information about a crime or emergency to the Office of Public Safety.

Cayuga Community College’s Office of Public Safety strives to promote and maintain a campus environment conducive to safety and academic success. A truly safe campus can only be achieved through the cooperation of the entire campus community. With that mutual cooperation, participation and commitment, we are confident we will continue to be one of the safest community colleges in New York State.

Sincerely,

Douglas A. Kinney  
 Director of Facilities Services and Public Safety/Chief of Campus Police  
 Cayuga Community College

## COVID-19 Guidelines

Earlier this year, the Centers for Disease Control and Prevention (CDC) updated its COVID-19 guidance. The new guidance brings a unified approach to addressing risks from common respiratory viral illnesses, such as COVID-19, flu, and RSV. The New York State Department of Health and local health departments (Cayuga and Oswego Counties) have also adopted these guidelines.

There is **no longer a mandated isolation period** for COVID-19.

The new guidelines state that those with respiratory virus symptoms should stay home and away from others for at least 24 hours. Individuals can go back to normal activities when both of the following are true:

- Symptoms are getting better overall; and
- There is no fever present.

Upon returning to normal activities, additional precautions over the next five days should be taken. These include masking, hygiene, and physical distancing when around other people indoors.

If testing positive for a respiratory virus without symptoms, an individual may be contagious. Additional precautions should be taken for the next five days, including masking, hygiene, and physical distancing when around other people indoors.

The CDC website has several examples of when an individual should return to normal activities: <https://www.cdc.gov/respiratory-viruses/prevention/precautions-when-sick.html>.

An employee who tests positive for COVID-19 should notify their supervisor and Human Resources. If an individual has a need to stay home, per the above CDC guidelines, employees can work remotely unless they are too ill to do so or unable to due to the nature of their responsibilities. If an employee is unable to work from home, they should contact Human Resources for guidance on documenting leave time.

## **About the Clery Act**

The Jeanne S. Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery) is a federal law originally passed in 1990 that amends the Higher Education Act of 1965. The original act and several subsequent amendments require institutions of higher education to take certain steps to enhance safety on campus and to notify campus constituents of safety and security conditions on campus. The Clery Act requires that every college:

- Publish an annual report no later than October 1 of each year that contains three years of campus crime statistics as well as description of specified safety and security related policies. \* Note: The October Deadline was modified for 2020 due to the Covid-19 Pandemic
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and specified non-campus facilities operated by the College. Statistics must be gathered from campus law enforcement and relevant community law enforcement agencies, as well as specified campus officials who work in roles where they might encounter reports of criminal activity.
- Provide “timely warning” of specified crimes that occur on campus or nearby where the nature of the crime poses an ongoing threat to the campus community.
- Maintain and disclose upon request a log of any crime that occurs on campus or within the patrol area of campus police.
- Disclose any formal agreements with state and/or local law enforcement agencies.

## **Preparing and Reporting the Annual Disclosure of Crime Statistics**

The Director of Public Safety prepares this report to comply with the Clery Act. This report is prepared in cooperation with local law enforcement agencies as well as the Student Engagement, and various other departments and offices. Statistics are compiled in accordance with the Uniform Crime Reporting System of the Department of Justice and the Federal Bureau of Investigation. Campus crime, arrest and referral statistics include those reported to Campus Safety Authorities (CSA’s) as well as those reported directly to the Office of Public Safety. Crimes are reported that occur on campus, on locations that are contiguous to the campus, and buildings or properties that are either owned or controlled by a campus affiliated entity, including officially recognized student organizations.

Campus policy encourages every member of the campus community to report a crime promptly to The Office of Public Safety or a CSA. The College informs victim/survivors of the college’s voluntary confidential reporting procedures in the event a person does not want to pursue action either within the federal or state criminal justice system or within the college’s discipline system. A procedure is in place to capture crimes statistics which are disclosed anonymously to Public Safety

On October 1<sup>st</sup> of each year, an e-mail notification is sent to all enrolled students, faculty and staff. The communication provides web site information to access this report. Copies of the report may also be obtained at the Campus Police Office located at Room M210 at the Auburn Campus or Room F-136 at the Fulton Campus. Anyone, including prospective students and prospective employees, may obtain a copy by calling Campus Police at (315) 255-1743 (Auburn) or (315) 593-9367 (Fulton) or visiting the college’s website at:

[Clery Act & Emergency Response Guide \(cayuga-cc.edu\)](http://cayuga-cc.edu)

Of note, the Clery Act may define a particular crime differently than the New York State Penal Code. For the purposes of this Report, the college uses the Clery Act definitions for all crimes. Please see the section for the College's crime statistics for the definitions.

## **Cayuga Community College's Office of Public Safety: Mission, Authority and Relationship to Local Law Enforcement Agencies**

### **Mission:**

A campus community is a special place, its dual mission of teaching and learning is aimed essentially at human development. Campuses have a long and valued tradition of openness with a maximum degree of freedom of expression and inquiry and a minimum of restriction. Developing a safe and secure environment where the quality of education may be achieved is the responsibility of the entire campus community. Within the campus community, the Office of Public Safety is committed to the leadership role in developing programs, methods and approaches to assist the college toward achieving a reasonably safe and secure environment. The Office of Public Safety exists to support the goals of the college and to assist those who seek and impart knowledge, as well as those who provide support to the mission of the institution. The Office of Public Safety strives to provide an environment where diverse social culture and academic values may prosper and grow. All members of the Office of Public Safety are expected to be sensitive to the unique nature of the college community and realize that they serve to assist the institution in the achievement of our goals. It is only through our collective efforts that our mission will be accomplished.

### **Authority:**

The Office of Public Safety consists of 12 armed and sworn law enforcement professionals who, through extensive training have gained Police Officer or Peace Officer status with New York State's Department of Criminal Justice Services (DCJS) with powers of arrest, search and seizure as defined in New York State Procedural law. As part of their policing authority, they also have the authority to take into custody and transport, in accordance with the NYS Mental Hygiene Law, a person likely to be a danger to their self or others, conduct a temporary detention and emergency search for a weapon, and accept possession of lost property. Officers employed by the Office of Public Safety have complete authority to apprehend and arrest anyone involved in illegal acts on campus and areas immediately adjacent to the campus, as well as any College operated facility. If offenses involving violations of the Student Code of Conduct occur, Public Safety Officers may also refer the individual to the College's Office of Student Engagement.

### **Relationship with Local law Enforcement Agencies:**

By mutual agreement (MOU) with the City of Auburn Police Department and the City of Fulton Police Department, the Office of Public Safety will cooperate in the investigation of any Violent Felony Offence that has occurred on campus. A Violent Felony offence is defined in Section 70.02(1) of the Penal Law of the State of New York. The Office of Public Safety works closely with local, state and federal police agencies and has direct radio communication with all law enforcement agencies in Cayuga and Oswego

Counties. Additionally, the Office of Public Safety also has direct communication with County 911 Emergency Systems in both Cayuga and Oswego Counties. Any criminal activity engaged in by students at off campus locations is monitored and recorded by local law enforcement agencies and provided to the Office of Public Safety and the Office of Student Engagement.

### **Campus Building Security and Access**

Cayuga Community College has established policies and procedures regarding facilities access, lockout re-admittance, and control over keys, lock combinations and other access control devices. During business hours, the College will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all college facilities is limited by key, or by admittance via the staff of the Office of Public Safety. Campus employees with assigned offices are issued keys. They are responsible for reporting missing and stolen keys. Specific buildings may adopt different procedures or hours of operations for approved and designated special uses (e.g., late night student activities, special events, ad hoc classes). The public is encouraged to attend cultural, athletic and other activities on campus with access limited to the facilities in which the events take place. The Director of Public Safety routinely reviews plans for landscaping, lighting, alarms, signage, and other facilities issues for security issues. At night and during periods of time when classes are not in session; college buildings are generally locked.

Access to campus facilities is a privilege extended to students, faculty, staff and guests for duly authorized purposes. Campus Police Officers may request that any individual on College property without authorization, or who is unable to provide appropriate identification, leave the premises or be subject to prosecution for criminal trespass. Supervisors are responsible for determining who is to receive a key and for maintaining an accurate and up-to-date record of all individuals to whom they have issued keys to.

### **Maintenance of Campus Facilities**

The Office of Public Safety works closely with the Facilities Department to maintain a secure and safe campus. Both departments immediately report and correct building maintenance issues such as:

- Broken locks
- Lost, stolen or unreturned keys
- Malfunctioning doors
- Malfunctioning emergency exit lights
- Malfunctioning emergency lights
- Malfunctioning emergency communications systems
- Malfunctioning lights in campus parking lots and in campus buildings
- Life Safety devices which have failed inspection such as: sprinkler gauges, sprinkler heads, fire extinguishers.

### **General Safety Information**

The Office of Public Safety is staffed by numerous sworn Peace Officers. Most Public Safety Officers are also employed or retired from various Central New York Police Agencies. All Public Safety Officers are armed, can make arrests and are responsible for the enforcement of federal, state, local laws, traffic enforcement as well as the student

code of conduct. The department also provides a wide range of services for the students, employees and visitors.

Public Safety Officers are scheduled during those times that the buildings are open to the public. However, there may be times when officers are not on campus and/or performing duties off campus. There may also be gaps in Public Safety coverage and there is no guarantee that an officer will be on campus to respond to an emergency.

- *Personal Escorts*: The Office of Public Safety will provide an escort to your vehicle if needed. To request this service, contact the campus switchboard by dialing “0” from any campus telephone or go to the information desk located in the main lobby and request the service.
- *Vehicle Assist*: If you lock keys in your vehicle or need assistance with a jump starts, The Office of Public Safety will assist you with unlocking or jump starting your vehicle. To request a vehicle assist, contact the campus switchboard by dialing “0” from any campus telephone or go in person to the information desk located in the main lobby and request the service.
- *Lost and Found*: If you have lost or found an item, please stop by the Campus Police Office and request their assistance. Campus Police will take a report for the items which have been lost and will contact you if the item gets turned in.
- *Emergency Messages*: The Office of Public Safety will deliver emergency messages. Some examples of emergency messages include death or hospitalization of a family member or illness/injury to a child. Records are kept of these emergencies, so be prepared to give your name, phone number where you can be reached and a brief explanation of the emergency.
- *Traffic and Parking Regulations*: The objectives of our parking policies is to provide a maximum number of parking spaces for students, employees and visitors and to keep a free flow of traffic. Please be sure to only park in designated parking spaces. Vehicles which are improperly parked will be ticketed. The parking lot speed limit is 15 mph. Vehicle and traffic laws and parking regulations are enforced daily for the safety of all.
- *Handicap Parking*: Vehicles displaying a valid handicap permit may park in the areas reserved for handicap parking when the party that the permit is issued is being transported to or from the College. New York State handicap permits are available through City or Town clerk’s offices. Vehicles not displaying a valid permit or plate will receive a ticket. These parking spaces are reserved for handicapped parking every hour of the day, every day of the year and it is not acceptable to park in these designated spaces for any reason. These spaces are precious to those who need them and we take our responsibility seriously to keep these and all reserved spaces open for their intended occupants.



- Fire Lane: Fire lanes may not be used for short or long term parking. The fire lane is designated for the placement of rescue vehicles during an emergency and must not, by law, be blocked by personal vehicles at any time.
- Lawn: Parking all or part of your vehicle on the lawn will result in a violation. During the wet months, parking creates ruts in the lawn and during dry weather, driving on the lawn compacts the soil.
- Disabled Vehicles: A disabled vehicle may remain on campus for a maximum of two days, provided that the Office of Public Safety has been notified and it is not impeding traffic. Abandoned vehicles will be towed at the owner's expense.
- Bicycles: Bicycles must be parked in the racks provided. It is recommended that you secure your bicycle with a lock to the rack. Bicycles are not to be locked to light poles, railings, etc. The bicycles racks at the Auburn campus are located near the front entrance and Library entrance. The bicycle racks at the Fulton campus are located at either end of the front entrance. Bicycles may not be brought into the campus building.
- Snow mobiles and ATV's: These vehicles are not to be driven on campus at any time, unless authorized by the Office of Public Safety.
- Visitor Parking: Visitors are defined as those persons who are neither employees nor registered students at the college. There is no longer designated parking area for the visitors. Visitors may park in any space that isn't reserved or designated for a specific vehicle or group of vehicles.
- Speed Limit: The speed limit on campus is 15 mph.
- Stop Signs: Stop signs are located at various locations on campus. You are required to come to a complete stop, then proceed safely through all stop signs on campus. Please remember parking and driving on campus is a privilege, not a right. As such you may be given a traffic ticket and if circumstances warrant, this privilege may be revoked. Please remember the speed limit on campus is 15 mph.
- General Parking: Auburn Campus-There is no assigned parking at Cayuga. You may park anywhere that is designated for parking and in compliance with existing signs and markings, except parking lot A. Parking lot A is designated for Cayuga Works Clients only. In addition, over flow parking is permitted in the Redeemer Lutheran Church parking lot on the Prospect Street. Parking incorrectly may result in a parking ticket. The college is in no way responsible for damage to, or property missing from vehicles on campus. Please do not leave valuables in your vehicle.  
  
Fulton Campus- Parking at the Fulton Campus is located in front of the Campus. There is no designated parking. You may park anywhere that is

designated for parking and in compliance with existing signs and markings. Campus Police Officers and Local Police patrol the parking area and issue parking violations for vehicles in violation of parking laws.

- *Personal Property*: The college is not responsible for lost or stolen property. Please do not leave your property especially textbooks, cell phones, wallets, purses, etc. unattended. Do not leave electronics items charging unattended. Make sure you lock your lockers if you are storing valuables.
- *Red Emergency Phones and Intercoms*: Auburn Campus- The college has installed five emergency phones on the Auburn campus. They are located in the Men's locker room, Women's locker room, Main building (3<sup>rd</sup> floor evacuation area), HBT building (3<sup>rd</sup> floor evacuation area), and the Library building (lower level). These phones are to be used only to report a campus emergency. They will connect the caller directly with the campus switchboard operator, who will relay the message to the appropriate authorities. Also in the 2<sup>nd</sup> and 3<sup>rd</sup> floor stairwells of the HBT building there are push to talk intercoms which connect directly to the Campus Police patrol cell phone. Any misuse of an emergency phones or intercoms may result in disciplinary action. The campus switchboard may also be contacted by dialing "0" on any campus telephone. When classes are in session and the switchboard is not open or during weekend classes and weekend Library hours, Campus Police may be reached by calling 246-4708 on the Auburn Campus and 246-0116 for the Fulton Campus.

