



Annual Security and Fire Safety Report

2020 Report (statistical data for years 2020, 2019, 2018)



Published in compliance with the United States Code Section 1092 (f) the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (hereinafter referred to as the Campus Security Act) and the code of Federal Regulations.



**Great Majors,
Great Careers.**

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On behalf of the campus community, welcome to SUNY Canton!

Our primary concern is the safety and well-being of our students, employees and visitors. In the following pages, you will find a description of the College's dedication to safety and security and a statistical report of certain offenses in and around the campus.

No matter the time or day, University Police Department (UPD) is available to provide services to the campus community. We promote safety and responsibility through education, training, interaction and when necessary, enforcement of local, state and federal law.

While we have developed programs, procedures and strategies to protect all members of the campus, it is still necessary for each person to take simple precautions to ensure his or her personal safety and to call University Police or other designated reporters when they observe any suspicious or concerning activity.

We invite you to further examine our website and to contact us at any time for more information or to schedule a University Police officer to present to any student or employee organization, group or residence hall.

The Student Right-to-Know and Campus Security Act was signed into law in November of 1990. Title II of this act was amended and renamed in 1998 as the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act. This law mandates that institutions receiving Title IV federal funds disseminate crime statistics for certain offenses that occurred on the campus, adjacent areas of the campus and specified campus controlled property for the previous three calendar years. The purpose of this report is to provide our current and prospective students, faculty and staff with campus safety information including crime statistics and procedures to follow to report a crime. This report also complies with the Violence Against Women Act (VAWA) Re-authorization 2013. This document was compiled by the Chief of University Police and is available on our website at: https://www.canton.edu/media/pdf/clery_2020.pdf. A hard copy is available upon request.

Note: The College will not retaliate nor allow any retaliation toward a person(s) who reports an alleged violation of the Campus Security Act.

Reporting Locations

This law requires that campuses report specific criminal activities that occur on campus property and specific areas surrounding the campus, as well as a few properties controlled by the campus within the community. Crimes and other hazards occur and exist within the community at large that fall beyond the reporting scope of this report. All students and employees are advised to exercise caution in all areas of the campus community and to contact University Police for information and programming on personal safety.

On Campus: includes the main campus property, on campus buildings, roadways and walkways (ref. campus map page 109).

On-Campus Student Housing: includes all residential halls and living spaces: Heritage Hall, Rushton Hall, Mohawk Hall, Smith Hall, and Kennedy Suites.

Non Campus: includes buildings owned or rented by recognized student organizations officially recognized by the institution and those owned or operated by the University outside the campus

boundaries. In 2020, three Greek organizations owned or controlled: Alpha Omega Chi, 20 Pine Street, Canton, Kappa Xi Omega, 24 Park Street, Canton, and Alpha Theta Gamma, 54 Court Street, Canton.

Public Property: includes streets, sidewalks, parking lots or green-space immediately adjacent to and accessible from the campus.

General Campus Information

SUNY Canton was originally chartered in 1906 as the first postsecondary, two-year college in New York. In 1987, the State University of New York's Board of Trustees authorized the College's present designation as State University of New York College of Technology at Canton, more commonly known as SUNY Canton.

- During 2020, there were 3,128 undergraduate students.
- Over 900 students reside in residence halls while nearly 2,228 reside off campus.
- Student gender was split almost equally.
- A diverse mix of races, ethnicities, and backgrounds represented in the student body, creates a unique and rich cultural learning experience.
- The College enrolls international students from England, Russia, Japan, China, the Caribbean Islands and the nearby province of Canada.

University Police is available 24 hours a day, 365 days a year.

Daily Shift Logs of all University Police activity are available for review during business hours.

Crime/Fire Logs that list all reported crimes and fires are also available for review.

Standard Facility Access

Students and employees have access to academic, recreational and administrative facilities during scheduled hours. Access to residence halls is limited to students and their guests according to our guest procedures. (Student Handbook) <https://www.canton.edu/media/pdf/handbook.pdf> or inquire with a Resident Director or Resident Assistant). The campus is considered an "open campus" that allows pedestrian, bicycle and vehicle traffic to travel through the campus without first reporting to a college official. However, the College retains the right to dismiss visitors from the campus when our policies have been violated.

Reporting Crimes

All members of the campus community are urged to promptly report criminal incidents, emergencies and suspicious activities. **The University Police Department phone number is (315) 386-7777.** Dialing 911 from a campus "land-line" will connect the caller with University Police. Picking up any "red phone" located in most campus buildings or activating any of our 27 "blue light" emergency phones strategically located throughout the campus will immediately connect the caller with University Police. Police officers are immediately dispatched to the site of the emergency phone activation. All reports are classified, logged and responded to promptly. Any incident, crime or emergency can also be reported directly by any person to the University Police Office located in Dana Hall. The Canton Police Department can be reached at (315) 386-4561 or by dialing 911 to report any emergency or call for service within the Village of Canton.

Federal law also mandates that any official of the institution who is defined as "Campus

Security Authority" is required to report criminal offenses. The definition of "Campus Security Authority," according to the federal law, is as follows: "An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student

University Police offers a Criminal Incident Report form on our web page at: https://www.canton.edu/media/pdf/Criminal_Incident_Report_Form.pdf
This form allows for anonymous reporting of crimes and incidents of concern.

housing, student discipline, and campus judicial proceedings.” Campus Security Authorities receive annual training outlining their responsibilities. In addition, University Police send out email notice to all Campus Security Authorities each January to collect statistical information for the previous year.

A crime can be reported to any of these designated officials. SUNY Canton has determined that the following positions are examples of who meet the definition of a “Campus Security Authority-Clery Reportable Crimes”:

- Director of Student Conduct and Community Standards 315-386-7648
- VP for Student Affairs & Dean of Students 315-386-7120
- Athletic Director 315-386-7528
- Assistant Athletic Director 315-386-7642
- Coaches of Intercollegiate Athletic Teams 315-386-7335
- Assistant Coaches of Intercollegiate Athletic Teams 315-386-7335
- Faculty Advisors to Student Organizations, Clubs, Groups 315-386-7315
- Resident Hall Directors 315-386-7513
- Area Coordinators 315-386-7513
- Resident Assistants 315-386-7513
- University Police 315-386-7777
- Title IX Coordinator Amanda Deckert 315-386-7688

Safety and Security Responsibility



University Police officers are appointed by the State University of New York as defined in the New York State Criminal Procedure Law. They have the authority to make arrests, conduct criminal investigations, issue uniform traffic tickets, execute warrants, and issue summonses for parking. The officers also enforce any general, special or local law or charter, rule, regulation, judgment or order.

The University Police Department is the law enforcement agency for the campus. Officers are vested with full law enforcement responsibilities. All officers must pass a rigorous selection process to be hired and then attend either the St. Lawrence County Police Academy or other NYS approved police academies for basic training certification. University Police Officers are highly trained officers who receive specialized instruction and in-service training in first aid, defensive tactics, legal updates and other law-enforcement topics.

The Department forwards crime incident information to the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI) through fingerprint submissions for state and national distribution. Crime reports and related information are entered into the Spectrum Justice System (SJS) for statistical and law-enforcement purposes.

The University Police Department enjoys a close proximity to and a working relationship with the Canton Village Police, the St. Lawrence County Sheriff's Office, New York State Police and other state and federal agencies such as the U.S. Drug Enforcement Administration.

University Police are a proactive, energetic and service-oriented police agency. We follow recognized, community-oriented police practices and have a Memorandum of Understanding

(MOU) with the Canton Village Police. This MOU provides for the ability of each Department to assist the other when necessary, including when violent crimes and missing persons are reported from the campus. Additionally, the Chiefs of both Departments are frequently in contact on a variety of issues and joint projects. The Canton Village Police notifies UPD on a daily basis, whenever our students are involved in a crime. Appropriate Judicial Referrals are then initiated.

Campus Safety Advisory Committee

The Campus Safety Advisory Committee is comprised of a cross section of faculty, staff and students of the College and is appointed by the President each year. The Committee is tasked with the following duties:

- Educating the campus community about personal safety and crime prevention.
- Reporting sexual assaults and assisting victims.
- Advising the President and Chief of Police on matters of campus security and public safety. Each year the Committee conducts a "Night Walk" surveying areas of the campus that may be in need of improvement or repair. Issues addressed include lighting, pathways and any other hazards or areas of concern.

Behavioral Intervention Team (BIT)

The BIT is a committee of carefully chosen faculty and staff members whose goal is to respond to students exhibiting specific alarming behavior. The Committee will create a care management program to intervene early with students who are at risk. To report incidents or persons of concern go to: https://cm.maxient.com/reportingform.php?SUNYCanton&layout_id=0 . This report can be anonymous.

Security and Access

Security and access to on-campus facilities is controlled by key or card access. University Police, Physical Plant and Residence Life staff monitor access to the campus facilities whenever possible. These security features do not include any Greek letter organizations located off campus.

Residence halls are locked 24 hours per day. A special emphasis is placed on foot patrols by University Police and Residence Life staff in the residence halls. In addition, door viewers have been installed in most residence hall rooms to increase safety and security.

Other security considerations used in maintaining campus facilities include checking of campus lighting by University Police and Physical Plant personnel. The Grounds Department checks areas which may be potentially dangerous and takes corrective action.

University Police Officers provide 24 hour per day vehicle, bicycle and foot patrols of campus properties. The general public may attend cultural and recreational activities on campus yet access is limited only to the facilities in which these public events are held. After evening classes/functions and during times when the campus is officially closed, campus buildings are locked and only faculty, staff and students with proper identification are authorized to enter buildings. Campus employees with assigned offices are issued keys and are responsible for reporting missing and stolen keys.

University Police, the Department of Environmental Health and Safety, and the Physical Plant staff conduct regularly scheduled inspections of emergency phones and lighting throughout the campus. In addition, security cameras have been added throughout the campus to areas vulnerable to vandalism and other crime and continue to be added as facilities are renovated or areas of concern are identified.



Residence Life and Housing

The Residence Life staff is a team of individuals who work to provide a safe and secure environment in which resident students can live and learn. Residence halls are overseen by Resident Directors (RD) and Resident Assistants (RA) that are responsible for overall operation of the halls. The Residence Hall Directors have educational backgrounds related to counseling and/or student services. They have private offices and are available to assist students with their personal and academic concerns.

The Resident Directors and Resident Assistants live in the residence halls, so they are available after hours should emergencies occur. Resident Assistants are carefully selected students who are trained in mediation and intervention techniques. They work closely with the residents of their areas to develop a sense of community and to help students make the adjustments to living in college residences.

Campus Reporting Agents

The College encourages prompt and accurate reporting of any crime including sex crimes, dating violence, domestic violence, sexual assault and stalking to University Police or external police agencies such as the Canton Village Police, New York State Police, and St. Lawrence County Sheriff's Office. However, it can be difficult for a victim to come forward after such an event. The College provides several options for students who wish to maintain confidentiality while obtaining the support they need.

Note: Not all campus employees are able to maintain the same level of confidentiality.

1. **Privileged Communications:** some employees are required to maintain nearly complete confidentiality; talking with them is sometimes called a "privileged communication."
2. **No Personally Identifying Information:** other employees may talk to a victim in confidence and generally only report to the College that an incident occurred without revealing any personally identifying information. Disclosure to these employees will not trigger a College investigation into an incident against the victim's wishes.
3. **Responsible Employees:** these employees are required to report all the details of an incident (including the identities of both the victim and accused) to the Title IX Coordinator. A report to these employees constitutes a report to the College and generally obligates the College to investigate the incident and take appropriate steps to address the situation.

Privileged & Confidential Communications

Professional and Pastoral Counselors

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim's permission. The following is the contact information for these individuals:

Professional & Pastoral Counselors
All Members of the Counseling Center, Miller Campus Center Room 225, (315) 386-7314
Campus Ministry, Miller Campus Center Room 206, (315) 386-7018
Davis Health Services, Miller Campus Center Room 004, (315) 386-7333

No Personally Identifying Information

Non-Professional Counselors and Advocates

Individuals who work or volunteer on campus, including front desk staff and students, can generally talk to a victim without revealing any personally-identifying information about an incident to the College. A victim can seek assistance and support from these individuals without triggering a college investigation that could reveal the victim's identity or that the victim has disclosed the incident. While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator.

This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus, so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator. A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused.

Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy; academic support or accommodations; disability, health or mental health services; and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so. The following is contact information for these non-professional counselors and advocates:

Non-Professional Counselors and Advocates
Renewal House, 3 Chapel Street, Canton, NY 13617: (315) 379-9845
Reachout 24-Hour Hotline: (315) 265-2422

Reporting to Responsible Employees

A “responsible employee” is a college employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the College to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that the College will need to determine what happened – including the names of the victim and accused, any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the College's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement. Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential

resources. If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the College will consider the request, but cannot guarantee that the College will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality. Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the College to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

Responsible Employees
VP for Student Affairs, Courtney Bish, Miller Campus Center Room 229, (315) 386-7120
University Police, Dana Hall Suite 108, (315) 386-7777
Student Conduct Officer, Kristen Roberts, Miller Campus Center Room 225, (315) 386-7648
Director of Residence Life, John Kennedy, Mohawk Hall, (315) 386-7513
Director of Athletics, Randy Sieminski, R00's House, (315) 386-7528
Director of Diversity, Lashawanda Ingram, Miller Campus Center Room 219, (315) 386-7128
Director of Human Resources, Suzan L McDermott, French Hall Room 205, (315) 386-7611
*All Campus Security Authority Personnel: 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.

Requesting Confidentiality

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the College honors the request for confidentiality, a victim must understand that the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited. Although rare, there are times when the College may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students. The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

Requests for Confidentiality
VP for Student Affairs, Courtney Bish, Miller Campus Center Room 229, (315) 386-7120

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Vice President will consider a range of factors, including the following:

- The increased risk that the accused will commit additional acts of sexual or other violence, such as:
 - Whether there have been other sexual violence complaints about the same accused individual.
 - Whether the accused has a history of arrests or records from a prior school indicating a history of violence.
 - Whether the accused threatened further sexual violence or other violence against the victim or others.
 - Whether the sexual violence was committed by multiple perpetrators.
 - Whether the sexual violence was perpetrated with a weapon.

- Whether the victim is a minor.
- Whether the College possesses other means to obtain relevant evidence of the sexual violence.
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will likely respect the victim's request for confidentiality. If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain ever mindful of the victim's well-being, will take ongoing steps to protect the victim from retaliation or harm, and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

The College will also:

- Assist the victim in accessing other available victim advocacy; academic support; counseling, disability, health or mental health services; and legal assistance both on and off campus (see portion of policy identifying these).
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements, course schedules (including for the accused pending the outcome of an investigation), or adjustments for assignments or tests; informing the victim of the right to report a crime to campus or local law enforcement; and providing the victim with assistance if the victim wishes to do so.

The College may not require a victim to participate in any investigation or disciplinary proceeding. Because the College is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the College to consider broader remedial action – such as increasing monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices. If the College determines that it can respect a victim's request for confidentiality, the College will also take immediate action as necessary to protect and assist the victim.

Other Confidential Avenues

There are other ways to disclose a sexual assault that will be handled confidentially:

Take Back the Night and other Public Awareness Events

If a student discloses a situation through a public awareness event such as "Take Back the Night," candlelight vigils, protests, a Student Survivor Advocacy Alliance forum, or other public event, the information the student provides will not result in an investigation. The College may use the information the student provides to inform the need for additional education and prevention efforts.

Anonymous Reporting

Anonymous reports can be made in person, by phone, or by our Criminal Incident Report at our web page at: - https://www.canton.edu/media/pdf/Criminal_Incident_Report_Form.pdf.

St. Lawrence Valley Renewal House located at 3 Chapel, Canton, NY. Phone (315)379-9845.
Renewal House also staffs an office on campus one day a week located at Payson Hall Room 207.

Crime Prevention Programming

Community involvement is essential to the prevention of crime on campus. Disinterest and complacency are the prime contributors to the success of criminals. The burden of crime prevention rests not only with the University Police Department but with each member of the SUNY Canton community. University Police Officers cannot be everywhere at once, and therefore, we depend on you to recognize and report suspicious and criminal activity. The extent of your cooperation and involvement greatly enhances the UPD effectiveness in preserving a safe campus environment.

Doing your part means:

- Being aware of your vulnerability and following suggestions outlined in this handbook which will help you protect yourself and your property.
- Being alert for suspicious or criminal activity and or conditions that may represent a hazard to the University community.
- Getting involved by becoming more safety conscious and by reporting all incidents or criminal activity to the UPD.

Crime prevention programs on personal safety and theft prevention are hosted by a number of campus organizations and offices throughout the year. University Police Officers present for new students and parents at orientation sessions each summer; new employee orientation programs; residence halls, student and employee groups throughout the campus. We also publish crime prevention tips on the University Police web page, distribute pamphlets on relevant topics, and ensure emergency equipment is operable. Some programs conducted by University Police include:

- University Police – services and overview of department operations,
- Operation ID – this program is a nationwide system that tracks your property in the event it is lost or stolen. A personal number and UPD's agency identifying number are engraved on your property.
- Personal Safety/Basic Crime Prevention and Tips – a discussion of the meaning of crime prevention and its importance to the campus community.
- Domestic Violence/Dating Violence – a discussion of dating violence, resources available, and the police response to dating violence.
- ABC's of the ABC Law – a discussion of local and state law regarding alcohol, as well as University regulations regarding alcohol.
- Orientation – an overview of the University Police function and general campus regulations including personal safety and crime prevention.
- Sexual Assault Awareness and Prevention – a discussion of sexual assault including services offered on and off campus and the police and university response.
- Quality of Life Issues On and Off Campus – this program looks at common roadblocks to positive interactions in the local community, as well as on campus.
- Drug Identification and Awareness – this program targets RA's and is designed to identify drugs commonly used on the college campus along with associated drug paraphernalia.
- Drinking and Driving – Beer Goggles – this program is an overview of drinking, driving, and the effects of alcohol on one's ability to operate a motor vehicle.
- Alcohol/Drug Abuse Awareness – this program discusses the effects of alcohol and drugs on the body and mind.

- Campus Security Authority Training – this training is for those members of the campus community that are designated as CSA's. It outlines reporting requirements and responsibilities.
- Personal Protection During a Crisis – The Active Shooter program is based on a discussion format followed by the video "Lightning Strikes – Shots Fired on Campus." It is presented to faculty, staff, students, and other organizations on campus.
- RAD: Rape Aggression Defense Training – this is a nine-hour program designed to teach the student strategies and techniques to stay safe.
- Opiate Awareness Training – this program teaches the student to identify those who may be using opiates and how to respond to opiate emergencies.
- Ride-Along Program – all students are welcome to ride-along with a member of the University Police Department to see first-hand how UP responds to a variety of college issues.



Emergency & Blue Light Phones

There are 27 Emergency & Blue Light Phones on the campus. These telephones connect directly to the University Police Department when picked up, making the reporting of emergency situations or suspicious persons instantaneous. These phones are clearly visible, denoted by their blue light above each emergency phone.

The 911 Emergency System

The 911 phone system was established to assist members of the college community in contacting the University Police Department in case of situations such as: fires, crimes in progress, or medical emergencies.

Residence Hall Safety Enhancements

All suite doors are equipped with viewing holes; exterior doors are locked 24 hours a day; card access to exterior doors allows for additional security; phones are located in vestibule areas providing free on-campus calls.

Advisory Committee on Campus Safety

A group of senior personnel, including faculty, professional staff and students that examines and makes recommendations relative to safety conditions on the college campus.

Lighting

UPD, Physical Plant personnel, and the Advisory Committee on Campus Safety regularly survey lighting on campus to ensure that areas are adequately lit. Numerous additions have been added as needed.

Alcohol and Other Drug Education, Prevention Services and Programs

The University offers a wide range of alcohol and drug education prevention services and programs, including a highly-visible social-norming campaign targeting substance use and widespread delivery of an empirically-supported screening and brief intervention programs for at-risk populations (e.g., first-year students).

University Counseling Center

Confidential counseling, support, and services are offered for crime victims. Please go to <http://www.canton.edu/counseling>.

University Health Center

Confidential health services, including medical examination and treatment, are offered for crime victims. Please go to http://www.canton.edu/health_center/.

Office of Student Conduct

Hears and adjudicates referrals from students who encounter difficulties with other students. Sanctions range from educational programming, warning, and probation to expulsion.

Crime Prevention Pamphlets

UPD and SUNY Canton publish numerous pamphlets, which are distributed to students and staff to assist them in preventing victimization for specific types of crimes.

Emergency Response & Evacuation

The College has identified and trained a number of carefully selected members of the leadership staff to efficiently and appropriately respond to any emergency that could arise on or affect the campus. Emergency communications procedures and protocols have been established and are practiced annually by this group known as the Emergency Resource and Response Group or ERRG. The composition of this group includes the following:

- Dean of Students
- Director of Environmental Health & Safety
- Chief of University Police
- Director of Facilities
- Director of Human Resources
- Director of Residence Life

If there were a serious, immediate threat to the health and safety of the campus community, the emergency response protocol would be enacted. Many members of the ERRG and all University Police staff have participated in training that includes completion of the National Incident Management System (NIMS) and FEMA's Incident Command System (ICS).

The Chief of University Police, Director of Environmental Health and Safety, and the Dean of Students (or their designees) determine the level of the emergency and the protocols to be followed. The campus community will be notified of an emergency by Canton RAVE Alert telephone and text messages, mass email, posters, our website, and other methods <http://www.canton.edu/alert/>. These notifications would be constructed by members of the ERRG and our Public Relations Office. Notification to the greater community would be coordinated with University Police, the Canton Village Police and members of the ERRG. The College tests the Canton RAVE Alert system at least annually, as well as our fire alarm systems, emergency evacuation plans, panic alarms and other systems. These tests may be announced or unannounced, and all are documented in detail.

- Testing of the Campus Emergency Response Plan is conducted annually by the use of tabletop exercise, functional drill or full-scale exercise as determined by the Emergency Response Resource Group.

Evacuation Procedures

In the event of an emergency on or affecting the campus, the University will alert the campus in a timely manner utilizing a variety of methods as described below.

- **Building Evacuation:** Students, faculty and staff are trained to evacuate a building when a fire alarm is activated or when directed to do so by appropriate staff. Members to the campus community are trained to leave by the nearest, marked exit and to alert others to do the same. They are additionally trained not to use elevators, to assist others when possible and to proceed to a designate assembly space. Further, return to a building is not permitted until authorized by UPD.

Shelter-In-Place

If an incident occurs that would place you in more danger by leaving the area, you may choose to remain in a building. This is known as Shelter-In-Place. Depending upon the situation, you may hide, lock or barricade yourself in a room for safety.

- **Campus Evacuation:** Evacuation of all or a portion of our campus will be announced by UPD. All persons will be directed where to relocate by members of University Police.
- **Evacuation of Disabled Students:** University Police are notified of those members of the college community who would require assistance is evacuating a building. UPD officers check exit corridors and stairwells for those who may need assistance.
- https://www.canton.edu/media/pdf/Evacuation_Plan.pdf

Timely Warning and Emergency Notifications

What warrants a "timely warning" or "emergency notification"?

Timely Warnings shall be issued, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, as defined in section 40002(a) (20) of the Violence Against Women Act of 1994 (42U.S.C. 13925(a)(20), and that will aid in the prevention of similar crimes, report to the campus community (Clery Act) (pg. 56 & 57 of this report) crimes that are:

- Reported to campus security authorities as identified on page 4 of this document or local police agencies; and
- Considered by SUNY Canton to represent a threat to students and employees.

Emergency Notifications shall be issued, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the Canton RAVE Alert notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Who decides? The Dean of Students in conjunction with the Chief of University Police, or their designees and/or other campus and non-campus officials as appropriate, shall confirm the existence of a situation that may warrant a Timely Warning or Emergency Notification and determine the extent the notification or warning is disseminated. In addition to criminal incidents, emergency notifications may be issued in situations such as, but not limited to:

1. **Safety-Related Issues:**

- An incident that occurs on our campus that affects the personal safety and security of our population.
- An incident that occurs in close proximity to the campus that may potentially affect the personal safety and security of our student, faculty and staff population.

2. **Health-Related Issues:**

- A member of our population is diagnosed with a serious or life-threatening communicable/infectious disease.
- Evidence of bio terrorism.

3. A significant and dangerous weather event.

4. A significant infrastructure failing such as a natural gas leak.

The College uses Canton RAVE Alert, as its primary emergency notification system. Students are automatically enrolled via their college email and have the option to enter further contact information for text and voice alerts. The college's emergency communications protocol also includes website, media and social media updates. Information is published annually concerning Canton RAVE Alert.

Note: The initiation of emergency protocols may begin when a responding officer/staff member advises his/her supervisor of a situation that in the supervisor's professional judgment requires emergency procedures to be implemented.

The only reason an immediate notification for a confirmed emergency or dangerous situation would not be issued is if doing so will compromise efforts to: assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency.

How Will a Timely Warning or an Emergency Notification be communicated?

For Safety-Related Issues: The means of communication will be chosen by the Dean of Students in conjunction with the Chief of University Police or their designee based upon the nature of the incident. Possible means of communication are:

- Email to all students and/or faculty/staff of the College.
- Postings in the Miller Campus Center, CARC complex, Chaney Dining complex and Residence halls, as applicable to the incident. At times, postings can be emailed as attachments to various offices as indicated below.
- Delivery of hard-copy notification to all residence halls.
- Posting of notification on University Police Department website:
http://www.canton.edu/university_police.

Canton RAVE Alert – Critical Campus-Wide Emergency

- Email to parents
- Posting to the SUNY Canton website: www.canton.edu
- Local radio & television stations
- Social media outlets

For Health-Related Issues: The means of communication will be chosen by the Dean of Students in conjunction with the Director of Student Health or their designee based upon the nature of the incident. Possible means of communication are:

- Letters to students and/or parents (most likely done in cases of measles, mumps, or rubella. Viral Meningitis would be communicated to the parents whose students are directly affected.)

- Letters to faculty and staff, if appropriate.
- Posting of notification on the University website.
- Social media outlets.
- Follow-up information for any of the above alerts will be provided via the above stated media.

Missing Student Notifications

Residential students are afforded an opportunity to register a Confidential Missing Person Contact through Residence Life upon check-in to their residence halls each year. This information can be modified at any time. The information is kept confidential and is only accessed by authorized campus officials and law enforcement in cases of missing person reports.

There is no time in which a person must remain missing in order for a report to be made or for University Police to begin their investigation.

Whenever a member of the campus feels any student, faculty or staff member is missing, they are to immediately report this information to the University Police. *There is no time in which a person must remain missing in order for a report to be made or for University Police to begin their investigation.* University Police encourages immediate reporting. Certain investigatory steps are taken within the first 24 hours of receiving the report including notification of the student's missing person emergency contact and notification of the Canton Village Police Department and other law enforcement agencies. In some cases, law enforcement agencies throughout the county, state, region, and Canada may be notified by electronic means. If the missing student is under the age of 18 years and not emancipated, the campus is required to notify the custodial parent or guardian within 24 hours of being determined missing. The New York State Division of Criminal Justice Services hosts a Missing Child/College Student Alert program at: <https://amber.ny.gov/>

In some cases, this system may be activated to alert police agencies, the NYS Thruway, broadcast media, airports, bus terminals, train stations, border crossings and other areas within minutes of data entry.

Note: All students are strongly urged to notify their Resident Assistant (RA) if they plan to make an unscheduled trip or outing. This will eliminate the University Police Department from receiving inaccurate reports of missing persons.

Alcohol and Drugs

The State University of New York at Canton is committed to creating and maintaining a learning, working, and social environment for all students and staff that is free from violence and illegal alcohol/drug use. The premise on which this program is built is that every act of violence and alcohol/drug policy violation will be met with strong disciplinary action. There is a need to send both a consistent and strong message that violence and illegal use of alcohol/drugs, and resultant behavior, will not be tolerated. We also have a responsibility to identify those who may have a problem and assist them in obtaining professional help.

- Serving and/or purchasing alcohol for minors is a violation of New York State Penal Law and College Policy. Individuals involved in this conduct will face campus discipline and will be prosecuted to the fullest extent of the law.
- Individuals on the SUNY Canton Campus appearing in public under the influence of an intoxicant will be considered publicly intoxicated. Public intoxication is a violation of college policy. Public intoxication is based on the premise that a reasonable person would

conclude that an individual is intoxicated. Students found to be in violation of this policy will be sanctioned.

Civility, understanding, and mutual respect toward all individuals are intrinsic to excellence in teaching and learning, to the existence of a safe and healthy workplace, and to the maintenance of a campus culture and environment that serves the needs of the constituencies supporting it.

The College follows a zero-tolerance philosophy toward alcohol and illegal drug possession, with the premise that every alcohol policy violation will be met with strong and swift educational and disciplinary action. There is a need to send both a consistent and strong message that illegal consumption of alcohol, alcohol abuse, as well as drug abuse, and the resulting behavior will not be tolerated.

- Students found in violation of zero-tolerance policy are required to take the Eight-hour Alcohol/Drug Education Class.

The University Police Department is responsible for the enforcement of all federal, state and local laws related to alcohol, narcotics and dangerous drug violations. Once they are reported, these cases receive immediate attention and are thoroughly investigated.

Drug and Alcohol Abuse Education

As an educational institution, SUNY Canton believes that the best approach to drug and alcohol abuse is education. The College provides ongoing drug and alcohol awareness and educational programs and dissemination of pertinent information as illustrated below:

Programs Conducted by a Health Educator

Prevention and Intervention Educational Programs

- Alcohol Awareness: Provides students with facts and statistics about the effects of alcohol and other drugs and how they can affect the body. Also provides students with alternatives to drinking and using drugs.
- Toxic Drinking: Provides students with information on behavior and signs of someone who is suffering from toxic drinking (alcohol poisoning). If students have a friend they are worried about, they are encouraged to contact UPD on-campus or 911 off-campus.
- Sexual Health education: Residence and FYEP programming which covers STD and pregnancy prevention
- Sexual Consent: Residence and FYEP programming covering the definition of and asking for consent.
- Other topics will be covered upon request.

The Health Center also distributes a wide range of brochures designed to keep the student safe and healthy. The Health Center also provides the following outreach programs:

- Health Center Services information programs/tables
- Sexual Health tables
- Sexual Consent tables
- Health Fair
- Healthy Relationship tables
- Renewal House Information table

Programs Conducted by the University Police

- Citizen Response to Active Attack Events. This program provides the student with options to survive an attack event on campus and in the community.
- Dating Violence/Domestic Violence: This program explains dating and domestic violence and indicators of relationships that could become violent.
- Title IX Education: Presented by the Title IX Coordinator or Deputy Coordinator who explains the interurrences of Title IX including how to report sexual assault, sexual harassment and discrimination based on sex.
- ABC Law/Alcohol Awareness: An explanation of the NYS Alcohol Beverage Control Law and the effects alcohol has on the human body.
- Orientation – Provided for Students and Parents: University Police Officers discuss various important aspects of living on a college campus and in a new community.
- Common Road Blocks Students Encounter: University Police Officers explain ways to maneuver around common obstacles facing college students.
- Drug Identification and Awareness: This program helps students become aware of and identify illegal drugs.
- Drinking and Driving – Beer Goggles: This very popular program allows students to wear specially-designed eyewear simulating the effects of alcohol on the human body.



Other programs on alcohol and drugs are also provided on campus by the Canton Village Police, New York State Police, Alcoholics Anonymous, the Canton Volunteer Rescue Squad, Seaway Valley Prevention Council for Alcohol & Substance Abuse Prevention, Inc., AIDS Outreach, Renewal House, and St. Lawrence County Stop-DWI.

Sexual Assault Awareness and Prevention

College Policies and Regulations on Sex Offenses

What is the College's position on sexual assault?

The College encourages prompt reporting of any act of sexual misconduct by every member of the community. The College believes that the best approach to sexual assault is prevention. The College puts forth considerable resources in the areas of sexual-assault education, support services for the survivor, crime prevention, and campus law enforcement. Furthermore, the College believes that all sexual-assault incidents are very serious and are dealt with in a sensitive, private and professional manner. The College makes every effort to identify the person responsible for sexual-assault offenses and pursues criminal charges as well as campus disciplinary action.

Sexual assault is prohibited. Sexual assault is defined as a physical sexual act or acts committed against a person's will and consent or when a person is incapable of giving active consent, incapable

of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as “rape,” whether forcible or non-forcible, “date rape” and “acquaintance rape.” Nothing contained in this definition shall be construed to limit or, conflict with the sex offenses enumerated in Article 130 of the New York State Penal Law, which shall be the guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

What Should I do if I am Assaulted?

In order for survivors to obtain proper support and build a strong case against the offender, it is helpful to take the following measures:

- After getting to safety, report the assault immediately to University Police.
- Survivors may report to any outside police agency at any time, and the College will assist them in the investigation.
- University Police will provide survivors with written notice of reporting options, remedies, and services.

Evidence Preservation

- Do not change clothes, shower or clean up in any way.
- Do not throw anything away.
- Do not take any unnecessary medication.
- Inform the investigator of people who may have been nearby during the assault or who may have heard or seen anything before, during or after the attack. It is very important you inform the police who you spoke with, emailed, or texted after the attack.
- Try to describe the attacker in detail: age, weight, height, race, eye and hair color, clothing, scars, tattoos, piercings, length of hair, if facial hair was present, jewelry worn, items they may have left, odors, exact wording they used and any distinctive language or speech patterns.

Survivor Assistance

Please remember that the sexual assault is not your fault. It does not matter what you may have been wearing or how much you had to drink.

- Although it is never too late to report a sexual attack, reporting as soon as possible is very important.
- As a sexual assault survivor, you have the right to report the incident. Only you can make that decision. We want to ensure you receive the support you need to handle this crisis. We strongly encourage you to file a complaint. The College wants to handle this incident in the best way for you and in a manner that prevents further attacks. Studies show rapists are often repeat offenders and have an average of up to 6 victims. You can help stop the cycle of attacks.
- Survivors may be able to have their academic and living conditions changed.
- We have many resources dedicated to survivors of sexual attacks. Of course first and foremost, we urge you to contact University Police as soon as possible.
- The Counseling Center's highly-trained staff is always available to help you.
- Resident Assistants and Resident Directors are also available at all times to help.
- Renewal House, a domestic violence and rape crisis organization, is available at (315) 379-9845.
- Reachout, (315) 265-2422, a 24-hour crisis-outreach service, is also available at any time.

Counseling

Counselors are special people with enduring sensitivity, trained to respond to crisis situations. They can understand, support, advocate, listen and clarify. The Counseling Center is located in the Miller Campus Center: (315) 386-7314. You can choose to talk to either a male or female counselor or not to speak to a counselor at all.

If you choose to speak with a counselor, they will try to help you sort through all of the important issues one step at a time, at a manageable pace with you leading the way. Some of the issues a counselor may discuss with you:

- Obtaining immediate care for physical trauma.
- Gathering medical/legal evidence using a Sexual Assault Nurse Examiner (SANE).
- Prevention/treatment of STD/HIV.
- Prevention/treatment of pregnancy.
- Linking with your personal support system of family and friends.
- Legal assistance/reporting and prosecuting the offender if you choose to do so.
- Help dealing with any long-term effects of assault, including anxiety, depression, fear and how to handle family members and friends.

Medical Care

If you have been sexually assaulted, it is important to make sure you protect your physical health as well as your mental health. SUNY Canton Davis Health Center (Miller Campus Center: (315) 386-7333) is ready to help you get the medical care you need after a sexual assault, but there are other options for you as well. You could see your regular doctor or go to the nearest emergency department, Canton-Potsdam Hospital, 50 Leroy Street, Potsdam: (315) 265-3300. Please keep in mind that many treatments are time dependent. The sooner you obtain medical care, the more effective the treatment can be.

Visiting a Healthcare Provider Can Ensure Your Safety by Providing You with the Following:

- Treatment for any physical trauma that occurred during the assault.
- Screening for and prescription medications to prevent sexually-transmitted infection including HIV.
- Prescription medications to prevent pregnancy.
- Collecting physical evidence that may help you in court or making arrangements for a Sexual Assault Nurse Examiner (SANE) to do the same.
- Helping you get any counseling and support you may need.

Programming for Preventing of Sexual Assault/Awareness on our Campus

- Personal Safety/Basic Crime Prevention and Tips
- Dating Violence/Domestic Violence
- Alcohol Awareness
- Orientation – Provided for Students and Parents
- Rape Aggression Defense (R.A.D.)
- Healthy Relationships
- The Naked Truth (Sexual Health)
- Can I Kiss You (Practical skills for addressing consent)
- University Police Escort
- Sexual Assault Prevention
- Safer Sex Programs

Recommended Sexual Assault Prevention Measures

Before we suggest ways to protect yourself from attack, it is helpful to examine and be aware of myths surrounding rape and sexual attacks.

Myth #1: The motivating force behind sexual assault is only sexual desire.

Sexual assault is about power and control, humiliation and degradation.

Myth #2: Sexual assaults are perpetrated mostly by strangers outdoors and at night in deserted areas like parking lots, behind bushes, and back alleys.

In fact, this is **atypical** of most rapes and sexual attacks, particularly on college campuses. In **most** cases, rape survivors knew their attacker prior to the assault, and in some cases, the perpetrator was a boyfriend or girlfriend. Many rapes occur in the context of a date, while others are committed by neighbors, relatives and other acquaintances. Almost half of all reported rapes occur in a home, many times the survivor's home.

Myth #3: Physical assault is always involved with sexual assault. The survivors will have bruises and apparent injuries on their body if they were truly sexually assaulted. Most rapes do not involve a high level of physical violence. Psychological strategies like intimidation, pressuring, emotional blackmail and the use of threats are the most common techniques used by perpetrators. Most offenders utilize physical force after psychological strategies have failed. Many survivors do not present with bruises, cuts or torn clothing. They may not look "battered."

Myth #4: You can tell simply from another person's actions or way of dressing that she or he wants to have sex with you. One can never assume someone wants to have sex based on his/her appearance (appearance does not imply or take the place of verbalized consent).

Myth #5: Some people ask to be raped or sexually assaulted and are at fault for whatever happens. People may make poor judgments and even dangerous decisions, but no one ever **asks** or **deserves** to be sexually assaulted. Rape has nothing to do with appearance or the victim's reputation. It is **never the survivor's fault!**

Myth #6: Women make up accusations of sexual assault to get revenge against a person. Sexual assault is severely under-reported, and false complaints make up a small portion of reports.

Myth #7: Rapists are severely disturbed. Generally, rapists test in the normal range on most psychological instruments. Rapists look like most other people and often have jobs, families and otherwise normal lives.

How to Protect Yourself against Sexual Attack

SUNY Canton has experienced a relatively low incident of sexual assaults. However, it is important not to develop a false sense of security. Knowledge and awareness help make safe decisions.

- Most rapes on or near college campuses are committed by acquaintances or during some type of date. Although "stranger crimes" can occur, they are very rare on the campus and within the community.
- **Students are at the highest risk of unwanted sexual contact during their first few weeks on campus or during their first few weeks living off-campus.**
- Determine what you want, and what you don't want, and communicate your personal limits clearly. No one should pressure you into unwanted sexual activity. If you are uncertain about what you want, tell your partner to respect your feelings.
- Know that you have the right to say "No" at any time, and the right to defend yourself against an attacker.
- **Trust your intuition. If you feel uncomfortable leaving or entering a Residence Hall, go to the most public space. Never feel you have to hold the door for others to enter a secure Residence Hall. If you feel something is wrong, it likely is. Remove yourself from the situation, and get to a safe space as quickly as possible.**
- Be careful with alcohol and drugs. Some people think that a drunk or stoned companion has automatically consented to sex. This is not true. Investigations show alcohol use and abuse is often a component of sexual assault cases.
- Attend parties with friends you can trust. Agree to **"look out for one another."** Always try to leave with a group rather than alone or with someone you don't know well.
- If you find yourself alone and uncomfortable on campus, call University Police at (315) 386-7777. If you are off campus and alone and uncomfortable, and feel your safety is compromised, call 911.
- Look for danger signals in a dating relationship. If your partner restricts your activities, isolates you from friends or displays jealous behavior, he or she may become dangerous.
- Talk with your friends about the problem of dating violence. Become conversant with techniques to disrupt degrading jokes about violence and sexuality (Bystander Awareness Training offered by Student Affairs).
- Be alert. Walk with confidence and look others in the eye.
- Carry your car or house/room keys in your hand as you leave or are walking toward your destination.

Helping Protect Others

- Respect your partner's decisions. Don't pressure them to go beyond the limits they have set. Listen carefully to your partner and ask for clarification if your partner seems unclear

or is giving you a mixed message. If you're not sure your partner wants to engage in a sexual act, ask them!

- Respect the person when he or she says "No" to sexual activity and comply. **Not hearing the word "No" does not mean "Yes" or imply consent has been given.** Be absolutely certain you are not going beyond your partner's limits. Once again, asking your partner if they want to have sex is a great way to show them respect and to clarify what they want.
- **If you see someone in a vulnerable position, find a safe way to help.** Don't ignore what you think is a dangerous situation or presume someone else will take care of the problem.
- Alcohol and drugs diminish the ability to make clear and good decisions. **Having sexual contact with someone too intoxicated by any substance to make a good decision is a crime.**
- Be careful in groups. Resist pressure from friends to participate in or be subjected to any act with which you are not comfortable.
- Never make assumptions about a person's behavior. **Never assume a person wants to have sex because they drink heavily, dress in a certain manner or agree to go back to your room.**
- **Previous consent does not imply current consent.**

Safety in the Residence Halls and in Your Apartment

- Do not let strangers in the exterior doors.
- Keep your doors locked at all times. If off campus, windows should be locked as well.
- Do not open your locked door for anyone until you know who they are and decide you want them in your living space. Use your door viewer.
- Ask for identification from the repair persons or service persons who come to your door before allowing entry.
- Report lost keys and ID cards immediately to Residence Life staff.
- Report suspicious persons to Residence Life staff or University Police immediately.
- Do not "prop" open outside doors.
- Remember: Always keep your door locked, even when using the bathroom or visiting friends on your floor.