### **Video Surveillance:**

Cayuga Community College's Fulton campus is equipped with a state of the art video surveillance system. The Video Surveillance System supports the college's safety and security efforts.

The system includes cameras that are placed inside campus facilities and areas which allow for surveillance of exterior areas on campus.

The video surveillance system on both campuses records and stores video for a specified period of time allowing the Office of Public Safety to view video footage recorded by the system.

Video cameras are not monitored by Public Safety Officers on a 24 hour basis. Therefore, while the camera system supports ongoing safety and security efforts, they are not a guarantee of personal safety.

Cayuga Community College's Auburn campus is equipped with video surveillance with recording capability. Additionally, Auburn's cameras are monitored by Public Safety. The video camera system is not constantly monitored by Public Safety but is recorded for a specified person of time.

### **Daily Crime Log**

The Office of Public Safety maintains a record of all criminal activity occurring on campus. The Daily Crime log is available for viewing at the headquarters of the Office of

Public Safety located in Room M210 at the Auburn Campus and Room F-136 in the Fulton Campus. The daily crime log is available for viewing during business hours at either campus.

### **The Campus Sex Crime Prevention Act**

The Campus Sex Crime Prevention Act of 2000 and New York's "Megan's Law" require the state's Division of Criminal Justice Services to inform college campuses when a registered sex offender is enrolled or employed. Any member of the college community may request information about registered sex offenders by contacting Mr. Douglas Kinney, Director of Facilities Services and Public Safety/Chief at (315) 255-1743, ext. 2411, or by searching the

Division of Criminal Justice Services' Sex Offender Registry may be found at [www.criminaljustice.ny.gov/nsor/](http://www.criminaljustice.ny.gov/nsor/).

### **Sex Offender Registry and Access to Related Information**

The Federal **Campus Sex Crimes Prevention Act**, enacted on October 28, 2000, went into effect October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

For the Auburn Campus, Information concerning offenders registered with the *Sex Offender and Crimes Against Minors Registry* may be disclosed to any person requesting information on a specific individual in accordance with the law. Information regarding a specific person requested pursuant to the law shall be disseminated upon receipt of an official request form, to the Auburn Police Department, 46 North St. Auburn, NY 13021. For the Fulton Campus you must submit your request to the Fulton Police Department, 141 South First St., Fulton, New York 13069.

For information regarding students who are included in the sex offender registry, any person requesting information on a specific individual may seek that information at:

Auburn Campus: M-211

Fulton Campus: F-136

*Use of the information for purposes not authorized by this section is prohibited and a willful violation of this section with the intent to harass or intimidate another shall be punished as a Class A misdemeanor.*

### **Sex Offender Classification**

Level 1            Low Risk must register annually for 20 years after conviction

Level 2            Moderate Risk must register annually for life after conviction.

Notification is the responsibility of the Local Police Department.

Notification consists of name & zip code only

Level 3 High Risk must register annually for life and their address must be verified every 90 days. Notification is the responsibility of the Local Police Department and notification consists of name, address, and crime information

### **Campus Personal Safety Committee**

Recognizing the serious statewide and national problem that exists in assuring college student's safety on the campuses they attend, particularly for women, a Personal Safety Committee was formed in 1991 and was given a specific charge.

The Personal Safety Committee reviews policies with regard to sexual assault; reviews and suggests improvement in the safety education programs; assesses availability of counseling services for crime victims; reviews victim referral and campus response procedures for sexual assault situations; and continues ongoing assessment for the quality of campus personal safety policies, practices, procedures, and programs. Since 1991 the committee has also become the venue for staff and students to present concerns regarding other campus safety issues, including environmental concerns, smoking policies, and other physical safety concerns. The committee meets at least once a year and forwards a report annually to the College President.

The president of the Student Government Organization, the Chair of the Safety Committee and the Director of Public Safety/Chief submit nominations for the membership to the Personal Safety committee. The President of the College makes the final appointments. The committee is comprised of equal numbers of students, faculty, and staff; the committee is at least 50% female.

Students or employees may bring concerns or complaints to the attention of the committee by contacting the Director of Student Engagement or any other committee member, including the Director of Facilities Services and Public Safety.

### **Environmental Health and Safety Committee**

The Cayuga Community College Environmental Health and Safety Committee serves to create a safe and healthy environment for the Campus Community. The Safety Committee helps facilitate the management of environmental health, and safety risks, and responds to environmental, health and safety issues by monitoring the program and recommending corrective actions and interventions when necessary.

In June of 2020, the college was inspected by the NYS Department of Environmental Conservation to review college policies and practices. The inspection found that the College was in complete compliance with current NYS laws and regulations.

### **Cayuga's Ex-Offender Policy:**

Cayuga Community College adheres to the SUNY Policies regarding the admission of students with prior felony convictions. Cayuga informs students and prospective students that a prior felony conviction may hinder their ability to enroll in a course or complete the requirements of a certain academic program and/or meet the criteria for licensure required by certain professions.

## **College Policy on Campus Conduct and Public Order**

Cayuga Community College does not permit any action or situation, which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization. This policy governs the conduct of students, faculty and staff, as well as visitors and other licensees and invitees on the campus or college property.

Violations of this policy may result in an arrest, and violators will be held to the conduct process consistent to their relationship with the College. Student Violators will be subject to the conduct process outlined in the Student Handbook; employee violators will be subject to the disciplinary process of the relevant contract or employment agreement; invitee violators, including licensees, may be escorted from and barred from the campus. Campus organizations that violate this policy will face disciplinary action, including the possibility of rescission of permission for that organization to operate on campus property.

## **Crime Reporting**

All members of the campus community are urged to promptly report criminal incidents to the Office of Public Safety. All emergencies and suspicious activity should be reported to the Office of Public Safety in order to maintain a safe and secure campus community. If you feel you are the victim of a crime or have witnessed a crime, you may contact Campus Police by dialing “0” from any campus telephone. If you are reporting an emergency, you may also utilize the emergency red phones located throughout the campus or the intercoms located in the 2<sup>nd</sup> and 3<sup>rd</sup> floor stairwells of the Technical Building. Upon receipt of a call, Campus Police Officers are dispatched to your location and will assist victims and witnesses and conduct a comprehensive investigation into the matter. If as a result of that investigation the Office of Public Safety will, if it is determined that by doing so, it is necessary for the safety of the campus community, make an arrest and provide support services to both victims and witnesses.

The Office of Public Safety also maintains a daily log of crimes and incidents that occur on campus that is available for the public to view. This information is recorded by date, time, and general location. This daily log is available at the Campus Police Office, at either campus.

While most events are logged, the Office of Public Safety may determine that an incident be classified as “confidential” in order not to jeopardize a criminal investigation or the identity of a victim.

## **Relationships With Other Police Departments**

- **To Report a Crime-Auburn Campus**

If you witness or are the victim of a crime on campus, you should report it immediately to the Office of Public Safety. Officers on the Auburn Campus can be reached at extension **2461** or by calling the Officer’s cell phone, 246-4708. If

for some reason you are unable to contact the Officer by these methods, stop by the Central Information Center just inside the entrance to the Main Building. The receptionist on duty has continual contact with the Office of Public Safety. Campus Police Officers are armed, can make arrests and will deal with all incidents on campus. All crimes will be prosecuted in accordance with local, state and federal laws. Members of the campus community can also report criminal incidents to the following offices:

- The Centers for Student Engagement and Academic Advisement, ext 2230
- Health Office, ext 2203
- Office of Academic and Student Affairs, ext 2369

Please note that these offices allow victims and witnesses to report a crime on a voluntary, confidential basis. Victims of a sex offense will also be informed of their option to notify the Office of Public Safety or the Auburn Police Department. College personnel will assist in notifying the police if desired.

The Office of Public Safety will handle all incidents on campus. They may be assisted by the Auburn Police Department for serious incidents and felonies. A record of the incidents will be filed in the Office of Public Safety and with the Director of Public Safety/ Chief.

- **To Report a Crime- Fulton Campus**

If you witness or are the victim of a crime on campus, you should report it immediately to the Office of Public Safety. Campus Police Officers can be reached at extension **3067** or by calling the Officer's cell phone, **(315) 593-9367**. If for some reason you are unable to contact the officer by these methods, stop by the Central Information Center just inside the Main Entrance. The receptionist on duty has continual contact with the Office of Public Safety. Campus Police Officers are armed, can make arrests and will deal with all incidents on campus. All crimes will be prosecuted in accordance with local, state and federal laws. Members of the campus community can also report criminal incidents to the following offices:

- The Centers for Student Engagement and Academic Advisement, ext 3094
- Health Office, ext 3008
- Office of Academic and Student Affairs, ext 3007

Please note that these offices allow victims and witnesses to report a crime on a voluntary, confidential basis. Victims of a sex offense will also be informed to their option to notify the Office of Public Safety or the Fulton Police Department. College personnel will assist in notifying the police if desired.

The Office of Public Safety will handle all incidents on campus. They may be

assisted by the Fulton Police Department for serious incidents and felonies. A record of the incidents will be filed in the Office of Public Safety and with the Director of Public Safety/Chief.

## **Voluntary Confidential Reporting Procedures**

The Office of Public Safety encourages anyone who is a victim of a crime or witness to any crime to promptly report the incident to Campus Police. Because police records are public records under state law, the Office of Public Safety cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other Cayuga Community College campus security authorities. Victims of a crime who do not wish to pursue action within the College disciplinary system, or the criminal justice system, may still choose to file a confidential report.

With the individual's permission, the Director of Public Safety/Chief or a designee can file a report that documents the details of the incident without revealing the victim/survivors identity.

The purpose of the confidential report is to comply with the individual's wish to keep the matter confidential, while taking steps to ensure the future safety of all members of the campus community.

With such information, the College can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger.

Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Confidential reports, including those involving Sexual Assault, Domestic Violence, Dating Violence and Stalking can be emailed to the Director of Facilities Services and Public Safety/Chief at: [doug.kinney@cayuga-cc.edu](mailto:doug.kinney@cayuga-cc.edu)

Confidential reports can also be reported to:

- The Centers for Student Engagement and Academic Advisement, ext. 3094
- Health Office, ext.3008
- Office of Academic and Student Affairs, ext. 3007

## **Campus Security Authorities**

The college has designated certain administrators and staff as “campus security authorities” in recognition that many students, faculty and staff may be hesitant about reporting crimes to the Office of Public Safety, and may be more inclined to report incidents to non-law enforcement administrators and staff instead.

Campus Security Authorities are charged with reporting to the appropriate law enforcement personnel, either Campus Police or local police, or to any official or office which should be informed of the crime or complaint due to the nature of the crime or complaint, those allegations of Clery Act crimes that the campus security authority concludes are made in good faith. A campus security authority is not responsible for determining whether a crime took place, as that is the function of law enforcement and its investigatory process.

A Campus Security Authority is required to report all allegations to law enforcement personnel, even if the Campus Security Authority was told of a crime in the context of providing emotional support or health care support. The allegations will be reported whether or not the victim chooses to file a report with law enforcement or press charges. A Campus Security Authority may also provide a victim or witness with assistance in reporting a crime to Campus Police or local police, or to any official or office which should be informed of the crime or complaint.

Campus Security Authorities are designated by their job function. The following criteria is used to determine who, on campus has been given the designation of a Campus Security Authority:

- A campus police department or a campus security department of the college
- Any individual or individuals who have responsibility for campus security but do not constitute a member of a campus police department or a campus security department who has the responsibility for monitoring entrance into institutional property.
- Any individual or organization specified in an institutions statement of campus security policy as an individual or organization to which students and employees should report criminal offences.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

Each year, the Director of Public Safety identifies individuals who fit within the above noted criteria. The Director of Public Safety notifies them that they have been designated as a Campus Security Authority. Each individual given the designation as a Campus Security Authority is required to complete a training module which outlines their responsibilities as a Campus Security Authority. Additionally, each Campus Security Authority is supplied with confidential reporting forms for use when a victim/survivor wishes to report a crime in confidence and victim services notices which can be used to direct victim/survivor’s to appropriate services.



**Confidential Reporting Policy for Pastoral and Mental Health Counselors** Pastoral counselors and mental health counselors at the institution are not Campus Security Authorities, and are therefore exempt from disclosing or reporting allegations of crimes. However, the counselor must be acting in their professional role for the exemption to apply. Pastoral and mental health counselors are trained in the procedures for reporting crimes confidentially. The college encourages all professional counselors to inform their clients of the procedures in accordance with their professional judgment, given the individual victim and circumstances before them.

- Pastoral Counselors: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- Professional Counselor: A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

**Timely Warnings, Emergency Notifications to the Campus Community** Timely Warnings and Emergency Notifications will be issued when, based on all available information and relevant circumstances, in the professional judgment of the Director of Public Safety/Chief and/or a designee that the issuance of such a message will serve to protect lives, stabilize an emergency situation, and to preserve property.

Timely Warnings will be issued when is it necessary to warn the campus community of reports of crimes listed under the Clery Act. Those crimes are:

- Murder and Non-Negligent Manslaughter
- Rape
- Fondling
- Incest
- Statutory Rape
- Robbery
- Burglary
- Aggravated Assault
- Arson
- Motor Vehicle Theft
- Hate Crimes: A criminal act involving one/more of the crimes listed above the crimes of Theft, Simple Assault, Intimidation or Vandalism, or any other crime involving bodily injury which: was motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

**Theft (Larceny):** includes the crimes of Pocket Picking, Purse Snatching, Shoplifting, Theft from Building, Theft from Coin Operated Machine or Device, Theft from Motor Vehicle, Theft of Motor Vehicle Parts or Accessories, and All Other Larceny.

**Simple Assault:** an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation:** to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to a physical attack.