Sex Offender Information

Individuals convicted of sex offenses throughout the country may be designated as "sex offenders," and some may be required to register with law enforcement agencies. In New York State, there are three categories or levels of sex offenders. They are Level One, Level Two, and Level Three. Level Three offenders are considered to have committed the most serious sexual offenses and to pose the greatest threat of re-offending, while Level One offenders are considered to have committed the least serious of offenses and are least likely to re-offend.

The State of New York Division of Criminal Justice Services and the St. Lawrence County Sheriff's Office maintain an on-line service listing offenders in the State and in our area. The web addresses are as follows: <http://www.criminaljustice.ny.gov> and <https://www.stlawco.org/Departments/Sheriff/SexOffender>

Additionally, the University Police will assist any member of the campus in locating these sites and information related to the Sex Offender Registry in New York State.

Discrimination and Harassment

SUNY Canton does not discriminate in admission, access to, treatment, or employment in its programs.

Non-Discrimination Notice

Pursuant to the State University of New York policy, SUNY Canton is committed to fostering a diverse community of outstanding faculty, staff, and students, as well as ensuring equal educational opportunity, employment, and access to services, programs, and activities, without regard to an individual's race, color, national origin, religion, creed, age, disability, sex, gender identity, gender expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction. Employees, students, applicants, or other members of the campus community (including, but not limited to, vendors, visitors, and guests) may not be subjected to harassment that is prohibited by law or treated adversely or retaliated against based upon a protected characteristic.

The University's policy is in accordance with federal and state laws and regulations prohibiting discrimination and harassment. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as Amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence.

Inquiries regarding the application of Title IX and other laws, regulations, and policies prohibiting discrimination may be directed to the Title IX Coordinator, Amanda Deckert, at (315)386-7688 (wood121@canton.edu) or Affirmative Action Officer(s) (AAO), Lashawanda Ingram, at (315)386-7128 (ingraml@canton.edu) or William Jones, at (315)386-7063 (joneswt@canton.edu). Inquiries may also be directed to the United States Department of Education's Office for Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel. (646) 428-3800; email OCR.NewYork@ed.gov.

Complaint Procedure

Anyone who believes they have been discriminated against may file a complaint Lashawanda Ingram, at (315)386-7128 (ingraml@canton.edu) or William Jones, at (315)386-7063 (joneswt@canton.edu), Affirmative Action Officer(s) or Title IX Coordinator, Amanda Deckert, French Hall Suite 200 (315)386-7688 or Alan Mulkin, Chief of University Police, Dana Hall, (315) 386-7777; or email title9@canton.edu.

Applicability

This procedure may be used by any student or employee of a state-operated campus of the University, as well as third parties who are participating in a University-sponsored program or affiliated activity. Employee grievance procedures established through negotiated contracts, academic grievance review committees, student disciplinary grievance boards, and any other procedures defined by contract will continue to operate as before. Furthermore, this procedure does not in any way deprive a complainant of the right to file with outside enforcement agencies, such as the New York State Division of Human Rights, the Equal Employment Opportunity Commission, the Office for Civil Rights of the United States Department of Education, and the Office of Federal Contract Compliance of the United States Department of Labor. However, after filing with one of these outside enforcement agencies, or upon the initiation of litigation, the complaint will be referred to the campus Affirmative Action Officer, or in the case of sex discrimination, the Title IX Coordinator (hereinafter "AAO" will refer to both the Affirmative Action Officer and Title IX Coordinator), for investigation with the Office of General Counsel. Contact information for these

agencies is listed in Appendix A. More detailed information may be obtained from the campus or SUNY-wide AAO.

All campuses must use this procedure unless the campus has made an application for an exception. Requests for an exception, along with a copy of the requesting campus's discrimination complaint procedure, must be filed with the Office of General Counsel. The request for an exception will be acted upon by the Office of General Counsel after a review of the campus's complaint procedure. The AAO on each University campus and the AAO for the SUNY System Office, who receives any complaint of alleged discrimination, shall inform the complainant about the complaint process and other options to resolve the issue, assist the complainant in the use of the complaint form and understanding the nature of the incident, and provide the complainant with information about various internal and external mechanisms through which the complaint may be filed, including applicable time limits for filing with each agency.

Upon receipt of a sex discrimination complaint or report, each University campus and the SUNY System Office will provide the complainant with a written notice describing the available options, including pursuing a criminal complaint with a law enforcement agency, pursuing SUNY's investigation and disciplinary process, or pursuing both options at the same time; and the potential consequences of pursuing both options (i.e., possible temporary delay of the fact-finding aspect of SUNY's investigation while the law enforcement agency is in the process of gathering evidence). Additionally, the Title IX Coordinator will ensure that complainants in sex discrimination cases are made aware of their Title IX rights, available remedies and resources on and off-campus (such as counseling, local rape crisis center), and interim measures of protection. For more information, see the Students' Bill of Rights (system.suny.edu/sexual-violence-prevention-workgroup/policies/bill-of-rights/). Assistance will be available whether or not a formal complaint is contemplated, or even possible.

All distributed and published versions of this procedure must contain the name or title, office address, email address, and telephone number of the individual with whom to file a complaint for each campus location, and for System Administration.

Procedure

The following Discrimination Compliant Procedure applies to both the informal and formal processes. This procedure provides a mechanism through which the University may identify, respond to, and prevent incidents of illegal discrimination. The University recognizes and accepts its responsibility in this regard, and believes that the establishment of this internal grievance process will benefit student, faculty, staff, and administration, permitting investigation and resolution of problems.

SUNY, through the Office of the Title IX Coordinator, reserves the right to promptly investigate all incidents of sex discrimination of which the campus and/or SUNY System Office has notice. Based on information received, the Title IX Coordinator and AAO will make reasonable efforts to investigate and address instances of sex discrimination when it knows or should have known about such instances, regardless of complainant cooperation and involvement, consistent with the SUNY Policies on Sexual Violence Prevention and Response (system.suny.edu/sexual-violence-prevention-workgroup/policies/disclosure/), including the Options for Confidentially Disclosing Sexual Violence (system.suny.edu/sexual-violence-prevention-workgroup/policies/disclosure/).

SUNY will comply with law enforcement requests for cooperation, and such cooperation may require the campus to temporarily delay the fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. The campus will resume its investigation as soon as it is notified by the law enforcement agency that it has completed the evidence-gathering process. SUNY will implement appropriate interim steps during the law

enforcement agency's investigation period to provide for the safety of the victim(s) and the campus community, as described below.

The complainant is not required to pursue the University internal procedures before filing a complaint with a state or federal agency. In addition, if the complainant chooses to pursue the University internal procedure, the complainant is free to file a complaint with the appropriate state or federal agency at any point during the process.

During any portion of the procedures detailed hereafter, the parties shall not employ audio or video taping devices. Complaints and investigations will be kept confidential to the extent possible.

Retaliation against a person who files a complaint, serves as a witness, or assists or participates in any manner in this procedure is strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third-party witness. Participants who experience retaliation should contact the campus AAO and may file a complaint pursuant to these procedures.

Complaint Consultation and Review

Any student or employee, or any third party, may consult with the AAO regarding potential discrimination or harassment. This initial contact may occur by telephone, email, or in person--the latter being preferred.

It is the responsibility of the AAO to respond to all such inquiries, reports and requests as promptly as possible and in a manner appropriate to the particular circumstances. This response may include interim measures to protect the parties during the investigation process. Interim measures will not disproportionately impact the complainant. Interim measures for students may include, but are not limited to, information about how to obtain counseling and academic assistance in the event of sexual assault and steps to take if the accused individual lives on campus and/or attends class with the complainant. Interim measures involving employees in collective bargaining units should be determined in consultation with campus employee-relations departments.

Complaints or concerns that are reported to an administrator, manager or supervisor, concerning an act of discrimination or harassment, or acts of discrimination or harassment that administrators, managers, or supervisors observe or become aware of, shall be immediately referred to the AAO. Employees with Title IX compliance responsibilities and/or employees who have the authority to take action to redress the harassment, must report any complaints to the Title IX Coordinator. Employees who observe or become aware of sex discrimination, including sexual harassment and sexual violence, should report this information to the campus Title IX Coordinator. Complaints may also be made directly to the AAO by anyone who experiences, observes, or becomes aware of discrimination or harassment.

Filing Complaints and Time Limits

Although in limited circumstances, verbal complaints may be acted upon, the procedures set forth here rest upon the submission of a written complaint that will enable there to be a full and fair investigation of the facts. The University prefers written complaints. It is the complainant's responsibility to be certain that any complaint is filed within the applicable time limit.

If the complainant brings a complaint beyond the period in which the complaint may be addressed under these procedures, the AAO may terminate any further processing of the complaint, refer the complaint to the Office of General Counsel or direct the complainant to an alternative forum (Appendix A). Complaints of sex discrimination brought forth beyond the 180-day period will be

tracked and investigated to the extent possible, consistent with the campus Title IX obligations, including the Title IX Coordinator's duties to spot patterns and address systemic issues.

All complaints must be submitted on the forms provided by the University. The Charge of Discrimination form will be used for both the initiation of complaints under the informal procedure and the conversion of the complaint to the formal procedure. The AAO is available to assist in preparing the complaint.

As soon as reasonably possible, after the date of filing of the complaint, the AAO will mail a notice of the complaint to the filer and a copy of the complaint to the respondent(s).

Employees: Employees must file a written complaint with the AAO within 180 calendar days following the alleged discriminatory act, or the date on which the complainant first knew or reasonably should have known of such act.

Students: Students must file a complaint within 180 calendar days following the alleged discriminatory act, or 90 calendar days after a final grade is received, for the semester during which the discriminatory acts occurred, if that date is later.

Complaint Contents

The complaint shall contain:

1. The name, local and permanent address(es), telephone number(s), and status (faculty, staff, student, third party) of the complainant.
2. A statement of facts explaining what happened and what the complainant believes constituted the unlawful discriminatory acts in sufficient detail to give each respondent reasonable notice of what is claimed against him/her. The statement should include the date, approximate time and place where the alleged acts of unlawful discrimination or harassment occurred. If the acts occurred on more than one date, the statement should also include the last date on which the acts occurred as well as detailed information about the prior acts. The names of any potential witnesses should be provided.
3. The name(s), address(es) and telephone number(s) of the respondent(s), i.e., the person(s) claimed to have committed the act(s) of unlawful discrimination.
4. Identification of the status of the persons charged whether faculty, staff, or student.
5. A statement indicating whether or not the complainant has filed or reported information concerning the incidents referred to in the complaint with a non-campus official or agency, under any other complaint or complaint procedure. If an external complaint has been filed, the statement should indicate the name of the department or agency with which the information was filed and its address.
6. A description of any corrective or remedial action that the complainant would like to see taken.
7. Such other or supplemental information as may be requested.
8. Signature of complainant and the date complaint signed.

Informal Resolution

If a complainant elects to have the matter dealt with in an informal manner, the AAO will attempt to reasonably resolve the problem to the mutual satisfaction of the parties.

In seeking an informal resolution, the AAO shall attempt to review all relevant information, interview pertinent witnesses, and bring together the complainant and the respondent, if desirable. Complaints of sexual violence will not be resolved by using mediation, but instead, must be referred

immediately to the campus Title IX Coordinator. The complainant will not be required to resolve the problem directly with the respondent in cases of sex discrimination.

If a resolution satisfactory to both the complainant and the respondent is reached within 24 calendar days from the filing of the complaint, through the efforts of the AAO, the officer shall close the case, sending a written notice to that effect to the complainant and respondent. The written notice, a copy of which shall be attached to the original complaint form in the officer's file, shall contain the terms of any agreement reached by complainant and respondent, and shall be signed and dated by the complainant, the respondent and the AAO. If the AAO is unable to resolve the complaint to the mutual satisfaction of the complainant and respondent within 24 calendar days from the filing of the complaint, the AAO shall so notify the complainant. The AAO shall again advise the complainant of his or her right to proceed to the next step internally and/or the right to separately file with appropriate external enforcement agencies.

The time limitations set forth above may be extended by mutual agreement of the complainant and respondent with the approval of the AAO. Such extension shall be confirmed in writing by the complainant and respondent. The AAO will also have the discretion to reasonably extend the deadlines if an investigation is deemed complex.

The complainant may elect to end the informal resolution process, and proceed to the formal resolution procedure at any time after the Charge of Discrimination form is filed.

Formal Resolution

The formal complaint proceeding is commenced by the filing of a complaint form as described above. The 180-day time limit also applies to the filing of a formal complaint. If the complainant first pursued the informal process, and subsequently wishes to pursue a formal complaint, he/she may do so by checking the appropriate box and signing and dating the complaint form.

The complaint, together with a statement from the AAO indicating that informal resolution was not possible, if applicable, shall be forwarded to the chairperson of the campus Affirmative Action Committee within 7 calendar days from the filing of the formal complaint. If an informal resolution was not pursued, the AAO shall forward the complaint to the chairperson of the campus Affirmative Action Committee within 7 calendar days from the filing of the complaint.

Notice to Parties: Upon receipt of a complaint, the AAO will provide an initialed, signed, date-stamped copy of the complaint to the complainant. As soon as reasonably possible after the date of filing of the complaint, the AAO will mail a notice of complaint and a copy of the complaint to the respondent(s). Alternatively, such notice with a copy of the complaint may be given by personal delivery, provided such delivery is made by the AAO (or designee) and, that proper proof of such delivery, including the date, time and place where such delivery occurred, is entered in the records maintained by or for the AAO.

Tripartite Panel Selection: Within 7 calendar days of receipt of the complaint, the chairperson of the campus Affirmative Action Committee shall send notification to the complainant, the respondent and the campus president that a review of the matter shall take place by a tripartite panel to be selected by the complainant and the respondent from a pre-selected pool of eligible participants.

The tripartite panel shall consist of one member of the pre-selected pool chosen by the complainant, one member chosen by the respondent, and a third chosen by the other two designees. The panel members shall choose a chair among themselves. Selection must be completed, and written notification of designees submitted, to the chairperson of the campus Affirmative Action Committee no later than 7 calendar days after the complainant, the respondent and the campus President received notice as described above. If the President is the respondent, then the third member of the panel shall be selected by the Chancellor or designee at System Administration.

In the event that the procedural requirements governing the selection of the tripartite panel are not completed within 7 calendar days after notification, the chairperson of the campus Affirmative Action Committee shall complete the selection process.

Panel Review: The tripartite panel shall review all relevant information, interview pertinent witnesses, and, at their discretion, hear testimony from the complainant and the respondent, if desirable. Both the complainant and the respondent(s) shall be entitled to submit written statements and/or other relevant material evidence and witnesses and to provide rebuttal to the written record compiled by the tripartite panel. The complainant and respondent have the right to request alternative arrangements if the complainant does not want to be in the same room as the other party. These alternative arrangements must be consistent with the rights of the accused and must enable both parties and the panel to hear each other during any hearing.

Findings and Recommendations: Within 15 calendar days from the completion of selection of the panel, the chairperson of the tripartite panel shall submit a summary of its findings and the panel's recommendation(s) for further action, on a form to be provided by the AAO, to the President. The burden of proof in cases of discrimination is preponderance of the evidence. If the President is the respondent, the findings and recommendation shall be submitted to the Chancellor or their designee. When the panel transmits the summary of its findings and the panel's recommendations to the President, the panel will also send, concurrently, copies of both the summary of its findings and recommendation(s) to the complainant, respondent, and the AAO.

Within 10 calendar days of receipt of the written summary, the President or designee shall issue a written statement to the complainant and respondent, indicating what action the President proposes to take. The President or designee will use the preponderance of the evidence standard. The action proposed by the President or designee may consist of:

- a. A determination that the complaint was not substantiated; or
- b. A determination that the complaint was substantiated.
 - i. For employees (including student employees) not in a collective bargaining unit: The President may take such administrative action as he/she deems appropriate under his/her authority as the Chief Administrative Officer of the College, including but not limited to, termination, demotion, reassignment, suspension, reprimand, or training.
 - ii. For students: The President may determine that sufficient information exists to refer the matter to the student judiciary or other appropriate disciplinary panel for review and appropriate action under the appropriate student conduct code. For examples of sanctions, please see the relevant section of the applicable student code of conduct.
 - iii. For employees in collective bargaining units: The President may determine that sufficient information exists to refer the matter to his/her designee for investigation and disciplinary action, or other action as may be appropriate under the applicable collective bargaining agreement. The disciplinary process and potential outcomes are described in the applicable collective bargaining agreements.

The action of the President shall be final. If the President is the respondent, the Chancellor or his/her designee shall issue a written statement indicating what action the Chancellor proposes to take. The Chancellor's decision shall be final for purposes of this discrimination procedure.

Notice of Outcome: No later than 7 calendar days following issuance of the statement by the President or the Chancellor, as the case may be, the AAO shall issue a letter to the complainant and to the respondent(s) advising them that the matter, for purposes of this discrimination procedure,

is closed. In cases of sex discrimination, notice of outcome will include the sanctions, as appropriate.

Time Limitations: The time limitations set forth above may be extended by mutual agreement of the complainant and respondent with the approval of the panel. The panel will also have the discretion to reasonably extend the deadlines if an investigation is deemed complex. Such extension shall be confirmed in writing to the parties.

External Agencies: If the complainant is dissatisfied with the President's or Chancellor's decision, the complainant may elect to file a complaint with one or more state and federal agencies. The campus AAO will provide general information on state and federal guidelines and laws, as well as names and addresses of various enforcement agencies (Appendix A).

Definitions

Affirmative Consent

Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

Harassment on the Basis of Protected Characteristic(s) other than Sex/Gender

Harassment based on race, color, age, religion, national origin, disability, sexual orientation or other protected characteristics is oral, written, graphic, or physical conduct relating to an individual's protected characteristics that is sufficiently severe and/or serious, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the educational institution's programs or activities.

Sex Discrimination

Behaviors and actions that deny or limit a person's ability to benefit from and/or fully participate in the educational programs, activities, or employment opportunities because of a person's sex. This includes but is not limited to sexual harassment, sexual assault, or sexual violence by employees, students, or third parties. Employees should report sex discrimination, including but not limited to, sexual harassment and assault that they observe or become aware of to the Title IX Coordinator.

Sexual Assault

A physical sexual act or acts committed against a person's will and consent or when a person is incapable of giving active consent, incapable of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape," whether forcible or non-forcible, "date rape" and "acquaintance rape." Nothing contained in this definition shall be construed to limit or, conflict with the sex offenses enumerated in Article 130 of the New York State Penal Law, which shall be the guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.

Sexual Harassment in the Educational Setting

Unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the educational institution's program.

Sexual Harassment in the Employment Setting

Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when any of the following occurs:

- Submission to such conduct is made a term or condition of an individual's continued employment, promotion, or other condition of employment.
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting an employee or job applicant.
- Such conduct is intended to interfere, or results in interference, with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual Violence

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Preponderance of the Evidence

The standard of proof in sexual harassment and sexual assault cases which asks whether it is "more likely than not" that the sexual harassment or sexual violence occurred. If the evidence presented meets this standard, then the accused should be found responsible.

Sexual Harassment

Sexual harassment is considered an unlawful employment practice under Section 703, Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 that ban discrimination on the basis of sex. These regulations protect all employees of both genders, as well as students. SUNY policy extends this protection to any students, applicants or other non-employees subjected to such treatment by its faculty or staff. Sexual harassment in the educational setting and employment setting is any unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances; requests for sexual favors; and other verbal, non-verbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the educational institution's program. Sexual harassment in the employment setting occurs when:

- Submission to such conduct is made a term or condition of an individual's continued employment, promotion, or other condition of employment.
- Submission to or rejection of such conduct is used as basis for employment decisions affecting an employee or job applicant.

If you feel that you have been sexually harassed, please report it to, Amanda Deckert, French Hall Suite 200 (315)386-7688 ; or email title9@canton.edu.

Hate Crimes and the Law

It is a State University of New York at Canton University Police commitment to protect all members of the SUNY Canton community by preventing and prosecuting bias or hate crimes that occur within the campus's jurisdiction.

Hate crimes, also called bias crimes or bias-related crimes, are criminal activity motivated by the perpetrator's bias or attitude against an individual victim or group based on perceived or actual personal characteristics, such as their race, religion, ethnicity, gender, sexual orientation, or disability. Hate/bias crimes have received renewed attention in recent years, particularly since the passage of the Federal Hate/Bias Crime Reporting Act of 1990 and the New York State Hate Crimes Act of 2000 (Penal Law Article 485). Copies of the New York law are available from the University Police Department.