**Vandalism:** To willfully or maliciously destroy, damage, deface, or otherwise injure real personal property without the consent of the owner or the person having custody or control of it. And any other crime involving Bodily Injury

### **Timely Warnings:**

A “timely warning” to the entire campus shall be issued whenever, in the judgment of the Director of Facilities Services and Public Safety/Chief, a serious and/or ongoing threat to students and employees is presented by a situation arising either on or off campus. For the purposes of releasing timely warnings, designees of the Director of Facilities Services and Public Safety/Chief shall be the on-duty Lieutenant of the Office of Public Safety.

Depending on the circumstances of the potential threat, timely warnings may be communicated by several means, including: e-mail, the RAVE Alert System, text messages, CCTV, campus electronic bulletin boards, and fliers.

Cayuga may, in appropriate circumstances, include personally identifiable information in a timely warning. Although personally identifiable information is generally protected from disclosure under FERPA, such information may be released in an emergency situation.

Timely Warnings are issued by the Director of Public Safety who, according to college policy, does not need prior approval from College administration.

Records of all Timely Warning notices are kept in the office of the Director of Public Safety

### **Emergency Notifications**

Emergency notifications shall be issued when a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurs on the campus or in the immediate area adjacent to campus. As appropriate, emergency notifications may be targeted at only a segment or segments of the campus community that is at risk. Emergency notifications will be issued without delay unless doing so would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Director of Facilities Services and Public Safety/Chief, or in his/her absence the on duty Lieutenant of the Office of Public Safety shall, without delay, confirm if a particular situation merits a warning or notification and determine the content of that notification or warning and to determine which segment or segments of the campus community to receive the notification.

If, in the professional judgment of the Office of Public Safety, by sending an emergency

notification to the campus community it will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, such a message will not be initiated.

The emergency notification will include information describing the situation and precautionary measures, such as evacuations and shelter in place to be taken by the campus community. Emergency Notifications will be initiated promptly and with a primary focus on the safety of all campus constituents.

The Office of Public Safety will use the below noted means by which to notify the campus community

Methods of Emergency Communication via cellular communications.

*Safety Related Issues:*

- E-Mail to all students and/or faculty/staff
- Postings in campus facilities
- Postings on the college's website
- Electronic Bulletin Boards
- RAVE Alert with text messaging
- Alertus Desk Top Take Over Emergency Communication System

*Health Related Issues:*

- Emails to all students
- Letters to all students
- Letters to faculty and staff
- Postings of the notification on the college's website

### **RAVE Alert System:**

The system will allow Cayuga Community College to immediately communicate on matters of CRITICAL EMERGENCIES with all members of the campus community who sign up for this service.

The system allows the use of cellular communications to initiate e-mail, phone and text messages to be sent automatically to all members of the campus community who have provided their contact information.

The college **strongly recommends** that all students, faculty and staff sign up for RAVE Alert emergency messages. You can sign up for this service by logging into: *myCayuga*

- Click on the **Student Tab**
- In the **My Student Tools section**, click the **My Personal Information Tab**
- Select the **Cayuga RAVE Emergency Alert System** link
- Follow the instructions in *myCayuga* and enter your information.

### **College Evacuation Procedures and Evacuation Testing**

Each semester unannounced evacuation drills are conducted in each building on campus. The evacuation drills are conducted with the assistance of Campus Police Officers and the local Fire Department.

The purpose of the evacuation drills is to test emergency response and evacuation procedures in each campus facility. By conducting surprise evacuation drills students and staff are reminded of the locations of emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility.

Evacuation procedure guides are posted at each exit and near fire alarm pull stations in each campus building.

The Office of Public Safety works closely with Fire, Police and Local Emergency Medical Services and other emergency responders to ensure the appropriate immediate response and evacuation procedures are completed during a fire or related emergency impacts our campus community.

Each semester, the Office of Public Safety emails emergency response procedures to all faculty and staff. Additionally, those procedures are posted in high traffic areas on each campus to allow the campus community to familiarize themselves with those emergency procedures.

### **Criminal Activity: Off Campus**

While Cayuga Community College does **not** have any recognized student organizations that are located off-campus, the College does support local law enforcement in responding to instances of student criminal behavior off campus. When a Cayuga Community College student is involved in an off-campus offence, Campus Police Officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Cayuga and Oswego County police agencies routinely work and communicate with campus authorities to address serious incidents occurring in the immediate neighborhood and business areas surrounding or near campus. While local law enforcement agencies have primary jurisdiction in all areas off campus, Cayuga Community College Campus Police Officers can and do respond to student-related incidents that occur in close proximity to campus. Officers have direct radio communications with all Cayuga and Oswego County police agencies, fire departments and ambulance services to facilitate rapid response in any emergency situation.

The college receives a “Daily Arrest Log” via email from local law enforcement agencies which allows the College to identify students and staff of concern who may have come into contact with outside police agencies off campus.

### **Missing Students:**

Cayuga Community College has agreements with local police agencies designed to facilitate an immediate and comprehensive investigation into a report of a missing Cayuga Community College student. Those agreements state: “Missing Student or Missing Person, means any student of Cayuga Community College subject to provisions of Section 355 (17) of the New York State Education law. Cayuga Community College does not operate residence halls. Therefore, any and all persons reported missing to the Cayuga Community College Office of Public Safety will be reported to the appropriate

local police agency”.

Any member of the Cayuga Community College Campus community who has knowledge of any student who has been missing for 24 hours must report it to the Office of Public Safety at (315) 294-8461 in Auburn and (315) 593-9367 in Fulton. The Office of Public Safety will immediately contact the appropriate local police agency to begin an investigation into the whereabouts of that student.

### **Policy on Drugs, Alcohol and Weapons Possession:**

Cayuga is committed to the development and maintenance of a drug-free environment. The College will not tolerate the unlawful possession, use, manufacture, distribution or dispensation of any controlled substance (drugs or alcohol) on College owned or controlled property. This policy is in accordance with the Drug Free School and Communities Act Amendments of 1989 (Public Law 101-226) and Section 120(a) of the HEA .

### **Alcohol Policy and Substance Abuse**

The use and possession of alcoholic beverages are not permitted on any and all locations operated by the College for employees, students, and visitors, except for an occasion expressly sponsored as such by the President’s office and conforming to the following conditions:

1. Participation is limited to persons specifically identified and approved by the President’s Office.
2. The serving of alcohol is covered by host liquor liability insurance, done by duly qualified and bonded personnel, and strictly limited to a designated location.
3. The occasion is not under either the direct or indirect auspices of a student or student affiliated organization.

Use, distribution or possession of illegal substances is not permitted on campus. Such use, distribution or possession is a violation of College regulations and is subject to action by the Faculty/Staff Student Conduct Board.

### **Alcohol and Substance Abuse Information**

Prevention Programs:

The College has developed a program to address the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

The Alcohol and Other Drugs Committee provides an overall coordination of the Drug-Free School Program. However, many services are the responsibility of other areas of the institution. These include:

***Alcohol and Drug Education:*** College Health Services, Employee Assistance Program, College Health Class.

**Counseling Services:** Student Engagement Counselors, College Nurse, Employee Assistance Program.

**Referral Services:** Student Engagement Counselors, College Nurse, Employee Assistance Program.

**College Disciplinary Actions:** Faculty/Student Conduct Hearing Board.

Nicole Adsitt, Director of Student Engagement and Academic Advisement, Auburn

### **Local, State & Federal Legal Sanctions**

Legal Sanctions – Laws Governing Alcohol

The State of New York sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the Office of Public Safety. Effective January 1, 1990, a package of state laws was passed regarding alcohol. They include the following:

1. Persons under age 21 found possessing alcohol may be given a maximum fine of \$50.
2. Anyone convicted of fraudulently using a driver's license to buy or attempt to buy alcohol may have his/her driver's license suspended for up to 90 days.
3. Persons convicted of buying alcohol through fraudulent means face a possible \$100 fine and/or being required to do up to 30 hours of community service work.

*A violation of any law regarding alcohol is also a violation of the College's Student Code of Conduct and will be treated as a separate disciplinary matter by the College.*

### **Controlled Substance Offenses**

Criminal possession, sale, or use of drugs is covered in articles 220 and 221 of the New York State Penal Law. The seriousness of the offense and penalty imposed upon conviction depend upon the individual drug and amount held or sold, ranging from a minimum of 15 days and \$250 fine for a violation to a maximum of \$100,000 fine and life imprisonment for a class A felony. It is important to be aware that under Penal Law, a gift of drugs is treated as a sale.

A violation of any law regarding drugs is also a violation of the Cayuga Community College Student Code of Conduct and will be treated as a separate disciplinary matter by the College. Detailed information regarding the penalties for illegal possession and distribution of drugs is available from the Office of Public Safety.

### **Health Risks**

As part of an effort to create a drug free campus, Cayuga believes that the College community should be educated about the physical and emotional health hazards presented by the misuse of drugs and alcohol. The College provides information and educational programs throughout the year to students, faculty, and staff. Listed below are some of the health risks associated with using/abusing alcohol and various drugs.

Please note that the dangers associated with substance abuse are not limited to the conditions listed below:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <b>Alcohol:</b> Heart and liver damage, brain damage; death from overdose and accidents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Depressants:</b> Infections, addiction, loss of appetite, death from overdose, and severe interaction with alcohol |
| <b>Marijuana/Hashish:</b> Impaired memory perception, interference with psychological maturation, possible damage to lungs and heart, psychological dependence                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Narcotics:</b> Addiction with severe withdrawal symptoms, loss of appetite, death from overdose                    |
| <b>Cocaine:</b> Intense psychological dependence, sleeplessness and anxiety, nasal passage damage, lung damage, and death from overdose                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Hallucinogens:</b> Anxiety, depression, impaired memory, emotional breakdown, death from overdose                  |
| <b>Stimulants:</b> Loss of appetite, hallucinations, paranoia, convulsions, brain damage, cancers of the lung, throat, mouth, death from overdose                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Inhalants:</b> Drastic weight loss, brain damage, liver and bone marrow damage, high risk of sudden death          |
| <b>Opiates/ Heroin:</b> Tolerance turns to dependence, insomnia, collapsed veins, abscesses/infections, pulmonary complications, infections in the heart, permanent lung, liver, kidney & brain damage, severe symptoms from withdrawal , death from overdose                                                                                                                                                                                                                                                                                                                       |                                                                                                                       |
| <b>Fentanyl</b> is a synthetic opioid meant originally for pain control but is quickly becoming one of the most used and abused substances around the country. With 100x the potency of morphine and 50x the potency of heroin, this drug is implicated in many overdose deaths, as its reversal in the body takes more Naltrexone (Narcan) than other opioids. The illicit manufacture also adds to the danger, as the pills themselves may contain any number of contaminants. Fatality is swift, with major respiratory and cardiac function diminishing rapidly after ingestion |                                                                                                                       |

### **Counseling/Treatment/Rehabilitation Programs**

Where to go for help...

#### **Auburn**

#### ***Programs to Help:***

- CHAD (Confidential Help for Alcohol)  
75 Genesee Street, Auburn 253-9786
- Alcoholics Anonymous  
100 E. Manlius St., East Syracuse 463-5011
- Conifer Park Outpatient Clinic  
508 Old Liverpool Road

- Liverpool, New York 453-3911
- Onondaga Council on Alcoholism/Addiction  
(Advice and Information)  
1050 West Genesee Street, Syracuse 471-1359
- Tully Hill  
5821 Route 80  
Tully New York 13159 696-6114

**Health Numbers**

- Auburn Community Hospital 255-7011
- Cayuga County Community Mental Health Center 253-0341
- Cayuga Counseling Services 253-9795

**Fulton**

***Programs to Help***

- Farnham, Inc. – Fulton 593-0796
- Farnham, Inc. – Oswego 342-4489
- County of Oswego Council on Alcoholism  
(COCOAA) 342-2370
- Harbor Lights Chemical Dependency Service 963-0777

**Health Numbers**

- Fulton Health Center 598-4740
- Oswego County Mental Health 343-8162

**Other Numbers**

- Oswego County Opportunities, Inc. 598-4717

The New York State Division of Substance Abuse Services supports and monitors statewide prevention and treatment programs and provides information and free referrals for persons seeking assistance. Persons concerned about the use of drugs/alcohol by



family or friends may call, toll free, 1-800-522-5353, for information, confidential referrals and assistance. Employees are encouraged to utilize the employee assistance program (EAP) when necessary. Information about EAP can be found in the Personnel Office.

### **Weapons Possession**

Weapons are prohibited on campus. Any student found carrying a weapon, concealed or otherwise, will be dealt with according to the statutes of the law and the College Student Conduct Policy. A license to carry a weapon does not constitute authority/permission to bring said weapon on campus. If no license for said weapon is held, criminal charges against the student may also be filed. With the exception of Campus Police Officers or other law enforcement officials acting in the performance of their duties, use or manufacture of a firearm or other weapon, including explosives, firebombs, or other destructive devices are prohibited.

### **Statement on Self-Reporting and Bystander Intervention (Good Samaritan)**

Cayuga Community College students are expected to be aware of their health and safety and to be active bystanders who help fellow students when their health and safety is in danger. When a person's health or safety is threatened due to consumption of alcohol, unlawful drugs, controlled substances and/or other synthetic materials, domestic violence, dating violence, sexual assault or stalking, immediate actions should be taken. This could include alerting medical personnel, the Office of Public Safety, or an appropriate college official.

In all cases, the incident will be documented. When determining the appropriate response in the conduct process, the Office of Student Engagement and Academic Advisement will consider actions taken by any student who seeks assistance on their own behalf or the behalf of another student experiencing a medical emergency related to consumption of alcohol, unlawful drugs, controlled substances and/or other synthetic materials. In some cases disciplinary sanctions may be reduced. . This practice does not preclude action by the Office of Public Safety or other legal authorities.

### **Crime Prevention Activities**

The College Safety Committee is primarily responsible for reviewing the campus for potential safety problems and making recommendations to upgrade campus health and safety. Comprised of a minimum of three administrators, three faculty members and three students, the committee meets regularly to review campus conditions and make recommendations for safety improvements. Among the committee's responsibilities are the evaluation of campus lighting and safety.

The Office of Public Safety sponsors various lectures and activities designed to provide information on ways to guard against campus crimes such as sexual assault. College courses in health (one credit required for all degree-seeking students) and personal defense, which are scheduled on a regular basis, provide additional information on safety and protecting oneself against crime. The College Health Services Office also has

numerous brochures available relating to personal and public safety both on-and off campus.

Further, the information provided in this booklet is distributed to Cayuga students and employees on an annual basis.

### **College Policies and Procedures Regarding Bias-Related Crime**

Violations of federal, state and local laws are also violations of the Student Code of Conduct. In addition, any mistreatment of an individual or group because of race, color, national origin, ancestry, gender, age, disability, religion or religious practice or sexual orientation is a violation of the Student Code of Conduct. Any student found to have violated this policy is subject to disciplinary sanctions including the possibility of suspension or expulsion. The absence of criminal charges will not deter the college from taking disciplinary action in the case of bias related violations of student conduct.

### **Counseling and Supportive Services**

Victims may report incidents of bias-related mistreatment to the Director of Public Safety/Chief or the Director of Student Engagement. Victims of bias-related mistreatment may receive counseling and support from the counselors in the Center for Student Engagement. In some cases, victims may be referred to appropriate community agencies for additional counseling and support.

### **Common Circumstances on College Campuses**

Bias or hate related incidents are extremely rare at Cayuga Community College.

Fortunately, hate crimes occur with relative infrequency on most campuses. Bias incidents (acts of prejudice that are not accompanied by violence, the threat of violence, property damage, or other illegal conduct) are far more common. The most common occurrences are degrading language and slurs directed at traditionally targeted groups such as women, gays, and lesbians on a regular basis and racist, anti-Semitic, and other slurs on a regular but less frequent basis. (Wessler and Moss, *Hate Crimes on Campus: The Problems and Efforts to Confront It*, 2001)

### **Public Safety Procedures**

**Public Safety** procedures are outlined in the Student Handbook, the Right-to-Know pamphlet, and the College website. These are distributed to students on an annual basis at registration points, and during orientation programs.

### **Campus Crime Statistics**

In accordance with recent updates to the “Campus Safety Act,” the following data are presented to review crime activity both on campus and on streets adjacent to campus property. Reported on-campus offenses include all offenses reported on campus property and in campus buildings. A specific breakdown on offenses occurring on property and streets adjacent to the campus is included at the end of this report.

## **STUDENT CODE OF CONDUCT, DISCIPLINE, AND CONDUCT REVIEW PROCESS**

Cayuga Community College has a long and distinguished tradition of higher education and a commitment to core values and ethics, which are vital to all communities. All members of the Cayuga Community College community are required to be committed to civility, respect, personal ethics, fairness, honesty, and remain accountable to self and others.

All members of the College community enjoy the rights that are guaranteed to them by federal, state laws, and College policy and, therefore, must assume responsibilities implied by these rights. Students are expected to maintain standards of conduct in keeping with these laws and policies. The College Conduct Review Process is utilized when student behavior may have violated these expectations either on or off-campus. Initiation of the Conduct Review process for off-campus incidents will occur when the violation is committed while participating in a College sanctioned or sponsored activity, the violation adversely affects the educational or service function of the College, or the violation adversely affects the individual's suitability as a member of the College community.

The College maintains a policy on Student Code of Conduct and Conduct Review Procedures. The most current policy is available on the College website.

### **DEFINITIONS**

- “College” is defined as: Cayuga Community College, including the Auburn campus, Fulton campus and any other premises utilized by the College or Association, The Faculty Student Association and other affiliated organizations.
- “College premises” is defined as: All buildings or grounds owned, leased, operated, controlled, utilized or supervised by the College.
- “College Official” is defined as: Any person employed by the College or other affiliated organizations to work in a faculty, administrative, clerical, or security role, and any other person designated to serve the College in an official capacity that supports the College’s mission.
- “Student” is defined as: Any person enrolled in or auditing courses, either full-time or part-time, from the time of initial enrollment through the actual awarding of a degree, including the time before classes begin, during the academic year, after classes end, and during periods between terms of actual enrollment. A student is subject to adjudication of and sanctions for violations of the law and of the Student Code of Conduct through the Campus disciplinary system.
- “College-sponsored activity” is defined as: Any activity on or off campus which is initiated, aided, authorized or supervised by the College or its affiliated organizations.
- “Complainant” is defined as: Any person who files a report which indicates that a student may have violated the law and/or College policy.
- “Respondent” is defined as: Any student documented to have potentially violated the law and/or College policy.
- “Preponderance of the evidence” is defined as: Enough information which supports that the act “more than likely” occurred.

### **CRIMINAL/CIVIL PENALTIES**

Students who engage in alleged violations of the Student Code of Conduct may also

face civil or criminal actions and penalties. This statement is not intended to replace federal, state, or local actions. The College's Conduct System is completely independent of any civil and criminal proceedings and may act simultaneously with either civil or criminal proceedings. Any action involving the student in a legal proceeding does not free the student from responsibility to participate in a College disciplinary hearing. The College will decide whether to proceed with action, before, after, or simultaneously with a legal proceeding.

### **MEDICAL AMNESTY / GOOD SAMARITAN POLICY**

Cayuga Community College's Medical Amnesty Policy is intended to encourage students to seek medical assistance including, but not limited to, drug and alcohol overdoses without worrying about college judicial consequences. The policy is endorsed by the Office of Public Safety and the Office of the Dean of Students, is consistent with Cayuga Community College's commitment to maintaining a safe and secure learning environment, and consistent with New York State law.

### **STUDENT CODE OF CONDUCT**

**The following behaviors are prohibited. Any student found to have committed or to have attempted to commit the following are subject to student conduct action.**

**Violations may lead to actions including disciplinary and/or educational sanctions:**

1. All forms of academic misconduct, including but not limited to: cheating, fabrication, plagiarism, or facilitation of academic dishonesty.
2. All forms of dishonesty, including but not limited to: fabrication of information or knowingly furnishing false information to the institution, fraud, forgery, alteration or use of College documents or instruments of identification with intent to defraud, reporting false emergency to the College or to College officials acting in performance of their duties.
3. Failure to identify oneself to or comply with directions of College Official or other public officials, resisting or obstructing such officials in the performance of their duties.
4. Violations of state, local, federal laws and published policies such as those pertaining to, but not limited to: computer use, athletic facilities, tobacco use, recreational facilities, Library and Center for Academic Success, or any support offices of the College.
5. Broadcasting, streaming, or otherwise sharing private information without authorization of all involved parties.
6. Disorderly conduct that creates a disruption, unreasonable annoyance, or alarm which obstructs teaching or classroom activities, research, administration, or other College sanctioned events or activities.
7. Creating or contributing to a fire, failing to evacuate a facility during the sounding of a fire alarm or upon the direction of a staff member, or tampering with, or the unauthorized use of office safety equipment (such as, extinguishers, smoke detectors, alarm pull stations or emergency exits) including activating a false fire alarm.
8. Damage, destruction, theft or unauthorized use of property or services owned by

- another party.
9. Unlawful distribution, dispensing, possession, use or sale of illegal, controlled substances, prescription drugs, or drug paraphernalia.
  10. Distribution, possession, use, or sale of alcohol in violation of College policy.
  11. With the exception of campus police officers or other law enforcement officials acting in the performance of their duties, possession, use, or manufacture of a firearm or other weapon as defined in College Policy.
  12. Endangering, threatening, or causing mental or physical harm to any person and/or conduct that causes reasonable apprehension of such harm.
  13. Violations of the College's Title IX Policy which includes; sexual harassment, sexual discrimination, sexual violence, dating/domestic violence, or stalking.
  14. Harassment or any form of verbal or physical abuse including; bullying, cyberbullying, stalking, intimidation.
  15. Mistreatment of an individual or group, including bullying, physical or verbal abuse, and harassment, intimidation, against an individual or group because of race, color, national origin, ancestry, gender, gender identity and expression, age, disability, religion or religious practice, or sexual orientation, or any other protected class of individuals.
  16. Hazing, defined as an action, which endangers the physical or mental health or safety of another person for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. This policy may apply to organizations or groups, whether or not they are officially organized. Individuals who are present and take no action to prevent hazing will also be in violation.
  17. Lewd, obscene or indecent behavior.
  18. Unauthorized access or use of a space belonging to the College or another individual.
  19. Failure to comply with a College official.
  20. Abusing the College Discipline and Conduct Review system, including but not limited to: failure to obey the notice from a Conduct Board or Conduct Administrator to appear for a meeting or hearing as part of the Student Conduct System; distorting or misrepresenting information before a conduct administrator or board; attempting to influence or discourage an individual's proper participation in, or use of, the conduct review system; harassing (verbal or physical) and/or intimidating a member of a conduct review board; or failing to comply with the terms of any imposed disciplinary sanction. This includes violations of any "No Contact Notices" issued.
  21. Intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on College premises.
  22. Student conduct on or off campus that poses a safety concern to the College community.
  23. Student conduct on or off campus that adversely affects the College community.

## **STUDENT CODE OF CONDUCT ADMINISTRATION**

The Dean of Students, or designee, shall administer the Student Code of Conduct and questions regarding its interpretation shall be referred to the Dean, or designee, for final

determinations.

## REPORTING MISCONDUCT

Any member of the College community may file a complaint alleging misconduct by submitting a formal report. Individuals can submit an incident report with the Office of Public Safety or the Dean of Students. Once notice is received, the College will proceed with a preliminary investigation. If the misconduct involves sexual assault, domestic violence, dating violence, and/or stalking, additional resources for reporting can be found in the College's Sexual Assault, Domestic Violence, Dating Violence and Stalking Prevention, Title IX Policy. Federal, state, local, and SUNY guidelines are set so that those impacted by sexual violence can be supported throughout the process. Information regarding Title IX can be accessed here: <https://www.cayuga-cc.edu/students/resources/sexual-assault-prevention/>.

## HEARINGS

**Informal Hearing** – A meeting between the Dean of Students, or designee, and the accused student is considered an informal hearing. At this meeting, the student will be apprised of misconduct complaints and/or charges, typically, but not necessarily, in writing. The accused student will be given the opportunity to discuss, dispute, and/or accept responsibilities for the violation. In cases of severe or violent alleged misconduct, an informal hearing may be bypassed and the accused student will be notified in writing of charges of alleged misconduct and the date and time of a formal hearing.

**Formal Hearing** – A formal hearing may be called by a Student Conduct Administrator so, or when the Student wishes to appeal disciplinary action taken by the Dean of Students, or designee through an informal hearing. The Dean of Students, or designee, shall determine if a formal hearing with one hearing officer or the Conduct Review Board is appropriate. Such decision will be based upon the circumstances and severity of each individual case.

## STUDENT CONDUCT PROCEDURES

The following process and procedures are used to adjudicate all conduct cases with the exception of those incidents deemed Title IX complaints, which include sexual harassment, sexual assault, rape, sexual violence, dating violence, domestic violence and stalking. The process for adjudicating Title IX cases can be found at <https://www.cayuga-cc.edu/students/resources/sexual-assault-prevention/> or in the Cayuga Community College Handbook.

The following information outlines the process by which student conduct

cases are reviewed and resolved:

1. The Student Conduct Officer receives written notice of a possible violation of College policy. The Officer will review the report and determine if additional action is required which may include investigation by Public Safety and/or disciplinary charges.
2. If the Conduct Officer determines there may have been a violation of the Student Code of Conduct, the student will receive written notice including the following no less than (5) days prior to the meeting:
  - a. Alleged violations of the Student Code of Conduct;
  - b. Supporting information related to the alleged violations including; date, time, location of incident;
  - c. Information regarding the code of conduct/disciplinary process;
  - d. Opportunity to offer evidence to be considered in resolving the allegations through a scheduled hearing; providing specific date, time, location.
3. The scheduled hearing with the Student Conduct Officer or Student Conduct Board will be conducted at a specified date and time.
  - a. The hearing will be conducted in private.
  - b. There will be a verbatim record of the hearing via digital audio recording for all formal hearings. Deliberations will not be recorded. The record shall be the property of the College.
  - c. The student may bring an advisor to accompany them to the scheduled hearing. If the student chooses to bring an advisor, he/she must notify the Dean of Students (designee) at least forty-eight hours in advance of the scheduled hearing. The student may consult with the advisor prior to answering questions or making any statements, but the advisor will not be permitted to speak or participate in the hearing.
  - d. During this hearing, the student will be provided details of the incident and the alleged violations. The student will be provided an opportunity to respond to the alleged violations and to share information for consideration by the hearing officer/board.
  - e. If the student does not appear for a scheduled hearing, the information in support of the charges shall be presented and a decision rendered based on the information available. Inability of an accused student to appear at any Student Conduct Hearing due to long distance travel, incarceration, or other reasons, may not result in an extension of the time period before the hearing. In such cases, an accused student may be given the opportunity to participate in a hearing by telephone or by written statement. The appropriateness of such arrangements will be determined by the Student Conduct Officer.

In is the responsibility of the Student Conduct Officer/Board to make a determination

based on the “preponderance of evidence” standard. If the evidence presented meets that standard, meaning it is “more likely than not” that the misconduct occurred, then the student will be found responsible.

The Student Conduct Officer/Board shall render its decisions to the student in writing within 10 business days. The written decision shall be considered part of the student’s educational record.

## SANCTIONS

**The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:**

- **Verbal Reprimand:** An oral statement to the student that he/she has violated the Student Code of Conduct. A verbal reprimand does not become a matter of permanent record.
- **Written Warning:** A written notice to the student that indicates the behavior was unacceptable and that any additional violations of the Code of Conduct will be followed with an escalated response in conduct action from the College. A written warning becomes part of a student’s disciplinary file and educational record.
- **Restitution:** This sanction requires the student to reimburse for damage(s) or misappropriation of property to the College or other owner. Reimbursement may take the form of compensation for damages or an appropriate period of service.
- **Educational Assignment:** This is a sanction designed to assist the student in understanding the impact of their behavior. Examples include, but are not limited to, research papers, letters, creation of educational materials, community service, attendance at workshops, or other educational programs.
- **Restrictive Measures:** A ban from activities, campus facilities, and/or service areas on campus. This can also include limitation on contact with another person.
- **Disciplinary Probation:** A change in student status between good standing and suspension or expulsion from the College for a specified period of time which may or may not include specific conditions. If conditions are applied, such conditions would include, but not be limited to exclusion from participation in privileges or College activities, including access to facilities, participation in athletics and extracurricular activities, and off-campus College sponsored events. Failure to comply with conditions or additional violations of the Code of Conduct while on probation will result in additional disciplinary actions.
- **Suspension:** Separation from the College, including enrollment in classes and other privileges or activities for a definite period of time or until certain specific conditions have been met. While on suspension, the individual is considered persona non grata and cannot come to campus without prior approval from the College’s Public Safety. This will become part of the disciplinary file, student educational file, and may include a notation on the student’s transcript.
- **Expulsion:** Permanent termination of a student’s status at the College for an indefinite period of time. Upon expulsion, the individual is considered persona non grata and cannot come to campus without prior approval from the College’s Public Safety Office. This will become a



part of the disciplinary file, student educational file, and may include a notation on the student's transcript.