Penalties for bias-related crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Perpetrators who are students will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.

In addition to preventing and prosecuting hate/bias crimes, State University of New York at Canton University Police also assist in addressing bias-related activities that do not rise to the level of a crime. These activities, referred to as bias incidents and defined by the University as acts of bigotry, harassment, or intimidation directed at a member or group with the SUNY Canton community based on national origin, ethnicity, race, age, religion, gender, sexual orientation, disability, veteran status, color, creed, or marital status, may be addressed through the State University's discrimination complaint procedure or the campus conduct code. Bias incidents can be reported to University Police as well as to any college official.

If you are a victim of, or witness to, a bias crime on campus, report it to University Police by calling (315) 386-7777 in an emergency, by using an Emergency Blue Light, or by stopping at the University Police office. University Police will investigate and follow the appropriate adjudication procedures.

Victims of bias crime or bias incidents can avail themselves of counseling and support services from the campus by contacting the Counseling Center at (315) 386-7314 or The Center for Diversities and Inclusion at (315) 386-7128.

For general information on the State University of New York at Canton security procedures, see our website, Handbook, Annual Security and Fire Safety Report/Jeanne Clery Disclosure Act, or call University Police at (315) 386-7777.

More information about bias-related and bias crimes, including up-to-date statistics on bias crimes, is available from University Police at (315) 386-7777.

Sexual Assault

Sexual assault is any physical sexual act or acts committed against a person's will and consent or when a person is incapable of giving active consent, incapable of appraising the nature of the conduct, or incapable of declining participation in, or communicating unwillingness to engage in, a sexual act or acts. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape," whether forcible or non-forcible, "date rape" and "acquaintance rape." Nothing contained in this definition shall be construed to limit or conflict with the sex offenses enumerated in Article 130 of the New York State Penal Law, which shall be the guiding reference in determining if alleged conduct is consistent with the definition of sexual assault.

SUNY Canton has programs in place to protect all members of the campus community from sexual assault, including programs for prevention and prosecution of these crimes that occur within the jurisdiction of SUNY Canton University Police. Additional information may be found in SUNY Canton's Jeanne Clery Disclosure Act Annual Report/Sexual Assault Prevention which may be found at: http://www.canton.edu/clery_act/.

If you are sexually or otherwise assaulted on campus:

- Get to a safe place as soon as you can.
- If an emergency, contact University Police immediately at (315) 386-7777 or use a Blue Light emergency phone.
- Try to preserve all physical evidence. **DO NOT** shower/bathe/wash, douche, change/laundry clothing, comb hair, drink or eat, or do anything that would alter a physical exam. Wait until after one has been completed at a hospital.
- Visit <http://www.canton.edu/titleix/> for Title IX contacts, complaint procedure, resources, and more.

Remember, assaults – sexual or otherwise – are crimes; they are not the victim's fault. Victims have the right to pursue adjudication of crimes that occur on the SUNY Canton campus through criminal courts and/or through the University's internal disciplinary process (under the Campus Code of Student Conduct). University Police are trained to assist with prosecution in both systems.

Information and Support – If you are the victim of sexual assault or sexual misconduct, you may seek support services as well as the assistance described above from the Counseling Center, Campus Center Room 225, (315) 386-7314; Davis Health Center, Campus Center Room 004, (315) 386-7333; and University Police, Dana Hall (315) 386-7777, or email title9@canton.edu.

Workplace Violence

SUNY Canton is committed to providing a safe work environment for all employees that is free from intimidation, threats, and violent acts. The College will respond promptly to threats, acts of violence, and acts of aggression by employees or against employees by co-workers, members of the public, or others.

SUNY Canton will not tolerate any act or threat of violence made in the workplace, on College property, or while in work status. No person may engage in violent conduct or make threats of violence, implied or direct, on SUNY Canton property or in connection with college business. This includes, but is not limited to: (1) the use of force with the intent to cause harm; (2) behavior that diminishes the dignity of others through sexual, racial, religious, or ethnic disparagement, or harassment; (3) acts or threats which are intended to intimidate, harass, threaten, bully, coerce, or cause fear of harm whether directly or indirectly; or (4) acts or threats made directly or indirectly by oral or written words, gestures, or symbols that communicate a direct or indirect threat of physical or mental harm. No person, without legal authority, may carry, possess, or use any dangerous weapon on SUNY Canton property or in college buildings or facilities. Unauthorized possession or use of firearms, knives (except non-spring pocket knives), or other weapons or explosives is prohibited.

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any member of the SUNY Canton community. Workplace violence should be promptly reported to University Police at (315) 386-7777. Additionally, all members of the college community are encouraged to report behavior they reasonably believe poses a potential for workplace violence in order to maintain a safe working and learning environment. Every threat will be taken seriously and must be reported. Employees who commit a violent act or threaten to commit a violent act are subject to disciplinary action and/or civil/criminal prosecution as appropriate. Any individual who makes a substantial threat, exhibits threatening behavior, or

engages in violent acts on SUNY Canton property shall be subject to removal from the premises as quickly as safety permits, pending the outcome of an investigation.

To view the full Workplace Violence Policy, please

visit: <https://www.canton.edu/policies/procedures/admin/workplace-violence/>

Dating Violence

Dating violence is any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.

Domestic Violence

Domestic violence permeates the lives and compromises the safety of thousands of individuals each day. Domestic Violence occurs within a wide spectrum of relationships, including married and formerly married couples; couples with children in common; couples who live together or have lived together, gay, lesbian, bisexual and transgender couples; and couples who are dating or who have dated in the past.

Domestic violence is defined as a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

What to Look For

This information is intended to help you determine if you are a victim of domestic violence and/or dating violence and to consider ways to make yourself and your family safe.

Are you in danger of your partner or ex-partner doing any of the following?

- Physically hurting you for example pushing, grabbing, slapping, hitting, choking or kicking?
- Forcing you to have sex when you don't want to or do sexual things you don't want to do?
- Threatening to hurt you, your children or someone close to you?
- Constantly putting you down or telling you that you are worthless?
- Stalking, checking up on you or following you?
- Making you afraid?

Possible Indicators

Victims of Domestic Violence may seek assistance for a wide variety of problems other than violence itself. Possible indicators of domestic violence include:

- Visible Physical Injuries
- Stress-Related Illnesses
- Marital or Family Problems
- Alcohol or Other Addictions
- Depression, Suicidal Thoughts or Attempts
- Absenteeism, Lateness, and Leaving Work Early
- Changes in Job Performance
- Unusual or Excessive Number of Phone Calls

- Disruptive Personal Visits

Domestic Violence Safety Plan

The Domestic Violence Safety Plan will be implemented to assist in mitigating domestic violence, provide assistance to victims and employees and provide reporting instructions.

All incidents or threats of domestic violence should be reported immediately to University Police at (315) 386-7777.

Any person (faculty, staff or student) with an existing Order of Protection should provide University Police Department with a copy.

Upon request, the Chief of University Police or designee, will assist in developing a personal domestic violence safety plan which may include:

- Procedures for alerting University Police personnel
- Temporary or permanent relocation, on campus
- Voluntary transfer to another campus location
- Change of schedule, if appropriate
- Assignment of parking space
- Escort services
- Change of telephone number and/or email account
- Assistance for obtaining a Criminal Court or Family Court Order of Protection

Stalking

- Stalking behavior is often seen in domestic violence. Stalking is a crime in all 50 states, the District of Columbia and the U.S. Territories.
- The definition of stalking may vary by jurisdiction, but it generally refers to repeated harassing or threatening behavior directed at a person to cause fear. Often it is used to gain power and control.
- SUNY Canton, to the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligations or collective bargaining agreements, will take all appropriate actions to promote safety and respond effectively to the needs of victims of domestic violence.
- The College is continually updating its education programs to promote the awareness of domestic violence, rape, acquaintance rape, and other sex offenses.
- Students should also be aware of resources on campus that can assist in cases of Domestic Violence. The Counseling Center, Health Center and University Police have staff available to assist victims of domestic violence.
- For more information on domestic violence and stalking contact any of the following offices:
 - University Police – (315) 386-7777, Dana Hall, 24 hours/7days a week
 - Personal Counseling Center – (315) 386-7314, Miller Campus Center Room 225
 - Davis Health Center – (315) 386-7333, Miller Campus Center Room 004

Off Campus Resources

- Renewal House – (315) 379-9845
- Reachout – 24/7 Crisis Hotline – (315) 265-2422
- NYS Domestic Violence Hotline – (800) 942-6906
- Elder Abuse Hotline – (800) 342-3009
- NYS Office for the Prevention of Domestic Violence: <https://www.opdv.ny.gov/>

To view the campuses Domestic Violence Policy and Work Place Violence Police go too:
<https://www.canton.edu/policies/procedures/admin/domestic-violence/>

Sexual Violence Response Policy

Students' Bill of Rights

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

All students have the right to:

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

Options in Brief

Victims/survivors have many options that can be pursued simultaneously, including one or more of the following:

- Receive resources, such as counseling and medical attention;
- Confidentially or anonymously disclose a crime or violation (for detailed information on confidentiality and privacy, see the Sexual Violence Response Policy, below;
- Make a report to:
 - ✓ An employee with the authority to address complaints, including the Title IX Coordinator, a Student Conduct employee, or a Human Resources employee.
 - ✓ University Police.
 - ✓ Local Law Enforcement; and/or Family Court or Civil Court.

Copies of this Bill of Rights shall be distributed annually to students; made available on every college website; and posted in each residence hall, dining hall, and campus center and shall include a link or information to access the sexual violence response policy below and the options for confidentially disclosing sexual violence.

Options for Confidentially Disclosing Sexual Violence

The State University of New York and SUNY Canton want you to get the information and support you need regardless of whether you would like to move forward with a report of sexual violence to campus officials or to police. You may want to talk to someone about something you observed or experienced, even if you are not sure that the behavior constitutes sexual violence. A conversation where questions can be answered is far superior to keeping something to yourself. Confidentiality varies, and this document is aimed at helping you understand how confidentiality apply to different resources that may be available to you.

In this Policy:

- ❖ Privileged and Confidential Resources
- ❖ Non-Professional Counselors and Advocates
- ❖ Privacy vs. Confidentiality
- ❖ Requesting Confidentiality: How the College will weigh the request and respond
- ❖ Public Awareness/Advocacy Events
- ❖ Anonymous Disclosure
- ❖ Institutional Crime Reporting

Privileged and Confidential Resources

Individuals who are *confidential* resources will not report crimes to law enforcement or college officials without your permission, except for extreme circumstances, such as health and/or safety emergency. At SUNY Canton, this includes:

- SUNY Canton Personal Counseling Services, Miller Campus Center Room 225, (315) 386-7314
- SUNY Canton Campus Ministry, Miller Campus Center Room 206, (315) 386-7018
- SUNY Canton Davis Health Center, Miller Campus Center Room 004, (315) 386-7333

Off-campus options to disclose sexual violence confidentially include (note that these outside options do not provide any information to the campus):

- Off-campus counselors and advocates. Crisis services offices will generally maintain confidentiality unless you request disclosure and sign a consent or waiver form. More information on an agency's policies on confidentiality may be obtained directly from the agency.
- St. Lawrence Valley Renewal House, 3 Chapel Street, Canton, (315) 379-9845 responds to needs of victims of domestic violence and sexual assault in St. Lawrence County through services which empower victims and increase community awareness.
- Reachout of St. Lawrence County, PO Box 5051, Potsdam, (315) 265-2422. Reachout is a free, confidential, non-judgmental crisis and information hotline serving residents of St. Lawrence County.
- Check <http://nyscasa.org/> to see if the resource provides compensation to victims/survivors of crimes or helps replace property lost or damaged during the crime.

Off-campus healthcare providers:

- Canton-Potsdam Hospital, 50 Leroy Street, Potsdam, (315) 265-3300
- Claxton-Hepburn Medical Center, 214 King Street, Ogdensburg, (315) 393-3600

**Note* that medical office and insurance billing practices may reveal information to the insurance policy holder, including medication and/or examinations paid for or administered. The New York State Office of Victims Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: <https://ovs.ny.gov/sites/default/files/brochure/ovs-crime-victim-brochure-2018-web-final-3-18.pdf>, or by calling (800) 247-8035.*

**Note* that even individuals who can typically maintain confidentiality are subject to exceptions under the law, including when an individual is a threat to him- or herself or others and the mandatory reporting of child abuse.*

Privacy vs. Confidentiality

Even SUNY Canton offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee who is responsible under the law for tracking patterns and spotting systematic issues. SUNY Canton 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: How SUNY Canton Will Weigh the Request and Respond

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

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While reporting individuals may request accommodations through several college offices, the following office can serve as a primary point of contact to assist with these measures: Vice President for Student Affairs/Dean of Students, Miller Campus Center Room 229, (315) 386-7120. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify you or the situation you disclosed.

We may seek consent from you prior to conducting an investigation. You may decline to consent to an investigation, and that determination will be honored, unless SUNY Canton's failure to act does

not adequately mitigate the risk of harm to you or other members of the SUNY Canton community. Honoring your request may limit our ability to meaningfully investigate and pursue conduct action against an accused individual. If we determine that an investigation is required, we will notify you and take immediate action as necessary to protect and assist you.

When you disclose an incident to someone who is responsible for responding to or reporting sexual violence or sexual harassment, but wish to maintain confidentiality, SUNY Canton will consider many factors to determine whether to proceed despite that request. These factors include, but are not limited to:

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

If the College determines that it must move forward with an investigation, the reporting individual or victim/survivor will be notified and SUNY Canton will take immediate action as necessary to protect and assist them.

Public Awareness/Advocacy Events

If you disclose a situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, or other public event, the College is not obligated to begin an investigation. SUNY Canton may use the information you provide to inform the need for additional education and prevention efforts.

Anonymous Disclosure

To make an anonymous report you can do so at:

New York State Hotline for Sexual Assault and Domestic Violence: (800) 942-6906. The hotline is for crisis intervention, resources and referrals and is not a reporting mechanism.

Institutional Crime Reporting

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

- Amanda L. Deckert, Title IX Coordinator, French Hall, Suite 200, (315) 386-7688
- Courtney Bish, Vice President for Student Affairs/Dean of Students, Miller Campus Center Room 229, (315) 386-7120
- Chief Alan Mulkin, Chief of Police, Dana Hall, (315) 386-7777
- University Police, Dana Hall, (315) 386-7777

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

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

Students' Bill of Rights

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

Reporting:

- To disclose *confidentially* the incident to one of the following college officials, who by law maintain confidentiality, and can assist in obtaining services (more information on confidential reporting is available in the Options for Confidentially Disclosing Sexual Violence Policy):
 - Anonymously via an internet or telephone anonymous reporting system (https://cm.maxient.com/reportingform.php?SUNYCanton&layout_id=0).
 - Personal Counseling Center, Miller Campus Center Room 225, (315) 386-7314.
 - Campus Ministry, Miller Campus Center Room 206, (315) 386-7018.
- To disclose *confidentially* the incident and obtain services from the New York State, New York City, or County hotlines: <http://www.opdv.ny.gov/help/dvhotlines.html>. Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: <http://www.opdv.ny.gov/help/index.html> (or by calling (800) 942-6906), and assistance can also be obtained through:
 - SUNY Sexual Assault & Violence Response. <https://www.suny.edu/violence-response/>
 - Legal Momentum: <https://www.legalmomentum.org/>
 - NYSCASA: <http://nyscasa.org/responding>
 - NYSCADV: <http://www.nyscadv.org/>
 - Pandora's Project: <http://www.pandys.org/lgbtsurvivors.html>
 - GLBTO Domestic Violence Project: <http://www.glbtdvp.org/>
 - RAINN: <https://www.rainn.org/get-help>
 - Safe Horizons: <http://www.safehorizon.org/>

**Note* that these hotlines are for crisis intervention, resources, and referrals and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a campus confidential or private resource so that the campus can take appropriate action in these cases.*
- To disclose the incident to one of the following college officials who can offer privacy and can provide information about remedies, accommodations, evidence preservation, and how to obtain resources. Those officials will also provide the information contained in the Student's Bill of Rights, including the right to choose when and where to report, to be protected by the institution from retaliation, and to receive assistance and resources from the institution. These college officials will disclose that they are private and not confidential resources, and they may still be required by law and college privacy to inform one or more

college officials about the incident, including but not limited to, the Title IX Coordinator. They will notify reporting individuals that the criminal justice process uses different standard of proof and evidence than internal procedures, and questions about the penal law or the criminal process should be directed to law enforcement or district attorney:

- Amanda L. Deckert, Title IX Coordinator, French Hall, Suite 200, (315) 386-7688;
- Courtney Bish, Vice President for Student Affairs/Dean of Students, Miller Campus Center Room 229, (315) 386-7120
- Alan Mulkin, Chief of Police, Dana Hall, (315) 386-7777
- Davis Health Center, Miller Campus Center Room 004, (315) 386-7333

To file a criminal complaint with University Police and/or with local law enforcement and/or state police:

- University Police, 24 hours/7 days a week, Dana Hall, (315) 386-7777
- Canton Village Police Department, 60 Main Street, Canton, (315) 386-4561
- State Police, 24-hour hotline to report sexual assault on a NY college campus (844) 845-7269

To receive assistance by (institutional official/office) in initiating a legal proceeding in family court or civil court.

To file a report of sexual assault, domestic violence, dating violence, and/or stalking and/or talk to the Title IX Coordinator or Deputy Coordinator for assistance. Reports will be investigated in accordance with SUNY Canton policy, and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy. If a reporting individual wishes to keep his/her identity anonymous, he or she may call the Personal Counseling Center, Davis Health Center, or Campus Ministry Office anonymously to discuss the situation and available options.

When the accused is an employee, a reporting individual may also report the incident to the SUNY Canton Office of Human Resources, or may request that one of the above-referenced, confidential, or private employees assist in reporting to 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 of the College, college officials will, at the request of the reporting individual, 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.

- Human Resources Office, French Hall, (315) 386-7325
- You may withdraw your complaint or involvement from the SUNY Canton process at any time.
- Every college shall ensure that, at a minimum, at the first instance of disclosure by a reporting individual to a college representative, the following information shall be presented to the reporting individual: "You have the right to make a report to University Police, local law enforcement, and/or State Police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution."

Resources

To obtain effective intervention services:

- Personal Counseling Center, Miller Campus Center Room 225, (315) 386-7314
- Davis Health Center, Miller Campus Center Room 004, (315) 386-7333. Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is available.
- Within 96 hours of an assault, you can get a Sexual Assault Forensic Examination (commonly referred to as a rape kit) at a hospital. While there should be no charge for 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. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds. More information can be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf , or by calling (800) 247-8035. Options are explained here: <http://www.ovs.ny.gov/helpforcrimevictims.html> .
- To best preserve evidence, victims/survivors should avoid showering, washing, changing clothes, combing hair, drinking, eating, or doing anything to alter physical appearance until after a physical exam has been completed.

Protection and Accommodations

- When the accused is a student, to have the College issue a “No Contact Order,” consistent with college policy and procedure, meaning that continuing to contact the protected individual is a violation of college policy subject to additional conduct charges; if the accused 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. Both the accused/respondent and reporting individual may request a prompt review of the need for and terms of a no contact order, consistent with SUNY Canton policy. Parties may submit evidence in support of their request.
- To have assistance from University Police or other college officials in initiating legal proceedings in family court or civil court, including but not limited, to obtaining an Order of Protection or, if outside of New York State, an equivalent protective or restraining order.
- To receive a copy of the Order of Protection or equivalent and have an opportunity to meet or speak with a college official who can explain the order and answer questions about it, including information from the Order about the accused’s responsibility to stay away from the protected person(s); that burden does not rest on the protected person(s).
- To an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension.
- To have assistance from University Police in effecting an arrest when an individual who violates an order of protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of University Police or, if outside of the jurisdiction, to call on and assist local law enforcement in effecting an arrest for violating such order.
- When the accused is a student and presents a continuing threat to the health and safety of the community, to have the accused subject to interim suspension pending the outcome of a conduct process. Parties may request a prompt review of the need for and terms of an interim suspension.
- When the accused is not a student but is a member of the college community and presents a continuing threat to the health and safety of the community, to subject the accused to

interim measures in accordance with applicable collective bargaining agreements, employee handbooks, and SUNY Canton policies and rules.