- **Revocation of Admission and/or Degree:** Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violations of College standards in obtaining the degree, if such violations were committed by a student prior to graduation.
- **Referral:** A referral to an on or off campus resource in order to more specifically address issues related to the behavior.

**All Students are responsible for complying with all assigned sanctions. Failure to comply with a sanction may result in additional conduct action.**

## **INTERIM ACTIONS**

The College may impose restrictions, separate a student from the community, and/or issue restrictive measures during an investigation and pending a hearing if, in the Student Conduct Officer, or designee's judgment, the student's presence on campus constitutes a threat of serious harm to others and/or faces allegations of a serious criminal nature; to prevent the disruption of normal operations of the College; to preserve the integrity of the investigation; and/or, to preserve College property. These interim measures will be for no more than ten (10) business days pending the scheduling of a hearing. If an interim suspension occurs immediately before or during College calendar breaks, the College may hold the hearing within ten (10) business days after the resumption of classes.

During an interim action, students may be denied access to the campus (including classes), and electronic services of the College, other Distance Learning activities, e-mail, and/or all other College activities or privileges. Continued use of such services without the express permission of the Dean of Students, or designee, will warrant additional conduct action and could be considered trespassing.

## **APPEAL PROCEDURE**

In cases when the original hearing is conducted by the Conduct Hearing Board, and the Student Conduct Officer imposes a sanction less serious than expulsion, the Vice President for Student Affairs serves as the appeal officer. In cases where the sanction is expulsion, the President of the College will serve as appeal officer. In cases when the Vice President of Student Affairs serves as the hearing officer, the President of the College shall serve as the appeal officer.

The student may appeal a disciplinary action, determined through a hearing, by writing the appropriate appeal officer within five (5) business days after receipt of the written notification of the hearing outcome. The written appeal must include a statement showing why the appeal has merit. A personal meeting with the student filing the appeal will be at the discretion of the appeal officer.

An appeal shall be limited to review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

- To determine whether the original hearing was conducted fairly in light of the charges and presented evidence, and in conformity with prescribed procedures;
- To determine whether the appropriateness of the sanction in relation to the violation of the Student Code of Conduct that the student was found to have committed;
- To consider new evidence, unavailable at the time of the hearing that is sufficient to alter a decision.

Upon appeal, the appeal officer will approve, disapprove, or modify the original findings, determination and/or sanctions. The appeal officer will transmit his/her decision in writing within ten (10) workdays, to the student and the Student Conduct Administrator.

### **Cayuga Community College supports and complies with all mandates of the Violence Against Women Act (“VAWA”).**

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

### **Cayuga Community College’s Wellness and Violence Prevention Committee**

The Wellness and Violence Prevention Committee at Cayuga Community College is charged to ensure that all new and current students at Cayuga receive education and training, using a variety of best practices, in a way that decreases violence and maintains and promotes an institutional culture where sexual assault and other acts of violence are not tolerated. Specifically, the Committee will:

- Work with the Title IX Coordinator, relevant functional area supervisors and staff, faculty, student leaders, and others, via multiple methods, to provide annual and ongoing education and training about sexual harassment, sexual violence, domestic violence, dating violence, stalking, and other forms of violence and threats of violence
- Coordinate with SUNY, the College’s Director of Assessment, Director of

- Institutional Research and Planning, and other entities to assess and evaluate the institutional culture as it relates to the issues noted above
- Communicate these issues and education efforts to the College community, and seek their support and assistance

### **Sexual Assault, Domestic Violence, Dating Violence and Stalking**

Cayuga Community College is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, sexual violence, coercion, and intimidation will not be tolerated. Specifically, Cayuga Community College strictly prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking. These acts have a real impact on the lives of victims. They not only violate a person's feelings of trust and safety, but they can also substantially interfere with a student's education. It is the policy of Cayuga Community College that, upon learning that an act of sexual misconduct has taken place, immediate action will be taken to address the situation and punish the perpetrator. This includes working with State and local law enforcement to bring possible criminal charges, seeking disciplinary action through the college, and enforcing mandatory transcript notifications so other institutions are on notice of the offense committed.

Cayuga Community College is committed to providing for a prompt, fair and impartial disciplinary proceeding in cases of alleged domestic violence, sexual assault, or stalking with a written explanation of their rights and options, regardless of whether the offense occurred on campus, including written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the institution and in the community, and the availability of changes in academic, living, transportation, and working situations, or protective measures regardless of whether the victim reports to law enforcement.

Cayuga Community College encourages the reporting of sexual misconduct that is prompt and accurate. This allows the college community to quickly respond to allegations and offer immediate support to the victim. Cayuga Community College is committed to protecting the confidentiality of victims, and will work closely with students who wish to obtain confidential assistance regarding an incident of sexual misconduct. Certain professionals at the College are permitted by law to offer confidentiality. Those who do not maintain the privilege to offer confidentiality are expected to keep reports private to the extent permitted under the law and college policy. This means that they may have to report to college officials, but will not broadcast the information beyond what is required by law and policy. All allegations will be investigated promptly and thoroughly, and both the victim/survivor and the accused will be afforded equitable rights during the investigative process.

It is the collective responsibility of all members of the campus community to foster a safe and secure campus environment. In an effort to promote this environment and prevent acts of sexual misconduct from occurring, the college engages in ongoing prevention and awareness education programs. All incoming students [and employees] are required to

participate in these programs, and all members of the college community.

For a complete copy of Cayuga Community College's policy governing sexual misconduct, visit [www.cayuga-cc.edu](http://www.cayuga-cc.edu)

The College's Title IX Coordinator is Paul Smith and he should be contacted by calling (315) 294-8580, in person by visiting his campus office at 197 Franklin Street Auburn, New York 13021 or emailing them at [psmith37@cayuga-cc.edu](mailto:psmith37@cayuga-cc.edu)

### **Type of Disciplinary Proceedings for reports of Dating Violence, Domestic Violence, Sexual Assault and Stalking:**

Cayuga Community College has adopted a dating violence, domestic violence, sexual assault and stalking policy which outlines the specified procedures and guidelines for the adjudication of reported violations of those offences. Cayuga Community College has determined that cases involving dating violence, domestic violence, sexual assault, and stalking will be heard and adjudicated by administrative hearing. The administrative hearing board will consist of identified campus officials who have been appropriately trained on an annual basis on topics related to dating violence, domestic violence, sexual assault and stalking. Members of the administrative hearing board shall not consist of anyone who may have a conflict of interest or a bias against the accused or the accuser. As outlined in Cayuga Community College policy below:

## **Grievance Policy and Procedure for Addressing Formal Complaints of Sexual Harassment Under Title IX Regulations Effective August 14, 2020**

### **1. Introduction**

#### **What is the purpose of the Title IX Grievance Policy?**

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how we **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that we **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

Based on the Final Rule, Cayuga Community College implemented the following Title IX Grievance Policy, effective August 14, 2020.

### **How does the Title IX Grievance Policy impact other campus disciplinary policies?**

In recent years, “Title IX” cases have become a short-hand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, Cayuga must narrow both the geographic scope of its authority to act under Title IX and the types of “sexual harassment” that it must subject to its Title IX investigation and adjudication process. *Only* incidents falling within the Final Rule’s definition of sexual harassment will be investigated and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

Cayuga Community College remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, our campus has:

- A **Code of Conduct** that defines certain behavior as a violation of campus policy, and a separate **Sexual Misconduct Policy** that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, Cayuga retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the Student Code of Conduct, Discipline, and Conduct Review Process through a separate grievance proceeding. Student Handbook

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

### **How does the Title IX Grievance Policy impact the handling of complaints?**

Our existing Title IX office and reporting structure remains in place. What has changed is the way our Title IX office will handle different types of reports arising from sexual misconduct, as detailed in full throughout Section 2.

## **2. Title IX Grievance Policy**

### **Effective Date**

This Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the Title IX Grievance Policy if a case is not complete by that date.<sup>1</sup>

<sup>1</sup> This specific provision may be subject to additional guidance from OCR.

### **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing Student Code of Conduct, Discipline, and Conduct Review Process.

## **Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. This policy applies to students, employees, contractors, vendors, and visitors to Cayuga's campuses. Individuals who wish to file a complaint about the Cayuga's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocras.ed.gov/contact-ocr>.

## **Definitions**

### **Covered Sexual Harassment**

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Cayuga's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the Student Code of Conduct, Discipline, and Conduct Review Process.

### **Consent**

For the purposes of this Title IX Grievance Policy, "affirmative consent" means a knowing, voluntary, and mutual decision among all participants of legal age 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.

### **Education Program or Activity**

For the purposes of this Title IX Grievance Policy, Cayuga’s “education program or activity” includes:

- Any on-campus premises
- Any off-campus premises that Cayuga Community College has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Cayuga Community College’s programs and activities over which Cayuga has substantial control.

### **Formal Complaint**

For the purposes of this Title IX Grievance Policy, “formal complaint” means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Cayuga Community College’s education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

### **Complainant**

For the purposes of this Title IX Grievance Policy, “complainant” means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

### **Relevant evidence and questions**

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true.

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
  - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  - They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege. Legally-recognized privileges include communications between an attorney and client, husband and wife, clergy person and penitent, and doctor and patient.
- Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent.

### **Respondent**

For the purposes of this Title IX Grievance policy, “respondent” means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

### **Privacy vs. Confidentiality**

Consistent with Student Code of Conduct, Discipline, and Conduct Review Process, references made to *confidentiality* refer to the ability of identified confidential resources to not report

crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean Cayuga offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed 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 for tracking patterns and spotting systemic issues. Cayuga Community College will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Disability Accommodations**

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

### **Making a Report Regarding Covered Sexual Harassment to the Cayuga**

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

Contact Information for the Title IX Coordinator:

Name: Paul Smith

Title: Assistant Director of Human Resources and Title IX Coordinator

Office Address: Room R324

Email Address: psmith37@cayuga-cc.edu

Telephone Number: 315-294-8580

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

### **Privacy and Confidential Reporting**

The following College officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator or designee
- Dean of Students
- Office of Public Safety staff
- Office of Human Resources staff
- Campus Security Authorities
- Wellness Specialists

The following resources may provide confidentiality:

- Sue Wilson, R.N. – Health Services
- Cayuga Counseling Services/Sexual Assault Advocate – available to Auburn students and College employees
- Oswego County Opportunities – Services to Aid Families – available to Fulton students and College employees
- HelpPeople Employee Assistance Program – available to employees only

### **Non-Investigatory Measures Available Under the Title IX Grievance Policy**



### **Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Cayuga Community College regardless of whether they desire to file a complaint, which **may** include supportive measures as appropriate. Supportive measures are non-disciplinary and non-punitive. As appropriate, supportive measures may include, but not be limited to:

- counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules (including temporarily re-assigning an employee)
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or housing locations
- leaves of absence
- increased security and monitoring of certain areas of the campus

### **Emergency Removal**

Cayuga Community College retains the authority to remove a respondent from Cayuga's program or activity on an emergency basis whether a grievance process is underway or not. A five-step process for evaluating the necessity for an emergency removal will be used to determine if an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal. If Cayuga determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. Any challenge to the emergency removal by a respondent shall be heard by the appropriate Vice President.

### **Administrative Leave**

Cayuga Community College retains the authority to place an employee respondent on administrative leave during the Title IX Grievance Process.

## **A Guide on Risk Reduction for the Cayuga Community College Student and Staff**

But I was at a party with friends...

- Most sexual assaults among college students involve people who know each other, and the majority involve use of alcohol or other drugs. Whether someone is sober or under the influence of alcohol or other drugs, if they are sexually assaulted they are not responsible for the assault.

Anyone can be sexually assaulted, and there are no sure means to prevent sexual assault because the only people who can prevent sexual assault are those who perpetrate it. However, you can take steps to lessen the likelihood that you or your friends will be assaulted or will assault someone.

Here are some tips to consider when you go out:

- Know where you are going and speak up if you are uncomfortable with the plans.
- Communicate with your partner: NO MEANS NO and YES MEANS YES: AFFIRMATIVE CONSENT IS REQUIRED

- Know that drinking and drug use can impair your judgment. You might not be able to make the same decision you would make if you were sober.

- If you drink, drink responsibly: eat a full meal before going out, have a glass of water between each drink, stick to one type of alcoholic beverage, know your limits and don't go beyond them, have a designated driver, and don't let anyone else make the decision of how much you will drink.
- Only drink something that you poured yourself or that comes in a pre-sealed container, and don't drink something that has been left unattended. Mixed drinks can have more alcohol in them than you might want to drink. Also, drugs (e.g., Rohypnol, GHB) can be dissolved in a drink, causing side effects such as nausea, dizziness, disorientation, &/or loss of consciousness.
- Use the buddy system and look out for each other. Don't go anywhere with someone you don't know well. If you do leave a party with a new friend, tell the friends you came with where you are going and when you are coming back. If you are worried about a friend's safety, tell them.

### Reduce the Risk of Committing Sexual Assault

- Listen carefully. Take time to hear what the other person has to say. If you feel they are not being direct or are giving you a "mixed message" ask for clarification.
- Don't fall for the cliché "if they say no, they really mean yes." If your partner says "no" to sexual contact, believe them and stop. If they seem uncomfortable or uncertain, stop and check in. It is never acceptable to force sexual activity, or to pressure, coerce, or manipulate someone into having sex, no matter the circumstances.
- Don't make assumptions about a person's behavior. Don't assume that someone wants to have sex because of the way they are dressed, they drink (or drink too much), or agree to go to your room. Don't assume that if someone has had sex with you before they are willing to do so again. Also don't assume that if your partner consents to kissing or other sexual activities, they are consenting to all sexual activities. Obtain clear consent for each sexual activity.
- Be aware that having sex with someone who is mentally or physically incapable of giving consent is rape. If you have sex with someone who is drugged, intoxicated, passed out, or is otherwise incapable of saying no or knowing what is going on around them, you may be guilty of rape.
- Remember sexual assault is a crime punishable via campus conduct, criminal, and civil proceedings.
- Be careful in group situations; resist pressure from friends to participate in violent acts.
- Get involved if you believe that someone is at risk. If you see someone in trouble or someone pressuring another person, don't be afraid to intervene - or get help to do so.

## Reduce the Risk of Being Sexually Assaulted

- Know your sexual intentions and limits. You have the right to say “NO” to any unwanted sexual contact. If you are uncertain of what you want, ask your partner to respect your feelings.\
- Communicate with your partner. Do not assume that someone will automatically know how you feel or will eventually “get the message” without you having to say anything. Just as its okay to say “NO” to unwanted activities, it’s okay - and important - to give clear consent to activities you would like to engage in. Avoid giving “mixed messages”; back up your words with a firm voice and clear body language.
- Remember that some people think that drinking, dressing provocatively, or going to your or someone else’s room is saying you are willing to have sex. Be clear up front about your limits in such situations.
- Listen to your gut feelings. If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place.
- If you feel you are being pressured or coerced into sexual activity, you have a right to state your feelings &/or leave the situation. If you are concerned about the other person becoming angry, it is okay to make up an excuse to leave or create time to get help.
- Attend large parties with friends you trust. Agree to “look out” for one another. Leave with the group, not alone. Avoid leaving with people that you don’t know very well.
- Attend a workshop on sexual assault risk reduction or take a self-defense course.

## If someone you know has been sexually violated

### DO:

- Be supportive, listen to them.
- Share your feelings of concern for them.
- Communicate to your friend that they are not responsible for the violation.
- Make sure your friend has a safe place to stay.
- Allow your friend to regain control by making their own decisions.
- Make yourself available to accompany your friend to a helping resource (e.g., hospital, Health Center, Counseling Center, Harlan House).
- Realize that you, too, have been affected and seek support if you need it.

### DON’T:

- Attempt to seek revenge.
- Make jokes.
- Be angry with your friend.
- Force them to talk and/or take control from them.
- Ask your friend how they could “let this happen”.

- Assume you understand how your friend feels.
- Discuss the incident with others unless you have permission from your friend.

### **How to Help as a Bystander**

Cayuga Community College expects all members of the campus community to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Educating and engaging bystanders are effective ways to help prevent acts of sexual misconduct. Bystanders can help in several different ways, including direct intervention, seeking assistance from an authority figure, notifying Campus Police, or calling State or local law enforcement.

If you see an act of sexual misconduct: It is important to understand that no individual has the right to be violent, regardless of whether people are in a relationship. Recognizing when acts of sexual misconduct are occurring is the first step to intervening. Required campus education and training programs give a full synopsis on recognizing when sexual misconduct is taking place. If you make the decision to intervene, do so safely—violence does not stop violence, and, if you cannot stop the act with your words, call law enforcement. Do not be afraid to ask a campus official or other student for help.

If a victim confides in you: It is important to let the victim tell their story. Listen respectfully, and help them explain and identify what has happened to them. Do not contradict them or play “devil’s advocate” even if parts of the story don’t immediately make sense or even if you would have made other choices when presented with the same scenario or challenges. Help the victim identify others in their network who they can confide in. Ask the victim what they need to feel safe, encourage them to seek medical attention and counseling, and encourage them to report the act if they feel comfortable doing so. The first people that a victim talks to can have a significant impact on the person and their ability to report and get through an ordeal. Be a supportive, kind, understanding and nonjudgmental person and you can be a positive force for this victim in seeking the help they require to move forward.

### **Sexual Violence Victim/Survivor Bill of Rights**

Cayuga Community College is committed to providing options, support and assistance to victims/survivors of sexual violence/assault. Pursuant to the Violence Against Women Act, these rights are also extended to victims of domestic violence; dating violence; and stalking. The purpose of these actions is to ensure that victims /survivors can continue to participate in college-wide and campus programs, activities, and employment.

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

### **Rights of a victim/survivor**

- Have disclosures of sexual violence treated seriously.
- Make a decision about whether or not to disclose a crime or incident and participate in the conduct or criminal justice process free from outside pressures from college officials.
- Be treated with dignity and to receive from campus officials courteous, fair and respectful health care and counseling services.
- Be free from any suggestion that the victim/survivor is at fault when these crimes are committed, or should have acted in a different manner to avoid such a crime.
- Describe the incident to as few individuals as practicable and not to be required to repeat unnecessarily a description of the incident.
- Be free from retaliation by the campus, the accused, and/or their friends, family and acquaintances.
- Exercise civil rights and practice your religion without interference by the investigative, criminal justice or conduct process of the campus.

### **Procedures for survivors of domestic violence, dating violence, sexual assault, or stalking**

- Survivors/victims of these crimes will be provided written information about evidence preservation, how and to whom to report these crimes, options about involvement of law enforcement and campus authorities, and assistance in notifying law enforcement if the victim chooses, as well as the option to decline to notify authorities. Victims will also be provided information in writing about rights and institutional responsibilities regarding no contact orders, orders of protection, or other available applicable options.
- - ***Evidence preservation: In order to best preserve evidence, victims should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.***

### **Order of Protection**

A court order issued by the court to limit the behavior of someone who harms or threatens to harm another person. For most cases, it is issued by a criminal court or family court to address situations involving domestic violence.

The Cayuga Community College Office of Public Safety has the authority to enforce violations of court issued Orders of Protection which include those issued by criminal, civil or tribal courts. When a victim of a crime who is subject to an order of

protection reported a violation of that order, The Office of Public Safety will act promptly in the enforcement of that order, in most cases, the filing of criminal charges against the person who violates the order. Additionally, Cayuga community College to act promptly in the enforcement of the student code of conduct if the violator is a student.

Cayuga Community College will also act promptly in the facilitation of support services, both on campus and off, for the victim of a violation of an order of protection.

### **No Contact Order**

An order issued by the college to limit the behavior someone who harasses, harms or threatens to harm or engages in behavior which the college believes is likely to cause fear of physical or psychological harm to another person. No Contact Orders are issued by the college and used as an intermediate remedy until such time it is determined that other, more permanent, actions need to be taken to resolve the situation.

### **Reporting Options**

Victims/survivors 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.

Victim/Survivors have the right to contact college authorities including the Office of Public Safety or an appropriate outside law enforcement agency and/or existing on and off campus counseling, mental health or other student services.

Victim/survivors can confidentially report the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services.

The Office of Public Safety  
197 Franklin Street – Room M210 or M211  
Auburn, New York 13021  
(315) 255-1743 ext. 2461

The Center of Student Engagement  
197 Franklin Street  
Auburn, New York 13021  
(315) 255-1743 ext. 2230

Cayuga Health Services  
197 Franklin Street  
Auburn, New York 13021  
(315) 255-1743 ext. 2203

The Office of Public Safety  
11 River Glen Drive – Room F136  
Fulton, New York 13069  
(315) 593-9344

Cayuga Community College Counseling Office  
11 River Glen Drive  
Fulton, New York 13069  
(315) 592-4143

Cayuga Community College's Title IX Coordinator  
Office of the President  
197 Franklin Street  
Auburn, New York 13021  
(315) 294-8508

Auburn City Police Department  
46 North Street  
Auburn, New York 13021  
(315) 253-3231 or 911

Fulton City Police Department  
141 S. First Street  
Fulton, New York 13069  
(315) 598-2007 or 911

- Complaints can be filed with local law enforcement when the event occurs off-campus. Office of Public Safety personnel should assist in this endeavor.
- Victim/survivors can file reports of sexual assault, domestic violence, dating violence and/or stalking, and/or talk to the Title IX Coordinator for information and assistance.
- Reports will be investigated in accordance with campus policy. If a victim/survivor wishes to keep his/her identity private, he or she should be directed to call an applicable office anonymously to discuss the situation and available options.
- When the accused is an employee, a victim/survivor may also report the incident to the Department of Human Resources
- Disciplinary proceedings will be conducted in accordance with applicable collective bargaining agreements.
- When the accused is an employee of an affiliated entity or vendor, campus officials will, at the request of the victim/survivor, 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.
- Victims/survivors may withdraw the complaint or involvement at any time.
- Victims/survivors have the right to notify the Office of Public Safety or an



appropriate  
outside law enforcement agency, and/or the campus will assist in notifying law  
enforcement  
if victims choose to do so. Victims may also choose to decline to notify authorities.  
The  
college will also assist the victim in notifying the office of Student Engagement in  
order to  
facilitate a judicial hearing into the matter. If you decide not to report the incident to  
campus  
or local authorities, it is important to consider the confidential assistance of medical,  
counseling, and student service professionals. These can be accessed by contacting  
the Office  
of Public Safety. The college will preserve the rights victims in cases involving sexual  
assault, domestic violence, dating violence, and stalking and will honor all valid  
orders of  
protection, no contact orders, restraining orders, or similar lawful orders issued by a  
criminal,  
civil or tribal court.

- Where there is probable cause to believe the College's regulations prohibiting sexual misconduct, domestic violence, dating violence or stalking have been violated, the College will pursue strong disciplinary action through its own channels. An individual charged with an offense related to sexual misconduct, domestic violence, dating violence, or stalking may be subject to College disciplinary procedures whether or not prosecution under New York state criminal statutes is pending. The College will make every effort to be responsive and sensitive to the victims of these serious crimes. Protection of the victim and prevention of continued trauma is the College's priority. Cayuga Community College will make simultaneous notification of the outcome of a judicial hearing to the victim of a sexual assault or to the next of kin if the victim is deceased.
- Victim/survivors of domestic violence, dating violence, sexual assault, or stalking will be provided written information about evidence preservation, how and to whom to report these crimes, options about involvement of law enforcement and campus authorities, and assistance in notifying law enforcement if the victim/survivor chooses, as well as the option to decline to notify authorities. Victims/survivors will also be provided information in writing about rights and institutional responsibilities regarding no contact orders, orders of protection, or other available applicable options.

### **Synopsis of Institutional Procedures upon reports of a Sexual Assault, Dating Violence, Stalking or Domestic Violence**

#### **Sexual Assaults:**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care.
2. Institution will assess immediate safety needs of complainant
3. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police

- department
4. Institution will provide complainant with referrals to on and off campus mental health providers
  5. Institution will assess need to implement interim or long-term protective measures, such as housing changes, change in class schedule, “No Contact” directive between both parties
  6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate
  7. Institution will provide written instructions on how to apply for Protective Order
  8. Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution
  9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is
  10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

**Stalking:**

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide a “No Trespass” (PNG) directive to accused party if deemed appropriate

**Dating Violence:**

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

## **Domestic Violence:**

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

The Office of Public Safety has written materials to give to victim/survivors on how and where they can obtain an Order of Protection. Those materials are available at the Office of Public Safety on both the Auburn and Fulton Campuses.

## **The Importance of seeking medical attention and legal assistance for victim/survivors**

- After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Auburn Community Hospital located at 17 Lansing Street Auburn, New York (315) 255-7011, or evidence may be collected even if you chose not to make a report to law enforcement. Members of the Fulton Campus Community should consider seeking medical attention at the Oswego Hospital located at 110 W. 6<sup>th</sup> Street Oswego, NY (315) 349-5511. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College judicial hearing boards/investigators or police. Although the college strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police. The Office of Public Safety will assist any victim with notifying local police if they so desire. The Auburn City Police Department can be reached by calling (315) 253-3231 or by visiting their

office at 46 North Street Auburn, NY 13021 or the Fulton City Police Department can be reached directly by calling (315) 598-2007, in person at 141 S. First Street Fulton, NY 13069.

- If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, Smith by calling (315) 294-8580, by email at [psmith37@cayuga-cc.edu](mailto:psmith37@cayuga-cc.edu) coming into the office located at 197 Franklin Street Auburn, New York 13021 to report in person and the Office Of Public Safety (if the victim so desires.). The college will provide resources, on campus off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.
- As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Police or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.
- Privileged and Confidential Resources: individuals who by statute have privilege and confidential status will not report crimes to law enforcement or college officials without permission from the victim/survivor, except for extreme circumstances, such as a health and/or safety emergency.
- Off-campus options: victim/survivors may disclose sexual violence confidentially to off-campus resources that will not provide any information to the campus.
- These might include: Off-Campus Counselors and advocates. Crisis services offices will generally maintain confidentiality unless the victim/survivor requests disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
- Off-campus healthcare providers. Note that medical office and insurance billing practices may reveal information to the insurance policy holder, including medication or examinations paid for or administered. The New York State

Office of Victim's Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency

- Non-Professional Counselors and Advocates
- Non-professional counselors and advocates can also assist without sharing information that could identify the victim. These individuals will report the nature, date, time, and general location of an incident to the Title IX Coordinator, but will consult with the victim to ensure no personally identifying details are shared without consent.
- Offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided 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.
- The campus will limit the disclosure as much as possible, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

### **Requesting Confidentiality**

- If a victim/survivor discloses an incident to a College employee who is responsible for responding to or reporting sexual violence or sexual harassment, but wishes to maintain confidentiality or does not consent to the institution's request to initiate an investigation, the reporting employee such as the police or Title IX must weigh the request against an obligation to provide a safe, non-discriminatory environment for all members of our community.
- The campus will seek consent prior to conducting an investigation. The victim may decline to consent to an investigation, and that determination will be honored unless the College failure to act may result in harm to the victim or other members of the campus community.
- If it is determined that an investigation is required, the campus will notify the victim and take immediate action as necessary to provide protection and assistance. Honoring a request for confidentiality may limit the ability to meaningfully investigate and pursue conduct action against an accused individual.
- The campus will assist with academic, housing, transportation, employment and other reasonable and available accommodations regardless of your reporting choices. While victims/survivors may request accommodations through several College offices, one office should serve as a point to assist with these measures
- The campus will also implement proactive actions, such as training or awareness efforts, to combat sexual violence in a general way that does not identify the victim/survivor or the situation that was disclosed
- When a victim/survivor discloses an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, the campus will consider many factors to

determine whether to proceed despite that request. These factors include, but are not limited to:

- whether the accused has a history of violent behavior or is a repeat offender
- whether the incident represents escalation, such as a situation that previously involved sustained stalking,
- the increased risk that the accused will commit additional acts of violence
- whether the accused used a weapon
- whether the victim/survivor is a minor
- whether the campus possesses 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

### **What is Sexual Harassment?**

Sexual Harassment includes any unwanted verbal or physical sexual advance, request for sexual favors, sexually explicit derogatory remarks, and sexually discriminating remarks which are offensive or objectionable to the person at whom they are directed or which cause a person discomfort or humiliation. Sexual harassment can be as subtle as a look or as blatant as rape. Whether verbal or physical, sexual harassment is an act of aggression.