- When the accused is not a member of the college community, to have assistance from University Police or other college officials in obtaining a persona non grata letter, subject to legal requirements and college policy.
- To obtain reasonable and available interim measures and accommodations that effect a change in academic, housing, employment, transportation, or other applicable arrangements in order to ensure safety, prevent retaliation, and avoid an ongoing hostile environment. Parties may request a prompt review of the need for and terms of any interim measures and accommodations that directly affect them. While reporting individuals may request accommodations through any of the offices referenced in this policy, the following office can serve as a point to assist with these measures:
 - Courtney Bish, Vice President for Student Affairs/Dean of Students, Miller Campus Center Room 229, (315) 386-7120

Student Conduct Process

To request that student conduct charges be filed against the accused. Conduct proceedings are governed by the procedures set forth in the SUNY Canton Student Handbook

(<https://www.canton.edu/media/pdf/handbook.pdf>), as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

Throughout conduct proceedings, the respondent and the reporting individual will have:

- The same opportunity to be accompanied by an advisor of their choice who may assist and advise the parties throughout the conduct process and any related hearings or meetings. Participation of the advisor in any proceeding is governed by federal law and the Student Code of Conduct.
- The right to a prompt response to any complaint and to have their complaint investigated and adjudicated in an impartial, timely, and thorough manner by individuals who receive annual training in conducting investigations of sexual violence, the effects of trauma, impartiality, the rights of the respondent, including the right to a presumption that the respondent is “not responsible” until a finding of responsibility is made, and other issues related to sexual assault, domestic violence, dating violence, and stalking.
- The right to an investigation and process conducted in a manner that recognizes the legal and policy requirements of due process (including fairness, impartiality, and a meaningful opportunity to be heard) and is not conducted by individuals with a conflict of interest.
- The right to receive advance written or electronic notice of the date, time, and location of any meeting or hearing they are required to or are eligible to attend. Accused individuals will also be told the factual allegations concerning the violation, a reference to the specific code of conduct provisions alleged to have been violated, and possible sanctions.
- The right to have a conduct process run concurrently with a criminal justice investigation and proceeding, except for temporary delays as requested by external municipal entities while law enforcement gathers evidence. Temporary delays should not last more than 10 days except when law enforcement specifically requests and justifies a longer delay.
- The right to offer evidence during an investigation and to review available relevant evidence in the case file (or otherwise held by SUNY Canton).
- The right to present evidence and testimony at a hearing, where appropriate.
- The right to a range of options for providing testimony via alternative arrangements, including telephone/videoconferencing or testifying with a room partition.

- The right to exclude prior sexual history with persons other than the party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary stage that determines responsibility. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the disciplinary stage that determines sanction.
- The right to ask questions of the decision maker and via the decision maker indirectly request responses from other parties and other witnesses present.
- The right to make an impact statement during the point of the proceeding where the decision maker is deliberating on appropriate sanctions.
- The right to simultaneous (among the parties) written or electronic notification of the outcome of a conduct proceeding, including the decision, any sanction(s), and the rationale for the decision of any sanctions.
- The right to written or electronic notice about the sanction(s) that may be imposed on the accused based upon the outcome of the conduct proceeding. For students found responsible for sexual assault, the available sanctions are suspension with additional requirements and expulsion/dismissal.
- Access to at least one level of appeal of a determination before a panel, which may include one or more students, that is fair and impartial and does not include individuals with a conflict of interest.
- The right to have access to a full and fair record of a student conduct hearing, which shall be preserved and maintained for at least five years in the office of:
 - Courtney Bish, Vice President for Student Affairs/Dean of Students, Miller Campus Center Room 229, (315) 386-7120
 - Kristen Roberts, Student Conduct Officer, Miller Campus Center Room 225, (315) 386-7648
- The right to choose whether to disclose or discuss the outcome of a conduct hearing.
- The right to have all information obtained during the course of the conduct or judicial process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

Sanctions

Disciplinary sanctions may be imposed on students or organizations that violate the Code of Student Conduct. Any of the sanctions listed below may be imposed with specific terms and conditions as determined by the College.

1. **Admonition:** Written warning that continuation or repetition of misconduct may result in further disciplinary action.
2. **Community Service:** The student as part of their sanction may be assigned a community service project which is unpaid work that benefits the college community. The Dean of Students or the Dean's designee will monitor performance of the community service. Failure to complete the assigned community service within the specified period of time will result in an appearance before the original sanctioning body/person and may result in an increased assignment and/or additional sanctions.
3. **Denial of Service:** Request to leave a campus office/service for a specified period of time. This may include suspension from campus social activities/events as deemed by the Dean of Students or his/her designee.
4. **Disciplinary Warning:** This is meant as a warning that the student's status at the College is in jeopardy. Future violations of the Code of Conduct may result in the student's removal from the residence halls, loss of certain social privileges, or suspension from the College.

5. **Disciplinary Jeopardy:** This is meant as a strong warning that the student is in jeopardy at the College. The next incident will likely result in the student's suspension from the residence halls and/or College and loss of certain social privileges.
6. **Disciplinary Probation:** The student is not permitted to live on campus for a specified period of time and is additionally restricted from the residence halls during that time period. If the student is found in the residence halls during that time period, he/she will be arrested for criminal trespass by the University Police Department. Further, the next incident will result in the student's immediate suspension from the College for a period of one academic year.
7. **Expulsion:** Permanent termination of student status at SUNY Canton. Expulsion will be noted on the student's permanent record. The Dean of Students will determine the grades that will be recorded for the student for that semester.
8. **Exclusion from Dining Hall:** Loss of dining privileges for a specified period of time.
9. **Interim Suspension:** While normally no action will be taken against a student/organization until charges have been heard in accordance with the hearing process established under the Code, a student/organization may be suspended pending a hearing on the charges whenever, in the judgment of the President or the President's designee, the continued presence of the student/organization would constitute a clear danger to the student or to the safety of persons or property on college premises, or would pose an immediate threat of disruptive interference with the normal conduct of college activities.
During the interim suspension, the student may be denied access to the residence halls and/or to college premises (including classes) and/or all other college activities, privileges, or services for which the student might otherwise be eligible, or as the Office of the Dean of Students determines to be appropriate. If suspended in this manner, the student is entitled to an interview with the Dean of Students or his or her designee, in order to outline the process through which the student's actions will be adjudicated through the student judicial process.
10. **Loss of Parking Privileges on the Campus**
11. **Restitution:** Reimbursement for damages to or misappropriation of property.
12. **Sanctions Against College-Recognized Organizations:** The following sanctions may be imposed on college recognized organizations: admonition, community service, disciplinary probation, dismissal from college, interim suspension, loss of use of college facilities or equipment, restitution, and/or suspension from the College. Greek Council Hearing Board can also impose a monetary penalty against Greek Organizations.
13. **Suspension from Residence Hall:** Loss of the privilege of living in college residence halls. The imposition of this sanction may include exclusion of the offender from all residence hall facilities and activities for the same period as the revocation of license.
14. **Suspension from College:** Termination of student/official organization status for a definite period of time. Suspensions will be noted on student's permanent record. The Dean of Students will determine the grades that will be recorded for the student for that semester.
NOTE: Failure to satisfactorily complete a disciplinary sanction within the prescribed time frame may result in suspension from college for a minimum of one semester. The suspension would be recorded on the academic transcript.
NOTE: The University considers dating violence, domestic violence, sexual assault, and stalking as extremely serious violations and subject to SUSPENSION and/or EXPULSION from the University. In such cases, an Interim Suspension may also be issued as deemed appropriate by the Dean of Students or designee.

Policy on Transcript Notations

New York State Law states that:

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092

(f)(1)(F)(i)(I)-(VIII), institutions shall make a notation on the transcript of students found responsible after a conduct process that they were “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” For the respondent who withdraws from the institution while such conduct charges are pending, and declines to complete the disciplinary process, institutions shall make a notation on the transcript of such students that they “withdrew with conduct charges pending.” Each institution shall publish a policy on transcript notations and appeals seeking removal of a transcript notation for a suspension, provided that such notation shall not be removed prior to one year after conclusion of the suspension, while notations for expulsion shall not be removed. If a finding of responsibility is vacated for any reason, any such transcript notation shall be removed.

SUNY Canton is in full compliance with New York State Law and will note on the academic transcript of students found responsible for violations of SUNY Canton policy which are equivalent to the Clery Act Part I crimes (as updated by the Violence Against Women Act) that a student was “suspended after a finding of responsibility for a code of conduct violation” or “expelled after a finding of responsibility for a code of conduct violation.” The crimes which would require this notation currently include: murder; rape, fondling, incest, and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and arson.

Sexual Misconduct Policy

SUNY Canton is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation will not be tolerated. Specifically, SUNY 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 SUNY Canton 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/university, and enforcing mandatory transcript notifications so other institutions are on notice of the offense committed.

SUNY Canton encourages the reporting of sexual misconduct that is prompt and accurate. This allows the College/university community to quickly respond to allegations and offer immediate support to the victim. SUNY Canton 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. All allegations will be investigated promptly and thoroughly, and both the victim and the accused will be afforded equitable rights during the investigative process.

Establishing Time Frames for the Review Process

SUNY Canton will conduct a timely review of all complaints of domestic violence, dating violence, and/or stalking. Absent extenuating circumstances, review, and resolution is expected to take place within 60 calendar days from receipt of the complaint.

The preliminary review of all complaints, including any necessary interviews to be conducted and any necessary interim measures to be put in place, will usually be completed within 14 days of receipt of the complaint.

The subsequent, comprehensive review and investigation of the complaint, including interviews with all involved parties and gathering of evidence, is usually completed within 20 days of receipt of the complaint.

Results of the complaint, via either a formal hearing or waiver of hearing are typically issued within 15 days of receipt of the complaint.

An appeal of the results must be submitted within 4 days of receipt of the written result. Absent extenuating circumstances, decisions on appeals are typically issued within 7 days of submission of the appeal.

It is the collective responsibility of all members of the SUNY Canton 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/university 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/university community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

Scope

Who: This policy applies to all members of the SUNY Canton community, including students, faculty, staff, visitors, independent contractors, and other third parties who are on campus and involved in an incident of sexual misconduct (this can be someone who witnessed an incident or who wishes to report an incident on behalf of another). The policy applies to these parties regardless of sexual orientation or gender identity.

What: This policy prohibits all forms of sexual misconduct. This broad term includes, but is not limited to, acts of sexual harassment, sexual violence, sexual coercion, sexual threats or intimidation, domestic violence, dating violence, sexual assault, stalking, and cyber-stalking. Please refer to the Definitions section for a complete list of terms and prohibited acts.

Where: This policy covers conduct that takes place on the College/university campus. This includes any building or property owned or controlled by SUNY Canton and used in direct support of, or in a manner related to, the school's educational purposes, including residence halls, dining halls, and public property within or immediately adjacent to and accessible from campus. This also includes any building or property owned or controlled by a student organization that is officially recognized by the college/university and any building or property not within the same reasonably contiguous geographic area of the college/university that supports or relates to the school's educational purposes and is frequently used by students. This policy also covers conduct that takes place off campus that may have a nexus to the College/university community.

Programs: This policy covers all educational, extracurricular, athletic, or other campus programs.

Activities: This policy covers all campus and school-related activities, including, but not limited to, student organizations (academic, Greek, multicultural, religious, service, social and support, sports, and recreational), community organizations with student (and/or faculty) participation, and all other educational or extracurricular events hosted by or at the College/university.

Relationships: This policy covers sexual misconduct occurring between individuals in various types of relationships. These include, but are not limited to, student to student, staff to staff, faculty member to faculty member, visitor/contracted employee to faculty/staff, faculty member to student, staff to student, supervisor to subordinate, and coach to student athlete. Sexual misconduct may be acts committed by an individual or collective actions committed by members of a group or organization. These acts may be committed against an individual or against a group or organization.

These acts may be committed by a stranger, an acquaintance, or someone with whom the victim has a social, romantic, or intimate relationship. These acts may be committed by or against any individual, regardless of sexual orientation or gender identity.

Confidentiality: The College/university is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. While the College/university encourages victims to report an incident of sexual misconduct, there are many options available for students to speak with someone about what happened while maintaining confidentiality. Please see the appropriate section of the Handbook (depending on the type of sexual misconduct) for resources available for support and reporting procedures, including confidentiality.

Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations

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 this institution **must** respond to reports of misconduct falling within that definition of sexual harassment, and
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment.

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: <http://bit.ly/TitleIXReg>

Based on the Final Rule, SUNY Canton will implement 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, SUNY Canton 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.

SUNY Canton 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 (*Student Rights and Responsibilities*)** that defines certain behavior as a violation of campus policy, including **sections addressing Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and related 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, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within *the Student Rights and Responsibilities* through a separate grievance proceeding

(<https://www.canton.edu/media/pdf/handbook.pdf>)

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 this document.

The Title IX Grievance Policy **General Rules of Application** **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.

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 Code of Conduct.

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. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at <https://ocrcas.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 the educational institution'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 State's 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 code of conduct (*Student Rights and Responsibilities*).

Consent

For the purposes of this Title IX Grievance Policy, "consent" means affirmative consent, which is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not

demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, and a reasonable person knows or should have known that such person is incapacitated. Incapacitation occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop. (See Affirmative Consent definition in *Student Rights and Responsibilities*).

Education Program or Activity

For the purposes of this Title IX Grievance Policy, SUNY Canton's "education program or activity" includes:

- Any on-campus premises
- Any off-campus premises that SUNY Canton 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 SUNY Canton's programs and activities over which SUNY Canton 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 SUNY Canton'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. 34 C.F.R. § 106.45(6)(i).
 - Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
 - Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

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 Rights and Responsibilities* references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean SUNY Canton 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. SUNY Canton 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 Institution

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: Amanda

Deckert, Title IX Coordinator,

French Hall, Suite 200

Email Address: wood121@canton.edu

Telephone Number: (315) 386-7688

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.

Confidential Reporting

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

- Title IX Coordinator or designee
- University Police
- Other mandatory faculty/staff reporters

The following Officials may provide confidentiality:

- College Counseling Center Counselors
- Student Health Services providers
- Renewal House Campus Advocate
- Employee Assistance Program

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 [identified below] from SUNY Canton regardless of whether they desire to file a complaint, as appropriate. Supportive measures are non-disciplinary and non-punitive.

As appropriate, supportive measures may include, but not be limited to:

- Counseling services
- Health services
- Safe housing or room change
- Classroom relocation
- Job assignment relocation
- Academic Support Services (tutoring, contacting Student Success Center and/or instructors, etc.)
- Safety escort by University Police
- Restrictions on contact between the parties (No Contact Orders)

See 85 Fed. Reg. 30401.

Emergency Removal

SUNY Canton retains the authority to remove a respondent from SUNY Canton's program or activity on an emergency basis, where the College (1) undertakes an individualized safety and risk analysis and (2) determines that 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. The Director of Student Conduct or designee may take action immediately to suspend a student from the College and remove the student from campus, when there is reasonable belief that the continued presence of such student would constitute a danger to the safety of persons or property. If SUNY Canton determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. Any appeal must be made to the Director of Student Conduct or designee.

The Title IX Grievance Process

Filing a Formal Complaint

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint.

The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) school days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of SUNY Canton, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in Student Rights and Responsibility

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. SUNY Canton will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy or *Student Rights and Responsibilities* prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Informal Resolution

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution's Informal Resolution Process. All Parties to a Formal Complaint must agree to enter the Informal Resolution Process through an informed written consent.

Multi-Party Situations

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one

party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

Determining Jurisdiction

The Title IX Coordinator or another appropriate official without a conflict of interest or bias will determine if the Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in SUNY Canton's education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, SUNY Canton will investigate the allegations according to the Grievance Process.

Allegations Potentially Falling Under Two Policies

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

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator or designee will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.

Discretionary Dismissal

The Title IX Coordinator or designee may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by SUNY Canton; or,
- If specific circumstances prevent SUNY Canton from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

Notice of Dismissal

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

Notice of Removal

Upon dismissal for the purposes of Title IX, SUNY Canton retains discretion to utilize the *Student Rights and Responsibilities* to determine if a violation of the Code of Conduct has occurred. If so, SUNY Canton will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or designee may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the SUNY Canton's Title IX Grievance Process including any informal resolution process and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. § 106.45(b)(5)(vi);
- *The Code of Conduct Student Rights and Responsibilities* specifically prohibits knowingly making false statements or knowingly submitting false information during the grievance process (Prohibited Conduct 15.4).

Ongoing Notice

If, in the course of an investigation, the College decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the College will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

Advisor of Choice and Participation of Advisor of Choice

SUNY Canton will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

SUNY Canton has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of SUNY Canton.

SUNY Canton will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

SUNY Canton's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and SUNY Canton cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice.

The determination of what is reasonable shall be made by the Title IX Coordinator or designee. SUNY Canton will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by SUNY Canton.

Notice of Meetings and Interviews

SUNY Canton will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

Each party may request a one-time delay in the Grievance Process of up to five (5) days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a

request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator, Director of Student Conduct, or designee shall have sole judgment to grant further pauses in the Process.

Investigation

General Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

SUNY Canton and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from SUNY Canton and does not indicate responsibility.

SUNY Canton cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. SUNY Canton will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

The institution will send the evidence made available for each party and each party's advisor, if any, to inspect and review through an electronic format or a hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) school days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a one-time, reasonable extension for approval by Title IX Coordinator or designee.

The institution will provide the parties up to ten (10) days to provide a response, after which the investigator will not be required to accept a late submission. Investigator has 10 days to generate a report or, alternatively, may provide the parties with written notice extending the investigation for 10 days and explaining the reason for the extension.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors will not disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

The parties and their advisors will not photograph or otherwise copy the evidence. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

Inclusion of Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

Investigative Report

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, and provide that Report to the parties at least ten (10) business/calendar/school days prior to the hearing in an electronic format or a hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant. See, 85 Fed. Reg. 30026, 30304 (May 19, 2020).

Hearing

General Rules of Hearings

SUNY Canton will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through video conferencing software such as Microsoft Teams or Zoom. This technology will enable participants simultaneously to see and hear each other. At its discretion, SUNY Canton may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording. That recording or transcript will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

Continuances or Granting Extensions

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

Participants in the live hearing

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

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).
- For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020), available at <https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html>
- SUNY Canton will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).
- The parties shall be subject to the institution's Rules of Decorum.

The Decision-maker

The hearing body will consist of three professional staff members.

- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing.

Advisor of choice

The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.

- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination.
- In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appears at the hearing, SUNY Canton will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).
- Advisors shall be subject to the institution's Rules of Decorum, and may be removed upon violation of those Rules.

Witnesses

Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).

- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).
- Witnesses shall be subject to the institution's Rules of Decorum.

Rules of Decorum

Title IX hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature. Rules of decorum prohibit any party advisor or

decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner. At base, these Rules of Decorum require that all parties, advisors of choice, and institutional staff treat others who are engaged in the process with respect.

The rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

1. Questions must be conveyed in a neutral tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Chair of the Student Conduct Hearing Board.
6. The advisor may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by the Student Conduct Hearing Board, and/or the advisor in cross- examination. When the Student Conduct Hearing Board determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

The Student Conduct Hearing Board shall have sole discretion to determine if the Rules of Decorum have been violated. The Student Conduct Hearing Board will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Student Conduct Hearing Board shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Student Conduct Hearing Board removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The Student Conduct Hearing shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, Director of Student Conduct, or a designee of either and presented to the Vice President of Student Affairs & Dean of Students. The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice President of Student Affairs & Dean of Students. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The Vice President of Student Affairs & Dean of Students shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing and, if the finding is Responsible, shall include a Sanction. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) days unless extended for good cause. There is no appeal of this finding. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in the future, they may request a review of that bar from the Vice President of Student Affairs & Dean of Students no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

Relevant Questions Asked in Violation of the Rules of Decorum

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).

Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The Chair of the Student Conduct Hearing Board will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- Members of the Student Conduct Hearing Board will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the Student Conduct Hearing Board conducts its initial round of questioning; During the Parties' cross-examination, the Student Conduct Hearing Board will have the authority to pause cross-examination at any time for the purposes of asking the Student Conduct Hearing Board's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Student Conduct Hearing Board. A Party's waiver of cross-examination does not eliminate the ability of the Student Conduct Hearing Board to use statements made by the Party.

Live Cross-Examination Procedure

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including that challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the Student Conduct Hearing Board will determine if the question is relevant.

Cross-examination questions that are duplicative of those already asked, including by Student Conduct Hearing Board may be deemed irrelevant if they have been asked and answered.

Review of Transcript/Recording

The recording of the hearing will be available for review by the parties within two (2) school days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice. An official audio recording will be made of the proceedings. This recording is the property of the College and will not be duplicated or released. Participants are prohibited from making their own recording during the hearing (including but not limited to audio, photographic and/or written recording). The Referred Party and Referring Party may submit a written request to the Director of Student Conduct for permission to listen to the official audio recording in a supervised location on campus. An official written transcript can be provided by the College at the requesting party's expense.

Determination Regarding Responsibility

Standard of Proof

SUNY Canton uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determine whether it is more likely than not that a violation of the Policy occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.

Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and

exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that SUNY Canton allow parties to call "expert witnesses" for direct and cross examination. SUNY Canton does not provide for expert witnesses in other proceedings. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.

The Final Rule requires that SUNY Canton allow parties to call character witnesses to testify. SUNY Canton does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be cross examined as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.

The Final Rule requires that SUNY Canton admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Student Conduct Hearing Board may draw an adverse inference as to that party or witness' credibility.

Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Code of Conduct (Student Rights and Responsibilities), if any, the respondent has or has not violated.
5. For each allegation:
 - a. A statement of, and rationale for, a determination regarding responsibility;
 - b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
 - c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and

- d. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal")

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by SUNY Canton within ten (10) business days of the completion of the hearing.

Finality

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

Appeals

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within seven (7) calendar days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

1. Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
4. A sanction imposed as a result of the original student conduct hearing that is disproportionate with the outcome of the matter.

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

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

Appeals may be no longer than (two thousand five hundred (2,500) words or five (5) pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

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

Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

Retaliation

SUNY Canton will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

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

Complaints alleging retaliation may be filed according to the Sexual Harassment Response and Prevention Policy.

Procedures for Judicial Hearings For all Campus Judicial Boards

1. Charges of alleged misconduct (under Article IV) may be brought against any student or organization.
2. Before a student's/organization's case is presented before a campus Judicial Board (except when the Maintenance of Public Order Committee has jurisdiction), the procedures below must be followed: A student/organization must be:
 - a. Given written notice of the charges and access to all written statements expected to be used during the hearing.
 - b. Notified of the right to obtain a support person and the right to refuse to answer questions. If a support person will be present, the guidelines outlined in Section 15.9 3 (B) must be followed.
 - c. Notified of the time and place of the hearing and given at least four calendar days from the time the student receives their charge letter and notice of hearing date and time, as well as access to all written statements to be used at the hearing in order to prepare a defense. The student/organization may waive, in writing, the right to a four-calendar day waiting period.

3. The College recommends that all students and organizations adhere to the following procedures:
 - a. Take four calendar days to prepare their defense; and
 - b. The reporting individual and the respondent have the right to be assisted by any advisor they choose, at their own expense, if the advisor of choice charges a fee. The respondent and complainant may present witnesses and may produce other evidence for consideration by the hearing board or judicial officer. The reporting individual and/or the respondent are responsible for presenting their own case and, therefore, advisors are not permitted to speak or to participate directly in this portion of the hearing. The advisor may speak privately to their advisee, respondent, or complainant, during the proceeding. Either party may request a brief recess to consult with their advisor which will be granted at the discretion of the hearing board Chair. Respondents and reporting individuals must inform the Student Conduct Office no later than 24 hours prior to the hearing, or by 9am on the business/ school day prior to the hearing if the hearing follows a weekend or holiday who their advisor of choice is. Respondents and reporting individuals are required to have an advisor present for the purpose of cross examination. As a result, if a party does not select an advisor, the College will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party. NOTE: Attendance at hearings is limited to those directly involved or those requested by the hearing officer or Board to attend. The hearing officer or Board will take reasonable measures to ensure an orderly hearing, including removal of persons who impede or disrupt proceedings.
4. If a student/organization fails to appear before the Judicial Board, the party's advisor may appear and conduct cross examination on their behalf. If neither a party nor their advisor appears at the hearing, SUNY Canton will provide an advisor to appear on behalf of the non-appearing party. NOTE: If a party or witness does not submit to cross examination, the Judicial Board cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
5. A hearing body shall not be bound by the strict, technical rules of judicial evidence, but may hear or receive any testimony or evidence which is relevant to the charges and will contribute to the rendering of an impartial and fair judgment by the Hearing Board.
6. The College, the respondent(s), and the reporting individual shall have the privilege of presenting witnesses, subject to the right of questioning by the judicial hearing board, the reporting individual's advisor and the respondent's advisor.
7. At the conclusion of the review, the Student Faculty Hearing Board shall determine (by simple majority vote) whether the student has violated each section of the Student Code of Conduct, which the student is charged with violating.
8. Any sanctions given will be provided to the student in writing within five class days. Within five (5) class days after the adjournment of a judicial hearing, the hearing board shall submit written findings of fact, conclusions regarding the charge(s), and imposition of a sanction, if any, to the respondent and any College official who is determined by the Vice President for Student Affairs/Dean of Students to have a legitimate interest in the result to their official SUNY Canton email. In the case of sexual misconduct and violations involving dating violence, domestic

violence, sexual assault, or stalking, both the complainant and respondent shall also receive simultaneous notice of the results and sanctions imposed (and the rationale for the result and sanctions), as well as notice of the appellate procedures available, any possible changes to the result that may occur before it becomes final, and when the result becomes final.

9. The adjudicating officer shall keep record of the substance of the hearing. Such records remain the property of the College. Only College judicial affairs staff may record judicial meetings or proceedings. No other recordings are permitted. Such records often contain personally identifiable and sensitive information about participants. The adjudicating officer may report the findings to the College community without revealing personally identifiable information.
10. Adjournments or Extensions: The chairperson shall have the authority to adjourn or postpone hearings if, in their opinion, extenuating circumstances are justifiably raised by the accused student(s), the adjudicating officer/ designee, or individual judicial board members. The judicial hearing board may adjourn the hearing, imposing temporary sanctions, and schedule sanctioning for a later date. All deadlines and time requirements in the Code may be extended for good cause as determined by the Vice President for Student Affairs/ Dean of Students. Both the respondent and the complainant will be notified in writing of the delay, the reasons for the delay, and provided the date of the new deadline or event. Extensions will not be longer than 5 business/ school days. Temporary sanctions may be imposed by the Vice President for Student Affairs/ Dean of Students or designee during any extension.
11. Appeals: A request for an appeal may only be submitted when the student believes:
 - a. A procedural error occurred during the process, which had a direct impact on the finding. (i.e. a failure to follow the College's own procedure)
 - b. That new information has come to light, which has a direct impact on the finding. New evidence is that which was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - c. The finding or sanction imposed is unfair or inappropriate.
 - d. Conflict of Interest or Bias. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against the reporting individuals or respondents generally or the individual reporting individual or respondent that affected the outcome of the matter.
12. Appeals shall be directed through the online appeal form located on the Vice President for Student Affairs/Dean of Students' webpage (http://www.canton.edu/dos/appeal_form.php) by the respondent within four class days of the respondent's receipt of the written decision (which will be sent to the respondent's SUNY Canton email). Appellate boards will be composed of three faculty/staff members. There will also be an advisor who shall serve only to assist in clarifying or answering questions regarding policies or judicial processes. The advisor is not permitted to weigh in on the appeal and is not a voting member of the appellate board. While an appeal is being considered or a scheduled appeal hearing is pending, the original sanctions imposed remain in effect. The chairperson of a Judicial Board or Board Member (if the chair is unavailable) that rendered a decision under appeal, may be asked to attend an appeal hearing. A student who appeals is not required to attend, but is entitled to attend and be accompanied by a support person. Notification of appeal

decisions shall be communicated within 48 hours after the conclusion of a hearing. Outcomes shall be disclosed in writing. After reviewing an appeal, an Appellate Board may decide to:

- a. Deny the request and uphold the decisions of the original Judicial Board, or
- b. Grant the appeal and direct the case to be heard by a college judicial board again.

Appeals decisions are final within the campus judicial system. Once an appeal has been rendered, a student may not appeal that decision.

In cases where the substance of a request causes the Appellate Board to believe such action is warranted, members of the original board may be replaced or an entirely new board may convene to hear the case. All decisions made by the appellate Board are final. In extenuating circumstances, or when the College is in recess, the Vice President for Student Affairs/Dean of Students or their designee has the authority to convene an emergency Student Faculty Hearing Board; similarly, the Director of Residence Life or designee has the authority to convene a temporary Residence Hall Hearing Board. This Board may be composed of one faculty member and one staff person when a student representative is not available.

Campus Climate Assessment Policy

Climate assessments afford institutions the opportunity to better understand their campus and to make informed decisions when it comes to providing a safe educational environment. Beginning in the 2015-2016 academic year, each State University of New York State-operated and Community College will conduct a uniform climate survey that ascertains student experience with and knowledge of reporting and college adjudicatory processes for sexual harassment, including sexual violence, and other related crimes.

The survey will address at least the following:

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.
- The availability of 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/University and/or police, and reasons why they did or did not report.
- The general awareness of the difference, if any, between the institution's policies and the penal law.
- The general awareness of the definition of affirmative consent.

Every institution shall take steps to ensure that answers remain anonymous and that no individual is identified. Results will be published on the campus website providing no personally identifiable information shall be shared.

The Chancellor or designee will convene a group of scholars and practitioners to review methods of assessing campus climate, specific questions asked in past surveys, relevant data on responses and response rates, issues and problems encountered in survey implementation, and lessons learned from past surveys. The Chancellor or designee will gather this data and seek to develop a standardized survey, with the advice of relevant members of the SUNY community and knowledgeable outside entities, that uses established measurement tools, to be implemented every two years by all SUNY State-operated and Community Colleges beginning in the 2015-2016 academic year. This policy may be changed by the Chancellor or designee should federal and/or State legislation require a different process or duplicate efforts to assess campus climate via survey.

Student Onboarding and Ongoing Education Guide

The State University of New York and its State-operated and Community Colleges believe that sexual violence prevention training and education cannot be accomplished via a single day or a single method of training. To that end, SUNY campuses will continue to educate all new and current students using a variety of best practices aimed at educating the entire college community in a way that decreases violence and maintains a culture where sexual assault and acts of violence are not tolerated.

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

- The institution prohibits sexual harassment, including sexual violence, domestic violence, dating violence, stalking, other violence, or threats of violence and will offer resources to any victims/survivors of such violence while taking administrative and conduct action regarding any accused individual within the jurisdiction of the institution.
- Relevant definitions including, but not limited to, the definitions of sexual violence and consent.
- Policies apply equally to all students regardless of sexual orientation, gender identity, or gender expression.
- The role of the Title IX Coordinator, University Police, and other relevant offices that address violence prevention and response.
- Awareness of violence, its impact on victims/survivors and their friends and family, and its long-term impact.
- The Students' Bill of Rights and Sexual Violence Response Policy, including:
 - How to report sexual violence and other crimes confidentially, and/or to college officials, campus law enforcement, and local law enforcement.
 - How to obtain services and support.
 - Bystander intervention and the importance of taking action, when one can safely do so, to prevent violence.
 - The protection of the Policy for Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases.
 - Risk assessment and reduction including, but not limited to, steps that potential victims/survivors and potential assailants and bystanders to violence can take to lower the incidence of sexual violence.

- Consequences and sanctions for individuals who commit these crimes.

The onboarding process is not limited to a single day of orientation but recognizes that students enroll at different times at different SUNY campuses and gives campuses the flexibility to best educate students at a time and manner that can most effectively bring these points to light. SUNY will conduct these trainings for all new students, whether first-year or transfer, undergraduate, graduate, or professional. Each campus shall use multiple methods to educate students about sexual violence prevention. Each SUNY institution will also share information on sexual violence prevention with parents of enrolling students.

Students at SUNY State-operated and Community College campuses shall be offered general and specialized training in sexual violence prevention. Each institution will conduct a campaign, compliant with the requirements of the Violence Against Women Act, to educate the student population. Further, institutions will, as appropriate, provide or expand specific training to include groups such as international students, students that are also employees of the campus, leaders and officers of registered/recognized student organizations, online and distance education students. Institutions will also provide specific training to members of groups identified as likely to engage in high-risk behavior.

Beginning in the 2015-2016 academic year, SUNY State-operated and Community Colleges will require that student leaders and officers of registered/recognized student organizations and those seeking recognition complete training on domestic violence, dating violence, sexual assault, or stalking prevention as part of the approval process and require student-athletes to complete training in domestic violence, dating violence, sexual assault, or stalking prior to participating in intercollegiate athletics.

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

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

Each SUNY campus reported back to the Chancellor on or before March 31, 2015, on their plan to comply with this policy. Each institution must engage in a regular assessment of their programming and policies to determine effectiveness. The institution may either assess its own programming or conduct a review of other campus programming and published studies to adapt its programming to ensure effectiveness and relevance to students.

Bystander Intervention and Amnesty Policy

How to Help as a Bystander

The College/university 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 University 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, even if two 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 an RA, RD, or other students 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. 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.

Amnesty Policy

SUNY Canton's Amnesty Policy supports students who reach out for assistance in the case of a medical emergency, as well as supports the student who is helped. Therefore, a student or student organization seeking medical treatment for him/herself, or for any other student who is in immediate medical need, or any student who is the recipient of this emergency medical help will not be subject to disciplinary sanctions related to the violation of using or possessing alcohol or other drugs, as defined in Community Rights and Responsibilities (Prohibited Conduct Drugs and Alcohol). This policy applies to emergencies both on and off campus.

The health and safety of every student at the State University of New York and its State-operated and Community Colleges is of utmost importance. SUNY Canton recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time a sexual violence incident occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. SUNY Canton strongly encourages students to report incidents of sexual violence to campus officials. A bystander reporting in good faith or a victim/survivor reporting sexual violence to SUNY Canton officials or law enforcement will not be subject to campus conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the sexual violence.

Purpose

At SUNY Canton, the health and safety of every student is of primary importance and all students are strongly encouraged to be empowered bystanders who respond in a potentially dangerous situation without fear of reprisal from SUNY Canton. SUNY Canton's Amnesty Policy supports students who act responsibly by reaching out for assistance in the case of a medical emergency, as well as supports the student who is helped.

Application of the Policy

A student is eligible to use the Amnesty Policy on more than one occasion and students are always strongly encouraged to report a medical emergency. The positive impact of reporting a medical emergency will always hold the highest priority when determining the appropriate response for University policy violations.

Repeated use of the amnesty provided by the Policy is cause for a higher level of concern for the well-being of the student and amnesty in these cases will be individually reviewed.

Parental Notification

Because parents are vital partners in the educational process and because the student can be best supported from home, SUNY Canton typically contacts parents of students under 21 years of age in instances where there is evidence of risk to health, welfare, or safety. In addition, SUNY Canton may record names of those students involved to enable SUNY Canton to follow up with the students as deemed necessary to ensure a student's well-being.

Mandatory Intervention Program

A student who receives medical assistance for alcohol use under the Amnesty Policy will be referred by the Vice President for Student Affairs/Dean of Students or their representative to a mandatory intervention program, such as the Decision Making Course at the SUNY Canton Counseling Center. Additionally, a student who qualifies for the Amnesty Policy by calling for medical assistance for another student may be referred to this program at the discretion of the Vice President for Student Affairs/Dean of Students.

Frequently Asked Questions

Q. What if I am underage and drunk when I call for help for a friend?

A. In this situation, emergency personnel will be mainly concerned with the person who needs the most help. Make sure to stay with your friend until help arrives. Emergency personnel might want to ask you a few questions about how much the sick person had to drink or if they mixed the alcohol with any other drugs, for example. This information will be critical to helping your friend. In such a case, SUNY Canton will not refer you or the person you called for an alcohol violation.

Q. Will my name be recorded if I call for help for my friend?

A. In most situations, if you are level-headed enough to call for help and you are not showing signs of alcohol or other drug overdose, emergency personnel will thank you for your assistance and simply help your friend.

Q. How will anyone know I was the person who called for help?

A. In most cases, a professional staff member from Residence Life or the Vice President for Student Affairs/Dean of Students Office will know that you called for help. If they do not know, you can simply inform them of your role in helping your friend or yourself.

Q. Does the Amnesty Policy apply if I call for help for myself?

A. Yes

Q. Does SUNY Canton contact my parents if I am transported to the hospital?

A. SUNY Canton does not automatically contact your parents when you are transported to the hospital. However, your parents would eventually be notified by mail if you are under 21 and had a hospital transport for alcohol or drug use.

Q. What happens if I am transported to the hospital for the second time – does the Amnesty Policy apply?

A. While the main concern is the health and safety of every student, a pattern of behavior for hospital transports will require a staff member to review the situation and follow up using professional judgment for each individual situation.

Q. What should I do if a friend is showing signs of alcohol poisoning or overdose?

A. Remember to Check, Call, and Care. Alcohol overdose can be scary, but getting help is not.

CHECK: Watch out for your friends throughout the night. Encourage healthy choices. If someone you know has consumed too much alcohol, check for signs of overdose.

Go to <https://www.mayoclinic.org/search/search-results?q=ALCOHOL%20OVERDOSE&cltems=10&topics=Medical%20Education> for a list of signs of possible alcohol poisoning or overdose.

CALL: If you discover any one of the above problems, call for medical help immediately. Call 911 or dial 7777 from any campus phone. The above indicators of alcohol overdose are very serious and time is of the essence.

CARE: Continually talk to the person and monitor their skin color, temperature, and breathing. Turn and keep the person on his/her left side as this will help to keep the person from choking should they vomit. Wait with your friend until help arrives; never leave a sick friend alone.

For more information on SUNY Canton's Amnesty Policy, please contact:

Courtney Bish, Vice President for Student Affairs/Dean of Students

34 Cornell Drive, 229 Miller Campus Center, Canton, NY 13617

Telephone: (315) 386-7120

Email: bish@canton.edu

Prevention Education & Awareness Programs/Trainings

The College has educational programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. These educational programs include primary prevention and awareness programs for all incoming students and new employees. These educational programs will include: a statement that these crimes are prohibited at the College; definitions of consent, domestic violence, dating violence, sexual assault, and stalking in the College's jurisdiction; safe and positive bystander intervention when there's a risk of one of those incidents; information on risk reduction to recognize warning signs of abusive behavior and avoiding potential attacks; and information about the institutional disciplinary procedures. The various programs and trainings offered by the College/university are described below:

Prevention Programs: These are programs to prevent dating violence, domestic violence, sexual assault, and stalking. The programs are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome. They also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Specifically, SUNY Canton provides training to all student leaders, Resident Assistants, social Greek organizations, student-athletes, and employees of the College. Anyone wishing to have a prevention program training should contact the Title IX Coordinator for more information.

Awareness Programs: These are community-wide or audience-specific programming initiatives and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

- Specifically, SUNY Canton provides awareness programs to all student leaders, Resident Assistants, social Greek organizations, student-athletes, and employees of the College. Anyone wishing to have an awareness program training should contact the Title IX Coordinator for more information.

Bystander Intervention: These 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.

- Specifically, SUNY Canton, the Vice President for Student Affairs/Dean of Students Office, in concert with the CARES Program, host informational sessions throughout the year on bystander intervention.

Ongoing Prevention & Awareness Campaigns: These include programming initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the College/university and including information provided in campus educational programs.

- Specifically, at SUNY Canton, our Davis Health Center and Counseling Center collaborate with the Title IX Coordinator and Vice President for Student Affairs/Dean of Students Office to provide prevention and awareness to the campus community.

Primary Prevention Programs: These include programming initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually-respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

- Specifically, at SUNY Canton our Counseling and Health Centers provide programming in the residence halls and campus-wide to assist in primary prevention skills.

Risk-Reduction Programs: These programs present options designed to decrease perpetration and bystander inaction to increase empowerment for victims in order to promote safety, and to help individuals and communities address conditions that facilitate violence.

Specifically, at SUNY Canton our Counseling and Health Centers provide risk-reduction programming campus-wide and in the residence halls throughout the year.

Programming for Prevention of Sexual Assault/Awareness on our Campus

- Personal Safety/Basic Crime Prevention and Tips
- Dating Violence/Domestic Violence
- Alcohol/Drug Awareness
- Orientation – Provided for Students and Parents
- Rape Aggression Defense (R.A.D.)
- Healthy Relationships
- Sexual Health programming
- Sexual Consent programming
- University Police Escort
- Sexual Assault Prevention

NYS Division of Human Rights

State Headquarters

New York State Division of Human Rights
One Fordham Plaza, 4th Floor
Bronx, New York 10458
Tel: (718) 741-8400
Fax: (718) 741-3214

Albany

New York State Division of Human Rights
Empire State Plaza, Corning Tower, 28th Floor
Albany, New York 12220
Tel: (518) 474-2705
Fax: (518) 473-3422

Office of Sexual Harassment

New York State Division of Human Rights
Office of Sexual Harassment
55 Hanson Place, Suite 347
Brooklyn, New York 11217
Tel: (718) 722-2060 or (800) 427-2773
Fax: (718) 722-4525

Office of AIDS Discrimination

New York State Division of Human Rights
Office of AIDS Discrimination
20 Exchange Place, 2nd Floor
New York, New York 10005
Tel: (212) 480-2522
Fax: (212) 480-0143

United States Department of Labor

Office of Federal Contract Compliance Programs (OFCCP)

201 Varick Street, Room 750

New York, New York 10014

Tel: (212) 337-2006

Fax: (212) 620-7705

OFCCP New York District Office

26 Federal Plaza, Room 36-116

New York, New York 10278-0002

Tel: (212) 264-7742

Fax: (212) 264-8166

New York State Department of Labor

State Campus, Building 12, Room 500

Albany, New York 12240-0003

Tel: (518) 457-2746

Fax: (518) 457-6908

**United States Equal Employment
Opportunity Commission**

EEOC National Headquarters

1801 L. Street N.W.

Washington, D.C. 20507

Tel: (202) 663-4900

Fax: (202) 663-4912

EEOC Field Office

6 Fountain Plaza, Suite 350

Buffalo, New York 14202

Tel: (716) 551-4441

Fax: (716) 551-4387

Office for Civil Rights

OCR National Headquarters

U. S. Department of Education

Office of Civil Rights, Customer Service Team

Mary E. Switzer Building

30 C. Street, S.W.

Washington, D.C. 20202

Tel: (800) 421-3481

Fax: (202) 205-9862

Office for Civil Rights, New York Office

32 Old Slip, 26th Floor

New York, New York 10005-2500

OCR.NewYork@ed.gov

Tel: (646) 428-3800

Fax: (646) 428-3843

Definition of Offenses

Crime Definitions from the Handbook for Campus Safety and Security Reporting 2016 Edition

Aggravated Assault - Aggravated Assault is 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 - Arson is 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 - Burglary is the unlawful entry of a structure to commit a felony or a theft.