### **College Policy on Sexual Harassment**

Sexual harassment is a violation of both federal law (Civil Rights Act of 1964, section 703, Title IX Education Amendments of 1972) and state law (New York Human Rights). For assistance in resolving incidents of sexual harassment students may contact the Office of Public Safety or the Center for Student Engagement and Academic Advisement. For purposes of sexual harassment complaints, students may contact Nicole Adsitt in the Office of Student Engagement and Academic Advisement. Employees may direct complaints to Thomas Corcoran, Director of Human Resources.

### **Types of Sexual Harassment**

#### *Verbal Harassment*

- Innuendo's, comments and sexual remarks about clothing, body, sexual activities, or sexual orientation.
- "Jokes", remarks concerning a person's gender with their intellectual or academic abilities.
- Suggestive or insulting sounds.
- Sexual propositions, invitations or other pressure for sex. For example: "My office hours are limited. Why don't you come by my house so we can have some privacy and get to know each other better."

- Implied or overt threats: “If you want to pass this course, you have to be nice to me. It’s up to you but sex is the nicest thing I can think of.” For example: “I’ll take care of you later”, or, “If you know what’s good for you, you’ll come on over here.”

*Physical Harassment*

- Patting, pinching, or other inappropriate touching or feeling.
- Brushing against the body.
- Attempted or actual kissing or fondling.
- Coerced sexual intercourse.

*Other Sexual Harassment*

- Leering or ogling.
- Obscene gestures.

**WHAT IS TITLE IX?**

**Title IX is 37 words with broad scope and broad responsibility.**

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Title IX of the Education Amendments was passed by the U.S. Congress in June 1972, and signed into law on July 1, 1972. Though most notable for advancing equity in girls and women’s sports, Title IX provides federal civil rights that prohibits sex discrimination in education programs and activities such as:

- Admissions or financial aid
- Housing and facilities
- Courses, academic research and other educational activities
- Career guidance, counseling or other educational support services
- Athletics (scholastic, intercollegiate, club, or intramural)
- Employment, training for employment or advancement in employment

**Title IX on a College Campus**

At Cayuga Community College, the Title IX Officer is Paul Smith located in the Office of the President at 197 Franklin Street in Auburn, New York. Cayuga’s Title IX Coordinator has been designated at a Campus Security Authority

The protections of Title IX also extend to sexual harassment and sexual assault or violence that impairs or interferes with access to equitable educational and employment opportunities. Title IX is applicable to all members of the campus community, individuals doing business with the campus, those utilizing campus facilities, those who engage in volunteer activities or work activities in connection with or for Cayuga Community College.

Each school must designate a Title IX administrator to review, update and implement current Title IX policies, to coordinate appropriate training and resources, and ensure effective and timely responses to complaints of sexual violence, misconduct, discrimination or harassment.

The Title IX Coordinator or designated deputy coordinator will work with you to gather information on your complaint and provide some resources that may be helpful to you. There are certain immediate steps we can take to help you feel safer and you may change your mind about participating in this process at any time.

If you choose to move forward, the Title IX Coordinator will work with appropriate offices to ensure that the complainant, respondents and witnesses are treated equitably and that respectful and timely communication occurs.

### **What should I report?**

The college is committed to ensuring a community that is safe for all who study, live, work and visit here.

We understand that this can be difficult to discuss but notification to one of the many campus resources is critical to fulfilling our commitment to you.

Sexual discrimination, harassment, assault, misconduct or violence can take many forms, including any sexual contact that lacks mutual consent. Harassment may take the form of stalking or the distribution, the display or discussion of any written, graphic, visual or auditory material that is sexual in nature and has the purpose or effect of threatening, intimidating or interfering with a person or person's ability to study or work would constitute violations of College policy, NYS and/or Federal law and should be reported immediately.

Retaliation against anyone who reports in good faith or participates in the investigative process is prohibited and may be subject to sanctions as determined by the College.

Additional information on the expectation of conduct or prohibited conduct and the reporting process can be found in the Student Code of Conduct.

**Public Awareness/Advocacy Events.** If a victim/survivor discloses a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, a [applicable student organization or other event or forum], or other public event, the College is not obligated to begin an investigation. However, the campus may use the information provided to inform the need for additional education and prevention efforts.

**Anonymous Disclosure:** In this section review those options and instructions for anonymous support and assistance that are available at the College, including a hotline or an online form. The Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.



New York State Hotline for Sexual Assault and Domestic Violence: 1-800-942-6906

### **Protective Measures**

The range of protective/interim measures that an institution may offer following an allegation of domestic violence, dating violence, sexual assault or stalking such as changing academic, living, transportation and/or working situations. The possible sanctions that the institution may impose following a final determination of a disciplinary proceeding regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking; The prohibition against retaliation. Retaliation is prohibited against any individual who files a sex discrimination complaint under Title IX or participates in a complaint investigation in any way.

### **Sanctions**

The College considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations and subject to SUSPENSION and/or EXPULSION from the college.

### **Retaliation**

No member of the college campus community shall retaliate, intimidate, threaten, coerce or otherwise discriminate against a person who files a Title IX complaint, serves as a witness, or assists or participate in a Title IX proceeding in any manner. Participants who experience retaliation should immediately report the information to the Office of Public Safety and/or of Department of Human Resources. Both Offices are equipped to follow up on behaviors that are retaliatory in nature.

### **Sexual Assault Forensic Examinations**

While there should be no charge for a Sexual Assault Forensic Examination (commonly referred to as a rape kit), there may be a charge for medical or counseling services off campus and, in some cases, insurance may be billed for services.

The New York State Office of Victim's Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation.

### **Bystander Intervention**

Cayuga Community College expects all members of the campus community to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Educating and engaging bystanders are effective ways to help prevent acts of sexual misconduct. Bystanders can help in several different ways, including direct intervention, seeking

assistance from an authority figure, notifying the Office of Public Safety, or calling State or local law enforcement. The college has programs and trainings offer safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. They include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

## **No Contact and Orders of Protection**

When the accused is a student, the campus may issue a “No Contact Order,” meaning that contact with the protected individual is a violation of college policy subject to additional conduct charges.

If the accused and a protected person observe each other in a public place, it is the responsibility of the accused to leave the area immediately and without directly contacting the protected person.

Victim/survivors have the right to seek assistance from the Office of Public Safety in obtaining an Order of Protection or, if outside of New York State, enforcing an equivalent protective or restraining order.

Upon receipt of a copy of the Order of Protection or equivalent, the victim/survivor may request an opportunity to meet or speak with a campus official who can explain the Order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).

## **Student Onboarding and Continuing Education**

Cayuga Community College believes that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, Cayuga Community College will endeavor to continually educate all new and current students using a variety of methods aimed at educating the entire college community in a way that decreases violence.

Cayuga Community College has begun using an online orientation to allow for a more comprehensive and inclusive orientation program. The orientation content includes programming and training that allows the student to obtain all necessary and mandated information during the Onboarding process.

All new first-year and transfer students will, during the course of their onboarding receive training on the following topics, using a method and manner appropriate to the institutional culture of each campus:

- The institution prohibits sexual harassment, including sexual violence, other violence or threats of violence, and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution.

- Relevant definitions including, but not limited to, the definitions of sexual violence and affirmative consent.
- The role of the Title IX Coordinator, Office of Public Safety, and other relevant offices that address sexual violence prevention and response.
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact.
- The Victim and Survivor Bill of Rights
- Bystander Intervention and the importance of taking action, when one can safely do so, to prevent violence.
- The protections of the Policy for Alcohol and/or Drug Use Amnesty in Sexual Violence Cases
- Risk assessment and reduction including, but not limited to, steps that potential victims/survivors *and* potential assailants and bystanders to violence can take to lower the incidence of sexual violence.
- Consequences and sanctions for individuals who commit these crimes.
- Further, Cayuga will, as appropriate, provide specific training or expand training to include groups such as international students, students that are also employees of the campus, leaders and officers of registered/recognized student organizations, online and distance education students.
- Cayuga will also provide specific training to members of groups identified as likely to engage in high risk behavior.
- Beginning in the 2018-2019 academic year, Cayuga Community College will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on sexual violence prevention as part of the approval process and require student-athletes to complete training 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 Orientation
- 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 documents.
- Programming surrounding large recurring campus events.
- Partnering with neighboring SUNY and non-SUNY colleges to offer training and education.
- Cayuga Community College will conduct a uniform climate survey that analyzes prevalence and attitudes regarding sexual harassment, including sexual violence, and other related crimes.

- The survey will address at least the following:  
Student and employee knowledge about: The Title IX Coordinator’s role; Campus policies and procedures addressing sexual assault; How and where to report sexual violence as a victim/survivor or witness; and the availability of available resources on and off campus, such as counseling, health, academic assistance; the prevalence of victimization and perpetration of sexual assault, domestic violence, dating violence, and stalking on and off campus during a set time period (for example, the last two years); bystander attitudes and behavior; whether victims/survivors reported to the College and/or police, and reasons why they did or did not report.

**College Sponsored Prevention and Awareness Programs:**

Cayuga Community College is committed to provide consistent, comprehensive, intentional, and integrated education programs intended to provide information on the prevention of sexual assault, dating violence, domestic violence and stalking. The college is also committed to educating the campus community on the procedures to be followed by the victim/survivor and relevant campus members in order to provide for appropriate care, the preservation of evidence, identify appropriate support services, and assistance for the victim/survivor in all facets of the experience.

**Definitions:**

**Awareness Programs:** The term awareness programs refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration. These efforts can include campus communitywide mobilizations as well as targeted audience specific programming (including both students and employees). Awareness month campaigns, “Speak Outs,” rallies or marches, informational poster campaigns or resource websites, and educational programming that focuses on sharing resources and information about these issues are examples of awareness programs.

- Prior to Covid restrictions, the college was able to host a 2024 wellness week. This annual event brings in a host of services and providers from the area to education students as well as offer a link to services and assistance. These areas include, but are not limited to, suicide prevention, domestic violence services, sexual assault services, and self-defense demonstrations. We are very fortunate to have community partners willing to spend time on campus to promote these services to students.

The Wellness and Intervention Services Department were frequent guests in campus media, establishing a permanent column in the college newspaper as well as conducting interviews about important health, wellness, and safety concerns via the college’s video news delivery forum.

The Wellness and Intervention Services Department facilitated and hosted events on a variety of safety topics. Two of the biggest were on the topic of Sex Trafficking and an introduction to SAF (Domestic Violence and Sexual Assault Services).

- Domestic Violence Awareness Month – Activities throughout the month of October – 2010 thru 2020 included: Activities included :Placement of purple pinwheels on front lawn with banners to emphasize the issue with DV.

Bystander Intervention: The term bystander intervention refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking:

- Bystander intervention in person programs were canceled for this year due to COVID related concerns and lack in in person gatherings.

Ongoing prevention and Awareness Campaigns: The term ongoing awareness and prevention campaigns refer to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to SA, DV and stalking prevention. These programs will occur at different levels throughout the institution (i.e. faculty, athletics, and incoming students) and will utilize a range of strategies. Ongoing awareness and prevention campaigns may include information about what constitutes sexual assault, dating violence/intimate partner abuse, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the specific audience and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved.

- Students were provided with a host of resources on violence prevention and intervention services, which Wellness Service\’s embedded into student courses. Students were also sent information via email with the goal of providing students with services now and over the pending holiday break period.

Partnering with SAF and SAVAR, agencies that address violence and sexual assault, students on campus can access these services through advocates that were brought on board prior to Covid. As the college has adapted to a tele-health model, these services have done the same, providing seamless access for our student needs.

Staff of the Wellness and Intervention Services continue to provide one-to-one telehealth sessions with students as well as remaining a viable referral service for students in need.

Cayuga Community College is also now utilizing Thrive Campus, which will have the capacity of offering students access to referral sources using an app. The resources include local services added by college providers, as to tailor search results to the most relevant resources particular to that student’s need.

Primary prevention Programs: The term primary prevention refers to programming, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

The College supported the following programs

- Take Back the Night March & Rally – Canceled due to COVID concerns
- Our partners assist in helping the college with on-demand and scheduled forums to educate students on a variety of issues, ranging from healthy relationships to service access and utilization for acute care following an incident of violence of sexual assault.

Partnering with Student Activities and Student Engagement, we are able to offer students a variety of workshops and events addressing well-being and safety. Our campus Student Success Advocates continually provide outreach and programming directed at the student population.

Student Activities sponsors a series of events each year with a similar focus of educating students on a variety of topics. This year, Director Normal Lee planned a session addressing our LGBTQ+ community. As we know, this population is particularly vulnerable to violence and self-harm. Educating students and all interested parties will become a valuable tool in reducing risk.

Risk Reduction Programs: The term risk reduction refers to approaches that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction. Risk reduction focuses on helping individuals and communities address the institutional structures or cultural conditions that facilitate SV, DV & stalking to increase safety. Examples of risk reduction may include but are not limited to general crime prevention education, campus escort programs, programs that educate on how to create individual and community safety plans and strategies, and bystander intervention programs that educate the campus on how to recognize and interrupt situations of harm, or implementing a communications system that can notify the entire campus community of immediate threats to security.