Dating Violence – Is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence – Is defined as a felony or misdemeanor crime 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 the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Criminal Homicide - Manslaughter by Negligence - The killing of another person through gross negligence.

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

Hate Crime - A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

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 actual physical attack.

Larceny/Theft- The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

Motor Vehicle Theft - The theft or attempted theft of a motor vehicle or any self-propelled vehicle, such as: sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts, and motorized wheel chairs.

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

Simple Assault - 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.

Stalking – Engaging in a course of conduct directed at a specific person that cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Vandalism of Property Destruction/Damage - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Weapon Law Violations - Are defined as the violation 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. This classification encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations - Are defined as the violation 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. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations - Are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Sex Offenses: Definitions

Sexual Assault – An offense that meets the definitions of rape, fondling, incest or statutory rape as used in the FBI UCR program.

Sex Offenses - Any sexual 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.
- **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 capacity.
- **Incest**-Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**-Sexual intercourse with a person who is under the statutory age of consent.

The definitions for campus, non-campus building or property and public property are excerpted from the Handbook for Campus Safety and Security Reporting 2016 Edition.

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 the area identified in 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 Student Housing Facility: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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

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

New York State Law on Sex Offenses

The following represent all sections of the New York State Penal law which are sex offenses:

Sec. 120.45 Stalking in the Fourth Degree

A person is guilty of stalking in the fourth degree when he or she intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

1. is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or
2. causes material harm to the mental or emotional health of such person, where such conduct consists of the following: telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or
3. is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

Stalking in the Fourth Degree is a class B misdemeanor.

Sec. 120.50 Stalking in the Third Degree

When a person:

1. commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or
2. commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or
3. with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or
4. commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

Stalking in the Third Degree is a class A misdemeanor.

Sec. 120.55 Stalking in the Second Degree

When a person:

1. commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense:
 - (i) displays, or possesses and threatens the use of a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chukka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or
 - (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or
2. commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or
3. commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or
4. being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or
5. commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

Stalking in the Second Degree is a class E felony.

Sec. 120.60 Stalking in the First Degree

A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she:

1. intentionally or recklessly causes physical injury to the victim of such crime; or
2. commits a class A misdemeanor defined in article one hundred thirty of this chapter, or a class E felony defined in section 130.25, 130.40 or 130.85 of this chapter, or a class D felony defined in section 130.30 or 130.45 of this chapter.

Stalking in the First Degree is a class D felony.

Sec. 130.20 Sexual Misconduct

A person is guilty of sexual misconduct when:

1. he or she engages in sexual intercourse with another person without such person's consent; or
2. he or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent; or
3. he or she engages in sexual conduct with an animal or a dead human body.

Sexual Misconduct is a class A misdemeanor.

Sec. 130.25 Rape in the Third Degree

A person is guilty of rape in the third degree when:

1. he or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old; or
2. being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old.
3. he or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Rape in the Third Degree is a class E felony.

Sec. 130.30 Rape in the Second Degree

A person is guilty of rape in the second degree when:

1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old.
2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It shall be an affirmative defense to the crime of rape in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

Rape in the Second Degree is a class D felony.

Sec. 130.35 Rape in the First Degree

A person is guilty of rape in the first degree when he engages in sexual intercourse with another person:

1. by forcible compulsion; or
2. who is incapable of consent by reason of being physically helpless; or
3. who is less than eleven years old.
4. who is less than thirteen years old and the actor is eighteen years old or more.

Rape in the First Degree is a class B felony.

Sec. 130.40 Criminal Sexual Act in the Third Degree

A person is guilty of a criminal sexual act in the third degree when:

1. he or she engages in oral sexual conduct or anal sexual conduct with a person who is incapable of consent by reason of some factor other than being less than seventeen years old;
2. being twenty-one years old or more, he or she engages in oral sexual conduct or anal sexual conduct with a person less than seventeen years old; or
3. he or she engages in oral sexual conduct or anal sexual conduct with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

Criminal Sexual Act in the Third Degree is a class E felony.

Sec. 130.45 Criminal Sexual Act in the Second Degree

A person is guilty of a criminal sexual act in the second degree when:

1. being eighteen years old or more, he or she engages in oral sexual conduct or anal sexual conduct with another person less than fifteen years old; or
2. he or she engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. (Shall be an affirmative defense to the crime of criminal sexual act in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.)

Criminal Sexual Act in the Second Degree is a class D felony.

Sec. 130.50 Criminal Sexual Act in the First Degree

A person is guilty of a criminal sexual act in the first degree when he or she engages in oral sexual conduct or anal sexual conduct with another person:

1. by forcible compulsion; or
2. who is incapable of consent by reason of being physically helpless; or
3. who is less than eleven years old; or
4. who is less than thirteen years old and the actor is eighteen years old or more.

Criminal Sexual Act in the First Degree is a class B felony.

Sec. 130.52 Forcible Touching

A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose, forcibly touches 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. For the purpose of this section, forcible touching includes squeezing, grabbing or pinching.

Forcible Touching is a Class A misdemeanor.

Sec. 130.53 Persistent Sexual Abuse

A person is guilty of persistent sexual abuse when he or she commits the crime of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree, as defined in section 130.55, or sexual abuse in the second degree, as defined in section 130.60 of this article and, within the previous ten year period, has been convicted two or more times, in separate criminal transactions for with sentence was imposed on separate occasions of forcible touching, as defined in section 130.52 of this article, sexual abuse in the third degree as defined in section 130.60 of this article, or any offense defined in this article, of which the commission or attempted commission thereof is a felony.

Persistent Sexual Abuse is a class E Felony.

Sec. 130.55 Sexual Abuse in the Third Degree

A person is guilty of sexual abuse in the third degree when he or she subjects another person to sexual contact without the latter's consent; except that in any prosecution under this section, it is an affirmative defense that:

- a) such other person's lack of consent was due solely to incapacity to consent by reason of being less than seventeen years old, and
- b) such other person was more than fourteen years old, and
- c) the defendant was less than five years older than such other person.

Sexual Abuse in the Third Degree is a class B misdemeanor.

Sec. 130.60 Sexual Abuse in the Second Degree

A person is guilty of sexual abuse in the second degree when he or she subjects another person to sexual contact and when such other person is:

1. incapable of consent by reason of some factor other than being less than seventeen years old; or
2. less than fourteen years old.

Sexual Abuse in the Second Degree is a class A misdemeanor.

Sec. 130.65 Sexual Abuse in the First Degree

A person is guilty of sexual abuse in the first degree when he or she subjects another person to sexual contact:

1. by forcible compulsion, or
2. when the other person is incapable of consent by reason of being physically helpless; or
3. when the other person is less than eleven years old.

Sexual Abuse in the First Degree is a class D felony.

Sec. 130.65 – Aggravated Sexual Abuse in the Fourth Degree

A person is guilty of aggravated sexual abuse in the fourth degree when:

1. he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than seventeen years old; or

- a. he or she inserts a finger in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than seventeen years old.
 - b. he or she inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason or some factor other than being less than seventeen years old.
2. Conducts performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Fourth Degree is a class E felony.

Sec. 130.66 Aggravated Sexual Abuse in the Third Degree

1. A person is guilty of aggravated sexual abuse in the third degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person:
 - a. by forcible compulsion; or
 - b. when the other person is incapable of consent by reason of being physically helpless; or
 - c. when the other person is less than eleven years old.
2. A person is guilty of aggravated sexual abuse in the third degree when he or she inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.
3. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Third Degree is a class D felony.

Sec. 130.67 Aggravated Sexual Abuse in the Second Degree

1. A person is guilty of aggravated sexual abuse in the second degree when he inserts a finger in the vagina, urethra, penis, or rectum of another person causing physical injury to such person:
 - a. by forcible compulsion; or
 - b. when the other person is incapable of consent by reason of being physically helpless; or
 - c. when the other person is less than eleven years old.
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the Second Degree is a class C felony.

Sec. 130.70 Aggravated Sexual Abuse in the First Degree

1. A person is guilty of aggravated sexual abuse in the first degree when he inserts a foreign object in the vagina, urethra, penis or rectum of another person causing physical injury to such person:
 - a. by forcible compulsion; or
 - b. when the other person is incapable of consent by reason of being physically helpless; or
 - c. when the other person is less than eleven years old
2. Conduct performed for a valid medical purpose does not violate the provisions of this section.

Aggravated Sexual Abuse in the First Degree is a class B felony.

Sec 130.75 Course of Sexual Conduct Against a Child in the First Degree

1. A person is guilty of course of sexual conduct against a child in the first degree when, over a period of time not less than three months in duration:

- a. He or she engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual conduct, with a child less than eleven years old, or
- b. He or she, being eighteen years or more old, engages in two or more acts of sexual conduct which include at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact with a child less than thirteen years old.
2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.

Course of Sexual Conduct against a Child in the First Degree is a class B felony.

Sec. 130.80 Course of Sexual Conduct Against a Child in the Second Degree

1. A person is guilty of sexual conduct against a child in the second degree when, over a period of time not less than three months:
 - a. The person engages in two or more acts of sexual conduct with a child less than eleven years old; or
 - b. being eighteen years old or more, engages in two or more acts of sexual conduct with a child less than thirteen years old.
2. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside of the time period charged under this section.

Course of Sexual Conduct against a Child in the Second Degree is a class D felony.

Sec. 130.85 Female Genital Mutilation

1. A person is guilty of female genital mutilation when:
 - a. a person knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not reached eighteen years of age; or
 - b. being a parent, guardian or other person legally responsible and charged with the care or custody of a child less than eighteen years old, he or she knowingly consents to the circumcision, excision or infibulation of whole or part of such child's labia majora or labia minora or clitoris.
2. Such circumcision, excision or infibulation is not a violation of this section if such act is:
 - a. necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or
 - b. performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.
3. For the purposes of paragraph (a) of subdivision two of this section, no account shall be taken of the effect on the person on whom such procedure is to be performed of any belief on the part of that or any other person that such procedure is required as a matter of custom or ritual.

Female Genital Mutilation is a Class E felony.

Sec. 130.90 Facilitating a Sexual Offense with a Controlled Substance

A person is guilty of facilitating a sex offense with a controlled substance when he or she:

1. knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to

another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and

2. commits or attempts to commit such conduct constituting a felony defined in this article.

Facilitating a Sexual Offense with a Controlled Substance is a Class D felony.

Sec. 130.91 Sexually Motivated Felony

1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.
2. A "specified offense" is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 120.06, gang assault in the first degree as defined in section 120.07, stalking in the first degree as defined in section 120.60, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

Sec. 130.95 Predatory Sexual Assault

A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and when:

1. In the course of the commission of the crime or the immediate flight therefrom, he or she:
 - a. Causes serious physical injury to the victim of such crime; or
 - b. Uses or threatens the immediate use of a dangerous instrument; or
2. He or she has engaged in conduct constituting the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or
3. He or she has previously been subjected to a conviction for a felony defined in this article, incest as defined in section 255.25 of this chapter or use of a child in a sexual performance as defined in section 263.05 of this chapter.

Predatory Sexual Assault is a Class A-II felony.

Sec. 130.96 Predatory Sexual Assault Against a Child

A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.

Predatory Sexual Assault against a Child is a Class A-II felony.

Sec. 255.25 Incest in the Third Degree

A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the Third Degree is a class E felony.

Sec. 255.26 Incest in the Second Degree

A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the Second Degree is a class D felony.

Sec. 255.27 Incest in the First Degree

A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

Incest in the First Degree is a class B felony.

FBI Index Crimes (including hate crimes)

Criminal Offense	On-Campus (includes residence halls)			On-Campus Student Housing Only			Non-Campus Buildings			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	7	1	0	6	1	0	0	0	0	0	0	0
Fondling	2	1	0	2	1	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	3	0	0	3	0	0	0	0	0	0	0	0
Burglary	1	1	0	1	1	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0

Arrests	On-Campus Arrests (includes on-campus student housing)			Arrests – On-Campus Student Housing Only			Arrests – Non-Campus			Arrests – Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Liquor Law Violations	1	0	0	1	0	0	0	0	0	0	0	0
Drug Law Violations	9	6	0	2	6	0	0	0	0	0	0	0
Illegal Weapons Possession	0	1	0	0	0	0	0	0	0	0	0	0

Campus Disciplinary Referrals	Student Conduct Referrals On Campus			Student Conduct Referrals On Campus Student Housing			Student Conduct Referrals Non-Campus			Student Conduct Referrals Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Liquor Law Violations	20	17	11	14	15	8	0	0	0	0	0	0
Drug Law Violations	138	75	21	85	58	19	0	0	0	0	0	0
Illegal Weapons Possession	0	1	0	0	0	0	0	0	0	0	0	0

VAWA Offense	On-Campus (includes residence halls)			On-Campus Student Housing Only			Non-Campus Buildings			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Dating Violence**	8	3	0	8	2	0	0	0	0	0	0	0
Domestic Violence**	0	0	0	0	0	0	0	0	0	0	0	0
Stalking**	2	3	0	1	1	0	0	0	0	0	0	0

An institution must report to the Department and disclose in its annual security report statistics, the total number of Clery crime reports that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recent calendar years. SUNY Canton did not unfound any Clery crimes for the years: 2018, 2019, or 2020.

FBI Index Crimes (including hate crimes)

When a **Hate Crime** is reported, it will be labeled with the following categories of Prejudice: R=Race, G=Gender, REL=Religion, SO=Sexual Orientation, NO=National Origin, GI=Gender Identity, and/or E=Ethnicity. In addition to the criminal offenses listed on the chart, the following crimes need to be reported if they are hate crimes: larceny-theft; simple assault; intimidation; destruction, damage, vandalism of property; making graffiti; or any other crime involving bodily injury.

In 2018, There were 2 hate crimes reported. The first one was in a residence hall (NO) Destruction/Damage/Vandalism of Property. The second, an on campus parking lot (R) (SO) Intimidation. SUNY Canton had no reports of Hate Crimes for the year 2019. SUNY Canton had no reports of Hate Crimes for the year 2020.



Campus Fire Safety Right to Know

SUNY Canton has a strong history of supporting and developing a campus-wide Fire Safety Program. The residential facilities owned and operated by the University are a high priority, and fire safety is overseen by staff from the Department of Environmental Health & Safety, University Police, Physical Plant, and Residence Life.

Residential Housing – Fire Safety System

Each of our five student residence halls are equipped with a fully integrated fire and smoke alarm system. Each residential room is equipped with a smoke sensor while common areas are equipped with combination smoke/heat sensors. Each residence has sprinkler systems in a limited number of storage areas. Fire extinguishers are also strategically located throughout the residence halls.

Residential Fire Alarms

The fire alarm system is monitored 24/7/365 by Simplex Monitoring Service/Johnson Controls. The activities of an alarm are received by the monitoring system. The central monitoring service immediately notifies St. Lawrence County Fire Control and then notifies University Police personnel to respond to the location. All fires should be immediately reported to University Police at (315) 386-7777.

Evacuation of the Residence Hall

Upon activation of a fire alarm, all residents must immediately evacuate the residence hall. Occupants are to go to the nearest available safe exit and exit the building. Individuals should then

move away from the building and await further instructions. Guidelines are also published in the Student Handbook – *Fire and Fire Drill Procedures*.

Fire Alarm (Drills)

Fire alarm drills are conducted by University Police Department personnel in each of the residence halls. Personnel conduct a minimum of two drills per semester in each of the residence halls. Fire drills are also conducted at times in order to accommodate summer programs or at times when the residence halls are occupied.

Fire Safety Education and Training

The University Police, Residence Life Staff, and Environmental Health and Safety Office work closely together to ensure safety. Fire drills are regularly conducted and coordinated with the Canton Volunteer Fire Department. The New York State Office of Fire Prevention and Control trains Residence Life staff each year. At the beginning of each semester, Residence Life staff is also trained to evacuate their buildings and manage door access. Floor meetings are held on each floor in each residence hall to review fire safety and evacuation procedures.

We maintain compliance with New York State Fire Code with respect to our drills. There is a periodic review of our fire safety procedures with Resident Assistants and Resident Directors within the residence halls. Residence Life staff periodically inspect rooms for hazardous and dangerous conditions. We also maintain our sprinkler, fire alarm, and smoke detection systems by having trained and competent personnel inspect and test the systems.

All university employees receive initial fire safety training and are expected to familiarize themselves with evacuation plans for buildings they occupy.

A number of university students join the Canton Volunteer Fire Department and the Canton Volunteer Rescue Squad.

Evacuation procedures are posted in each building. Special procedures are in place for evacuating members of the college community with disabilities.

Students residing in the residence halls are trained to leave the building immediately and not to use elevators. Students and staff are also trained to assemble at pre-established designated assembly locations.

Staff members are required to assist students as well as the University Police and Canton Volunteer Fire Department in complying with safety protocols.

In 2020, a total of 20 fire drills were held in residence halls.

More information can be found by contacting the University Environmental Health and Safety Office at (315) 386-7631 or at: <http://www.canton.edu/ehs/>.

For further information on residence hall rules and regulations, please visit the website which describes Residence Hall Policies. <https://www.canton.edu/media/pdf/handbook.pdf>

Prohibited Items

Residence Life prohibits a number of items considered to be of potential hazard in the residence hall rooms. As outlined in the Residence Hall Guide, electrical appliances are prohibited in student rooms. Such items consist of, but are not limited to:

- Candles and incense

- Space heaters
- Hot pots
- Sun lamps
- Any lamp with a plastic shade or other material which is apparently flammable
- Refrigerators exceeding 5 cubic feet
- Any extension cord not equipped with a surge protector
- Any electrical cooking appliance such as hot pots, Foreman grills, ovens
- Potpourri pots
- Electric coils
- Lava lamps
- Toasters or toaster ovens
- Air conditioners
- Electric blankets
- Electric percolators and drip coffee pots
- Any flammable materials, chemicals including those used in campus laboratories, explosives including fireworks
- Any type of firearm including BB guns and paintball devices and other weapons
- Tapestries or wall hangings made of fabric
- Internal combustion engines
- ***Smoking including e-cigarettes is not permitted in any Residence Hall.***

Future Improvement for Fire Safety

There are always ways to improve campus fire safety. Education of students and staff is ongoing, as there is constant turnover. The SUNY Canton community as a whole is constantly striving to better the understanding of fire safety and compliance through various avenues, such as annual inspections from the Office of Fire Prevention and Control (OFPC), the continuing training of NYS Certified Code Enforcement Officers, and interaction with the Village of Canton Fire Department.

OFPC and Physical Plant personnel make available training which includes fire safety issues at home and work, proper evacuation procedures at home and work, and the demonstration of the proper use of both ABC and CO2 fire extinguishers.

Fire Safety

The University Police at SUNY Canton maintains a “fire log” which is available at any time for inspection by students, faculty, and staff at the University Police office, located in Wicks Hall. The following is a chart of fires which occurred on campus during 2017, 2018 and 2019. Please note that the crime of arson would also be reported in our criminal statistic section of this report. We define a fire as “*any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.*”

Fire Log 2020

Date	Nature of Fire	Time	General Location	Injuries	Value of Property Damaged	Case #

Fire Log 2019

Date	Nature of Fire	Time	General Location	Injuries	Value of Property Damaged	Case #

Fire Log 2018

Date	Nature of Fire	Time	General Location	Injuries	Value of Property Damaged	Case #

Falsely activating a fire alarm or tampering in any way with any fire safety equipment is a serious crime and violation of SUNY Canton policy.

Enforcement

This section of the SUNY Canton Annual Fire Report identifies laws, rules, and regulations applicable to faculty, staff, and students. These laws, rules, and regulations are enforced by the New York State Division of Homeland Security and Emergency Services - Office of Fire Prevention and Control (through an annual inspection process), UPD, Department of Residential Life, and the SUNY Canton Office of Environmental Health and Safety (EH&S).

Penal Law of New York State

Article 145 Criminal Tampering

145.14 Criminal Tampering in the Third Degree

A person is guilty of criminal tampering in the third degree when, having no right to do so nor any reasonable ground to believe that he has such right, he tampers with property of another person with intent to cause substantial inconvenience to such person or to a third person.

Criminal Tampering in the Third Degree is a class "B" misdemeanor.