- The Wellness and Intervention Services department, through a collaborative model, draws upon resources both on and off campus in order to consistently address risk. For example, the department offered a program to college athletes this year addressing the

issues of substance abuse and sexual assault. This will become a bi-annual event and serves as a risk reduction strategy as well as introducing athletes to more individuals and resources on (and off) campus that may be useful.

A new project involving the creation of a Micro-credential addressing sexual assault and violence is now in progress involving one of our partners (SAVAR) and the college. The partnership will create recognition of those students who complete requirements, which include certification as a NYS Rape Crisis Advocate. Students will have this credential displayed in one's transcript. This will work to increase student education and awareness, reduce risk as these students become peer educators, and provide more resources in the community for those needing services.

- College Health Services Office also has numerous brochures available relating to personal and public safety both on-and off campus.
- The office of Public Safety regularly circulates written "Personal Safety Plans" to students and staff with tips on how they can stay safe on and off campus.

## **Crime Statistics and Terms**

### **Clery Geography**

#### **On Campus**

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

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

#### **On Campus – in Residential Halls: *Cayuga Does not currently have on campus or college supported or recognized residence facilities.***

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

#### **Non-campus Building or Property**

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

## **On Public Property**

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

## **Clery Crimes - Definitions**

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

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

**Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft. [Note: Prior to CY 2010 incidents were classified as burglaries unless evidence supporting that the offense had been committed by a person who had license and privilege to be in the building or other structure was documented. Following direction from the US Department of Education beginning with the 2010 compilation of statistics an incident is classified as a burglary **only if** evidence supporting that the offense had been committed by a person who **did not** have license and privilege to be in the building or other structure was documented. This change in classification has resulted in a significant change in the number of reportable burglaries under Clery.

**Crime or a public offense:** An act committed or omitted in violation of a law forbidding or commanding it, and to which is annexed, upon conviction, either of the following punishments: death; imprisonment; fine; removal from office; or disqualification to hold and enjoy any office of honor, trust, or profit in this State.

**Drug abuse:** Violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

**Murder and non-negligent manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent manslaughter:** The killing of another person through gross negligence

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

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

**Weapons:** Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

**Hate crime:** Any act of intimidation, harassment, physical force, or the threat of physical force directed against any person or family, or their property or advocate, motivated either in whole or in part by hostility to their real or perceived race, ethnic background, national origin, religious belief, sex, age, disability, gender identity, or sexual orientation, with the intention of causing fear or intimidation, or to deter the free exercise of



enjoyment of any rights or privileges secured by the Constitution or the laws of the United States.

### **Uniform Crime Reporting (UCR) Definition of Rape**

**Sexual Assault:** “Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

The UCR does not include in the definition of Rape, statutory rape, incest, forcibly sodomy, sexual assault with an object or forcible fondling.

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

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

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

## **NEW YORK STATE LAW REGARDING SEX OFFENSES Sex Offense Laws**

### **Article 130 of the New York State Penal Code**

#### **Lack of Consent**

1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.
2. Lack of consent results from:
  - Forcible compulsion; or
  - Incapacity to consent; or
  - Where the offense charged is sexual abuse of forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct; or
  - Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under

which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

3. A person is deemed incapable of consent when he or she is: Less than seventeen years old; or
  - Mentally disabled; or
  - Mental incapacitated; or
  - Physically helpless

### **Rape Section 130.25/.30/.35**

This series of offenses includes sexual intercourse with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violations of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed twenty five years.

### **Acquaintance Rape (Date rape)**

This is defined as sexual intercourse undertaken by a friend, date or acquaintance without consent. Acquaintance rape includes sexual intercourse that occurs through force, as a result of threat, physical restraint or physical violence with or without consent.

### **Sexual Misconduct 130.20**

This offense includes sexual intercourse without consent and deviant sexual intercourse without consent. The penalty for a violation of this section includes imprisonment up to one year.

### **Criminal Sexual Act 130.40/.45/.50**

This series of offenses includes oral or anal sexual conduct with a person incapable of consent because of the use of forcible compulsion or because the person is incapable of consent due to mental defect, mental incapacity, or physical helplessness. This series of offenses further includes sexual intercourse with a person under the age of consent. The penalties for violation of these sections range from imprisonment for a period not to exceed four years up to imprisonment for a period not to exceed twenty five years.

### **Forcible touching 130.52**

This offense involves the forcible touching of the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the

actor's sexual desire. Forcible touching includes the squeezing, grabbing or pinching of another person's sexual or intimate parts. The penalty for violations of this section includes imprisonment for a period up to one year in jail.

### **Unfounded reports of crimes**

Under very limited circumstances Cayuga Community College will withhold or will remove reported criminal offences in the colleges Annual Security Report and campus security survey. Reported crimes will be removed or withheld only when, after a thorough, comprehensive and complete investigation into the reported facts and circumstances, it is determined that the report is without foundation and/or are groundless. The decision to withhold or remove reported crimes from the campus security survey and the Annual Security Report will only be made after consultation and agreement with the local District Attorney's office.

**2023 Campus Crime Statistics for the Auburn Campus**

| <b>Offenses</b>                            | <b>Years</b> | <b>On Campus</b> | <b>Non-Campus</b> | <b>Public Property</b> | <b>Unfounded</b> |
|--------------------------------------------|--------------|------------------|-------------------|------------------------|------------------|
| <b>Murder / Non-Negligent Manslaughter</b> | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Negligent Manslaughter</b>              | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Sex Offenses (Forcible)</b>             | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Sex Offenses (Non-Forcible)</b>         | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Rape</b>                                | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Fondling</b>                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Incest</b>                              | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Statutory Rape</b>                      | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Robbery</b>                             | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Aggravated Assault</b>                  | 2023         | 1                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Burglary</b>                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Motor Vehicle Theft</b>                 | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Arson</b>                               | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Domestic Violence</b>                   | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 2                | 0                 | 0                      | 0                |
| <b>Dating Violence</b>                     | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Stalking</b>                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |

**2023 Campus Crime Statistics for the Fulton Campus**

| <b>Offenses</b>                            | <b>Years</b> | <b>On Campus</b> | <b>Non-Campus</b> | <b>Public Property</b> | <b>Unfounded</b> |
|--------------------------------------------|--------------|------------------|-------------------|------------------------|------------------|
| <b>Murder / Non-Negligent Manslaughter</b> | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Negligent Manslaughter</b>              | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Sex Offenses (Forcible)</b>             | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Rape</b>                                | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Fondling</b>                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Incest</b>                              | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Statutory Rape</b>                      | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Sex Offenses (Non-Forcible)</b>         | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Robbery</b>                             | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Aggravated Assault</b>                  | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Burglary</b>                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Motor Vehicle Theft</b>                 | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Arson</b>                               | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Domestic Violence</b>                   | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Dating Violence</b>                     | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Stalking</b>                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                            | 2022         | 0                | 0                 | 0                      | 0                |
|                                            | 2021         | 0                | 0                 | 0                      | 0                |

**2023 Campus Hate Crime Statistics for the Auburn Campus**

| <b>Offenses</b>                                          | <b>Years</b> | <b>On Campus</b> | <b>Non-Campus</b> | <b>Public Property</b> | <b>Unfounded</b> |
|----------------------------------------------------------|--------------|------------------|-------------------|------------------------|------------------|
| <b>Murder / Non-Negligent Manslaughter</b>               | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Negligent Manslaughter</b>                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Rape</b>                                              | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Fondling</b>                                          | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Incest</b>                                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Statutory Rape</b>                                    | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Robbery</b>                                           | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Aggravated Assault</b>                                | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 1                | 0                 | 0                      | 0                |
| <b>Burglary</b>                                          | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Motor Vehicle Theft</b>                               | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Arson</b>                                             | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Larceny</b>                                           | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Simple Assault</b>                                    | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Intimidation</b>                                      | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Destruction/<br/>Damage/Vandalism of<br/>Property</b> | 2023         | 0                | 0                 | 0                      | 0                |
|                                                          | 2022         | 0                | 0                 | 0                      | 0                |
|                                                          | 2021         | 0                | 0                 | 0                      | 0                |

**2023 Campus Hate Crime Statistics for the Fulton Campus**

| <b>Offenses</b>                                  | <b>Years</b> | <b>On Campus</b> | <b>Non-Campus</b> | <b>Public Property</b> | <b>Unfounded</b> |
|--------------------------------------------------|--------------|------------------|-------------------|------------------------|------------------|
| <b>Murder / Non-Negligent Manslaughter</b>       | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Negligent Manslaughter</b>                    | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Sex Offenses (Forcible)</b>                   | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Rape</b>                                      | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Fondling</b>                                  | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Incest</b>                                    | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Statutory Rape</b>                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Sex Offenses (Non-Forcible)</b>               | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Robbery</b>                                   | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Aggravated Assault</b>                        | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Burglary</b>                                  | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Motor Vehicle Theft</b>                       | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Arson</b>                                     | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Larceny</b>                                   | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Simple Assault</b>                            | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Intimidation</b>                              | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |
| <b>Destruction/ Damage/Vandalism of Property</b> | 2023         | 0                | 0                 | 0                      | 0                |
|                                                  | 2022         | 0                | 0                 | 0                      | 0                |
|                                                  | 2021         | 0                | 0                 | 0                      | 0                |

**2023 Campus Crime Statistics for the Auburn Campus**

| <b>Offenses</b>                                           | <b>Years</b> | <b>On campus</b> | <b>Non-Campus</b> | <b>Public Property</b> |
|-----------------------------------------------------------|--------------|------------------|-------------------|------------------------|
| <b>Weapons Violations<br/>(Arrests)</b>                   | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Weapons Violations<br/>(Disciplinary Referrals)</b>    | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Drugs Violations<br/>(Arrests)</b>                     | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Drugs Violations<br/>(Disciplinary Referrals)</b>      | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Liquor Law Violations<br/>(Arrests)</b>                | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Liquor Law Violations<br/>(Disciplinary Referrals)</b> | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |

**2023 Campus Crime Statistics for the Fulton Campus**

| <b>Offenses</b>                                           | <b>Years</b> | <b>On campus</b> | <b>Non-Campus</b> | <b>Public Property</b> |
|-----------------------------------------------------------|--------------|------------------|-------------------|------------------------|
| <b>Weapons Violations<br/>(Arrests)</b>                   | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Weapons Violations<br/>(Disciplinary Referrals)</b>    | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Drugs Violations<br/>(Arrests)</b>                     | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Drugs Violations<br/>(Disciplinary Referrals)</b>      | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Liquor Law Violations<br/>(Arrests)</b>                | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |
| <b>Liquor Law Violations<br/>(Disciplinary Referrals)</b> | 2023         | 0                | 0                 | 0                      |
|                                                           | 2022         | 0                | 0                 | 0                      |
|                                                           | 2021         | 0                | 0                 | 0                      |



## **Family Education Rights and Privacy Act**

FERPA is the Family Education Rights and Privacy Act. FERPA is also referred to as the Buckley Amendment. This amendment affords students certain rights with respect to their education records. An institution may not disclose information in a student's education record without the student's written consent. A student's parents are included, unless they produce to the institution a copy of their prior year's federal income tax form showing the student was a dependent child. There is information within a student's educational record that may be designated by an institution as "Directory Information". This information may be given out without the student's consent, unless the student completes and signs a written request to suppress all of their directory information. FPCO (United States Department of Education, Family Policy Compliance Office) oversees FERPA.

**Educational Records:** Educational records are all records that contain information that are directly related to a student and are maintained by an educational agency or institution or by a party acting on the behalf of the institution. If a student's educational record is on a computer database it is protected by FERPA.

**Non-educational Records:** There are several types of records that an institution may have on a student that are not classified as educational records. They are:

- Sole Possession Records
- Law Enforcement Unit Records
- Employment Records
- Health Records
- Alumni Records

**Directory Information:** This information is not generally considered to be harmful, or an invasion of student's privacy. FERPA especially states that the following can be designated by an institution as directory information. On this list is:

- Student's name
- Student's address
- Student's telephone number(s)
- Student's place and date of birth
- Student's academic field of study
- Student's dates of attendance at the institution
- Any degrees, certificates or awards received at the institution
- Student's most recent previous institution they attended
- Student's participation in officially recognized activities and sports at the institution

- Student's e-mail address
- Student's photograph
- Student's full or part-time status

Illegal Directory Information: The following information may not be released:

- Student's social security number
- Student's student identification number
- Student's race or ethnicity
- Student's gender

Students Rights Under FERPA:

Every post-secondary institution must inform students annually of their rights under FERPA. Many institutions publish these rights in the institution's student handbook to meet this requirement. Students' rights are:

- To inspect and review their education records.
- To seek amendment of education records that they believe to be inaccurate or misleading.
- To consent to disclosure of personally identifiable information in their education record.
- The right to file a complaint with the U.S. Department of Education.

A student may lose the right of disclosure when:

- They have taken an adversarial position against the institution.
- They make written wrong doings against the institution.
- They share above information with a third party.

Rules for Non-Disclosure:

If a student notifies the institution not to disclose their directory information, the institution cannot release any directory information on the student. For example, the institution cannot:

- Verify the student's attendance at the institution
- Include student's name on the Dean's list
- Include student's name in a graduation program
- May not show student's name for any type of award received at the institution
- May not show student's name as a member of an activity or club

Exceptions to Prior Written Consent:

FERPA allows several exceptions to prior written consent in releasing a student's educational records. They are:

School Officials: Access should be limited to individuals who are "school officials" with a "legitimate educational interest" in the information.

Subpoenas/Court Orders: Notice is not required when responding to a federal grand jury subpoena which specifies that the student is not to be informed of the existence of the subpoena or a law enforcement subpoena which specifies the same of the postal service investigating mail fraud.

FERPA was amended in 1998. An institution has the right, if a student is under age 21 and without their consent, to contact a student's parents if a student violates policies concerning alcohol or drug use.

For any further information contact:

|                                                                          |                     |
|--------------------------------------------------------------------------|---------------------|
| Family Policy Compliance Office                                          | Phone: 202.260.3887 |
| U.S. Department of Education                                             | Fax: 202.260.9001   |
| 400 Maryland Ave SW                                                      | E-mail:             |
| <a href="mailto:FERPA@ed.gov">FERPA@ed.gov</a> Washington, DC 20202-4605 |                     |

Web site: <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