145.15 Criminal Tampering in the Second Degree

A person is guilty of criminal tampering in the second degree when, having no right to do so nor any reasonable ground to believe that he has such right, he or she tampers or makes connection with property of a gas, electric, sewer, stream or water-works corporation, telephone or telegraph, corporation, common carrier, nuclear powered electric generating facility, or public utility operated by a municipality or district; except that in any prosecution under this section, it is an affirmative defense that the defendant did not engage in such conduct for a larcenous or otherwise unlawful or wrongful purpose.

Criminal Tampering in the Second Degree is a class "A" misdemeanor.

145.20 Criminal Tampering in the First Degree

A person is guilty of criminal tampering in the first degree when, with intent to cause a substantial interruption or impairment of a service rendered to the public, and having no right to do so nor any reasonable ground to believe that he or she has such right, he or she damages or tampers with property of a gas, electric, sewer, stream or water-works corporation, telephone or telegraph corporation, common carrier, nuclear powered electric generating facility, or public utility operated by a municipality or district, and thereby cause such substantial interruption or impairment of services.

Criminal Tampering in the First Degree is a class "D" felony.

Article 15 Arson

150.00 Arson Definitions

As used in this article,

1. "Building", in addition to its ordinary meaning, includes any structure, vehicle or watercraft used for the overnight lodging of persons, or used by persons for carrying on business therein. Where a building consists of two or more units separately secured or occupied, each unit shall not be deemed a separate building.
2. "Motor vehicle", includes every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except
 - a) Electrically-driven invalid chairs being operated or driven by an invalid,
 - b) Vehicles which run only upon rails or tracks, and
 - c) Snowmobiles as defined in article forty-seven of the vehicle and traffic law.

150.01 Arson in the Fifth Degree

A person is guilty of arson in the fifth degree when he or she intentionally damages property of another without consent of the owner by intentionally starting a fire or causing an explosion.

Arson in the Fifth Degree is a class A misdemeanor.

150.05 Arson in the Fourth Degree

1. A person is guilty of arson in the fourth degree when he recklessly damages a building or motor vehicle by intentionally starting a fire or causing an explosion.
2. In any prosecution under this section, it is an affirmative defense that no person other than the defendant had a possessory or proprietary interest in the building or motor vehicle.

Arson in the Fourth Degree is a class E felony.

150.10 Arson in the Third Degree

1. A person is guilty of arson in the third degree when he intentionally damages a building or motor vehicle by starting a fire or causing an explosion.
2. In any prosecution under this section, it is an affirmative defense that

- (a) no person other than the defendant had a possessory or proprietary interest in the building or motor vehicle, or if other persons had such interest, all of them consented to the defendant's conduct, and
- (b) the defendant's sole intent was to destroy or damage the building or motor vehicle for a lawful and proper purpose, and
- (c) the defendant had no reasonable ground to believe that his conduct might endanger the life or safety of another person or damage another building or motor vehicle.

Arson in the Third Degree is a class C felony.

150.15 Arson in the Second Degree

A person is guilty of arson in the second degree when he intentionally damages a building or motor vehicle by starting a fire, and when

- (a) another person who is not a participant in the crime is present in such building or motor vehicle at the time, and
- (b) the defendant knows that fact or the circumstances are such as to render the presence of such a person therein a reasonable possibility.

Arson in the Second Degree is a class B felony.

150.20 Arson in the First Degree

1. A person is guilty of arson in the first degree when he intentionally damages a building or motor vehicle by causing an explosion or a fire and when
 - (a) such explosion or fire is caused by an incendiary device propelled, thrown or placed inside or near such building or motor vehicle; or when such explosion or fire is caused by an explosive; or when such explosion or fire either
 - (i) causes serious physical injury to another person other than the participant; or
 - (ii) the explosion or fire was caused with the expectation or receipt of financial advantage or pecuniary profit by the actor; and when
 - (b) another person who is not a participant in the crime is present in such building or motor vehicle at the time; and
 - (c) the defendant knows that fact or the circumstances are such as to render the presence of such person therein a reasonable possibility.
2. As used in this section, "incendiary device" means a breakable container designed to explode or produce uncontained combustion upon impact, containing flammable liquid and having a wick or a similar device capable of being ignited.

Arson in the First Degree is a class A-I felony.

Article 240 Falsely Reporting an Incident

240.50 Falsely Reporting an Incident in the Third Degree

A person is guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed or circulated to be false or baseless, he:

1. Initiates or circulated a false report or warning of an alleged occurrence or impending occurrence of a crime, catastrophe or emergency under circumstances in which it is not unlikely that public alarm or inconvenience will result; or
2. Reports, by word or action, to an official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a catastrophe or emergency which did not in fact occur or does not in fact exist; or
3. Gratuitously reports to a law enforcement officer or agency
 - a) the alleged occurrence of an offense or incident which did not in fact occur; or

- b) an allegedly impending occurrence of an offense or incident which in fact is not about to occur; or
- c) false information relating to an actual offense or incident or to the alleged implication of some person, therein; or
- 4. Reports, by word or action, an alleged occurrence or condition of child abuse or maltreatment which did not in fact occur or exist to;
 - a) the statewide central register of child abuse and maltreatment, as defined in title six of article six of the social services law, or
 - b) any person required to report cases of suspected child abuse or maltreatment pursuant to subdivision one of section four hundred thirteen of the social services law, knowing that the person is required to report such cases, and with the intent that such an alleged occurrence be reported to the statewide central register.

Falsely Reporting an Incident in the Third Degree is a class A misdemeanor.

240.55 Falsely Reporting an Incident in the Second Degree

A person is guilty of falsely reporting an incident in the second degree when knowing the information reported, conveyed or circulated to be false or baseless, he or she:

- 1. Initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, or the release of a hazardous substance under circumstances in which it is not unlikely that public alarm or inconvenience will result;
- 2. Reports by word or action, to any official or quasi-official agency or organization having the function of dealing with emergencies involving danger to life or property, an alleged occurrence or impending occurrence of a fire, explosion, or the release of a hazardous substance which did not in fact occur or does not in fact exist; or
- 3. Knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is like public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or an impending occurrence of a fire, an explosion, or the release of a hazardous substance upon any private premises.

Falsely Reporting an Incident in the Second Degree is a class E felony.

240.60 Falsely Reporting an Incident in the First Degree

A person is guilty of falsely reporting an incident in the first degree when he:

- 1. Commits the crime of falsely reporting an incident in the second degree as defined in section 240.55 of this article, and has previously been convicted of that crime; or
- 2. Commits the crime of falsely reporting an incident in the third degree as defined subdivisions one and two of section 240.50 of this article or falsely reporting an incident in the second degree as defined in subdivisions one and two of section 240.55 of this article and another person who is an employee or member of any official or quasi-official agency having the function of dealing with emergencies involving danger to life of property; or who is a volunteer firefighter with a fire department, fire company, or any unit thereof as defined in the volunteer firefighters' benefit law; or who is a volunteer ambulance worker with a volunteer corporation or any unit thereof as defined in the volunteer ambulance workers' benefit law suffers serious physical injury or is killed in the performance of his or her official duties in traveling to or working at or returning to a firehouse, police station, quarters or other base facility from the location identified in such report; or
- 3. Commits the crime of falsely reporting an incident in the third degree as defined in subdivisions one and two of section 240.50 of this article or falsely reporting an incident in the second degree as defined in subdivisions one and two of section 240.55 of this article and another person suffers serious physical injury or is killed as a result of any vehicular or other accident involving any emergency vehicle which is responding to, operating at, or returning from the location identified in such report.

4. An emergency vehicle as referred to in subdivision three of this section shall include any vehicle operated by any employee or member of any official or quasi-official agency having the function of dealing with emergencies involving danger to life or property and shall include, but not necessarily be limited to, an emergency vehicle which is operated by a volunteer ambulance worker with a volunteer ambulance corporation, or any unit thereof as defined in the volunteer ambulance workers' benefits law.
5. Knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or an impending occurrence of a fire, an explosion, or the release of a hazardous substance upon school grounds and it is likely that persons are present on said grounds.
6. Knowing the information reported, conveyed or circulated to be false or baseless and under circumstances in which it is likely public alarm or inconvenience will result, he or she initiates or circulates a report or warning of an alleged occurrence or impending occurrence of a fire, explosion or the release of a hazardous substance in or upon a sports stadium or arena, mass transportation facility, enclosed shopping mall, any public building or any public place, and it is likely that persons are present. For purposes of this subdivision, the terms "sports stadium or arena, mass transportation facility or enclosed shopping mall" shall have their natural meaning and the term "public building" shall have the meaning set forth in section four hundred one of the executive law.

Falsely Reporting an Incident in the First Degree is a class D felony.

The following offices may receive reports of fire/safety concerns on campus:

- * University Police (315) 386-7777
- * Environmental Health and Safety (315) 386-7631
- * Dean of Students (315) 386-7120
- * Residence Life Staff (315) 386-7513
- * Physical Plant (315) 386-7222

Off Campus:

- Canton Volunteer Fire Department (Non-Emergency) (315) 386-4613
- Emergency Dial 911 or (315) 386-4544

Emergency Evacuation

The SUNY Canton Environmental Health and Safety (EH&S) Office in conjunction with members from your department, have developed an evacuation plan for students and staff to use during alarm/emergency situations. Each student and staff member is requested to review the plan and be prepared to properly respond in the event of an emergency situation.

FIRE HAZARDS

An alert and educated student and staff member is SUNY Canton's most valuable resource for fire protection. Fire hazards often arise from unsafe conditions and practices. Every person has a responsibility and vested interest in making a concerted effort to correct and improve their living/working conditions and practices.

Fire hazards include, but are not limited to:

SMOKING: This activity is permitted only outside in specifically designated areas.

STAIRWAYS: Never block stairway entrances, even temporarily. No obstructions should be left on steps or landings. Fire doors should always remain closed.

CORRIDORS: Corridors, hallways, and aisles must be kept clear of all obstructions (e.g., office furniture, bicycles, compressed gas cylinders, etc.) which might present a fire hazard and impede escape routes.

STORAGE AREAS: Areas used for storage should be kept clean and orderly. Accumulation of trash, rags, or debris of any type is a hazard and an unsafe condition.

FIRE PROTECTION DEVICES: Fire extinguishers, pull stations, audio visual strobes, sprinkler and smoke detectors should at all times be accessible and not blocked by any storage of items.

EQUIPMENT HAZARDS:

1. Electrical cords should be placed away from aisles or other pedestrian walkways.
2. Never use electrical cords that are frayed or have exposed wiring.
3. Do not overload electrical outlets by using multiple extension cords, etc.
4. Perform regular maintenance on all equipment. Promptly remove/repair defective equipment.
5. Understand and use all pertinent safety precautions when using electrical appliances and equipment.
6. Never use portable electric space heaters in any building on campus.
7. Only connect portable power taps and extension cords directly into wall receptacles.
8. The use of candles is prohibited in any campus building.
9. Never install replacement bulbs in lamps that exceed the maximum rated wattage.
10. The use of Halogen lamps is prohibited in any campus building.

LOADING DOCKS, LOADING AREAS: In campus facilities, various exits are located near loading docks and/or loading areas. These areas must be kept clear of all obstructions (e.g., pallets, trash, debris, etc.) that may present a fire hazard and impede escape routes.

ALARMS

The majority of college facilities are equipped with sprinkler systems and automated alarm devices. While extremely efficient, these systems do not ensure all emergency/fire situations will be suppressed.

To ensure the safety of all building occupants, the EH&S Office requires the complete evacuation of a facility during an alarm situation.

Failure to see fire or smell smoke does not mean a threat to your safety is not present. Emergency situations could be the result of:

- Fire
- Gas Leaks
- Natural Disasters Hazardous Materials Incidents

In the event of a fire emergency, students and staff should practice the procedures associated with the acronym **“RACE”**

R - Remain calm, do not panic. Rescue persons in immediate danger.

A - Alarm: Activate the nearest MANUAL PULL STATION and Call it in! See note!

C - Contain fire at point of origin by closing all doors and windows.

E - Evacuate the facility using established procedures.

Note: From a campus phone, dial 7777 to connect to the University Police Department. Advise University Police that there is a fire/emergency of approximate size and location (building, floor, room #, etc.).

From a cell phone, dial (315) 386-7777 to connect to the University Police Department.

EVACUATION GUIDELINES

1. When an alarm sounds prepare to evacuate the building by way of the nearest emergency exit.
2. If close by, bring your coat, car keys, purse etc. Walk; do not run. Do not use elevators.
3. Close all doors as you leave. Do not touch any light switches.
4. Before exiting through any closed door, check for heat and the presence of fire behind the door by feeling the door with the back of your hand. If the door feels very warm or hot to the touch, advise everyone to proceed to another exit.
5. In the event you are unable to exit the building:
 - a. Remain calm; do not panic.
 - b. Remain low; crawl if necessary.
 - c. Place a cloth, wet if possible, over your mouth to serve as a filter.
 - d. Signal for help from a window. Use a towel, clothing, sign etc.
 - e. Call (315) 386-7777 from a cell or 7777 from a campus phone for assistance.

The Canton Fire Department and Rescue Squad is responsible for fire rescue and medical aid in emergency situations on SUNY Canton's Campus.

Note: All faculty must immediately instruct students to evacuate the classroom/laboratory/studio when a fire alarm is activated. Faculty and Building Administrators must also ensure that the students evacuate to the buildings designated assembly areas.

6. Upon exiting the building proceed directly to your assigned assembly area. Do not block any roads, driveways, or parking lots. Fire Department personnel will need unobstructed access to these areas. Students and staff are requested to report to their assigned assembly areas as defined by the Assembly Locations and Site Map.
7. The normal SUNY Canton campus travel route for fire department access to the various buildings is Cornell Drive (loop road) to a designated fire lane or nearest parking lot in front or to the rear of each building.
8. *For Residence Halls* at the assigned assembly locations, Resident Directors (RD), Resident Assistants (RA), and Building Administrators (BA) should evacuate with the residence hall housing list and communicate with the students to try and ensure no one is left behind in the building. It is the individual student's responsibility to evacuate the building when an alarm sounds, report to their assigned assembly area, and communicate with the RD, RA, or BA any information that will assist in the evacuation.

For Academic Buildings at the assigned assembly locations, faculty and Building Administrators should evacuate with the class attendance sheet and communicate with the students to try and ensure no one is left behind in the building. It is the individual student's responsibility to evacuate the building when an alarm sounds, report to the building's assigned assembly area, and communicate with faculty and staff any information that will assist in the evacuation.

Supervisors have the responsibility to account for all staff to make sure everyone has been evacuated. Supervisors shall account for staff on sick time, vacation, and other absences from work. If any students or staff member is found to be missing from the assembly locations, the Fire Department is to be notified immediately by meeting with fire department personnel at the scene.

9. The cessation of an alarm or departure of the Fire Department is not an "all clear" to re-enter the building as corrective measures may still be in progress. Stay clear of the building until the Fire Department or University Police have advised to re-enter the building or area.

10. Assist visitors during alarm/emergency situations. Visitors may not be aware of exits, alternative exits, and the procedures that should be taken during alarm situations. Students and staff should calmly inform visitors of the proper actions to be taken, and assist them with the evacuation.
11. Handicapped Evacuees: Special provisions are necessary to evacuate students or visitors with disabilities. During a fire emergency, people with disabilities must be assisted to the appropriate exit. This procedure shall be initiated by the Resident Director, Resident Assistant, Building Administrator, or University Police present. This procedure will also be practiced during fire evacuation training and drills.
12. Elevators: **Do Not** use the elevators during an alarm. When the fire alarm sounds in an emergency situation, occupants should use the stairways to evacuate from the floors above and below the building exits.

BUILDING SPECIFIC FEATURES FOR FIRE SAFETY

EMERGENCY VOICE ALARM COMMUNICATION SYSTEMS

The CARC or ROO's House and MacArthur Hall have an Emergency Voice Alarm Communication system which will initiate by the activation of any fire alarm detection device, sprinkler activation, or manual fire alarm pull station.

The sequence of operation is as follows: Upon activation or detection, the alarm siren will sound for 10 seconds. Then, the voice system will announce: "Attention: your attention please, there is a Fire Emergency reported in the building." "You are to leave the building by the nearest exit or exit stairway." "Do not use the elevators." This message will repeat for a total of three times; then, the alarm siren will sound again until it is reset by the Fire Department.

AREAS OF REFUGE

An area of refuge is: "an area where persons unable to use stairways can remain temporarily to await instructions or assistance during emergency evacuation."

The Miller Campus Center has areas of refuge on the first and second floors located in the South East stairway (adjacent to the Theater). The areas contain a two-way communication system that will connect with the ground floor interior entrance from Parking Lot #13 upon activation for fire department rescue operations during an emergency.

FIRE FIGHTER PHONES

There are fire fighter telephones located in both stairwells and on each floor of MacArthur Hall. These phones are for fire department communication only.

OPERATION OF CRITICAL EQUIPMENT AND PROCESSES

Kitchen staff should, if possible, ensure all cooking processes are shut down (turned off) prior to building evacuation. Faculty should ensure, if possible, that all laboratory equipment and processes are shut down prior to evacuation.

EVACUATION DUTIES OF THE RESIDENT DIRECTORS AND RESIDENT ASSISTANTS

1. Collect information or verbal reports from occupants as to the cause of the emergency.
2. Notify others of evacuation.
3. Ensure the safe and orderly evacuation of the building. If applicable, ensure handicapped evacuation plan is properly implemented. Make quick assessments during evacuation.
4. As you are exiting the building, and if conditions permit, you should knock on any closed doors in your area after checking for warmth or smoke, and then, open the door to ensure

proper evacuation of all occupants. Check bathrooms and common rooms last, and advise occupants in these areas to leave immediately.

5. Note any individuals who do not evacuate. If a problem arises when an area is evacuated, contact the Fire Department responders, and advise them of the situation. Evacuate the area, and hold all persons out until a representative from the Fire Department has given the "all clear" to re-enter the building. The RA assigned to monitor the exit areas should remain at a safe distance from the facility at all times.
6. Meet the Fire Department personnel at the predetermined assembly area. Inform fire personnel of any known facts pertaining to the alarm situation. If requested, assist fire department personnel with a walk-through of the facility.
7. Make the decision to call for an evacuation of the building by activating a manual pull station to sound the fire alarm during an emergency if no other alarm has sounded previously. Report all incidents to University Police and the Environmental Health & Safety Office.

EVACUATION DUTIES OF THE BUILDING ADMINISTRATORS AND SUPERVISORS

1. Coordinates appropriate education and training programs on evacuation procedures for all employees.
2. Orients temporary staff to evacuation procedures.
3. Ensures employees have a fire and emergency evacuation plan accessible to them.
4. Contacts the EH&S Office if there are any needed changes to the evacuation plan: building modifications, staff, etc.
5. Assists EH&S Office with yearly review of evacuation plan and safety inspections.

At all times, when following any fire procedures, ensure that you are out of danger before trying to complete any emergency task. All building occupants are directed to put life safety before any other goal during fire emergencies. If a fire emergency is identified:

1. Pull the nearest fire alarm pull station immediately.
2. Evacuate the building.
3. When you are in a safe location, **call it in!** From a campus phone, dial 7777 to connect to the University Police Department. Advise University Police that there is a fire/emergency of approximate size and location (building, floor, room #, etc.). From a cell phone, dial (315) 386-7777 to connect to University Police, or dial 911 and give the appropriate information as noted above.

CONTACT INFORMATION

For more information on the Emergency Evacuation and Fire Safety Plan and procedures, please contact:

- University Police, (315) 386-7777
- Environmental Health & Safety Office, (315) 386-7631
- Life Safety Systems Manager, Anthony M. Caracciolo, caracciolo@canton.edu, (315) 386-7631
- Residence Life, (315) 386-7513
- For building maintenance, including fire safety systems and housekeeping information, please contact Physical Plant, (315) 386-7222

**Emergency Evacuation Drills
SUNY Canton, Residential Housing
Calendar Year 2020**

2020 Fire Drill Statistics for Residential Housing

Residential Facilities	Spring 2020	Summer 2020	Fall 2020
Kennedy Hall	2		2
Heritage Hall	2		2
Rushton Hall	2		2
Mohawk Hall	2		2
Smith Hall	2		2
Total	10		10

2020 Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Kennedy Hall	0	0	N/A	0	0	0
Heritage Hall	0	0	N/A	0	0	0
Rushton Hall	0	0	N/A	0	0	0
Mohawk Hall	0	0	N/A	0	0	0
Smith Hall	0	0	N/A	0	0	0

2019 Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Kennedy Hall	0	--	N/A	0	0	0
Heritage Hall	0	--	N/A	0	0	0
Rushton Hall	0	--	N/A	0	0	0
Mohawk Hall	0	--	N/A	0	0	0
Smith Hall	0	--	N/A	0	0	0

2018 Statistics and Related Information Regarding Fires in Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Kennedy Suites	0	0	N/A	0	0	0
Heritage Hall	0	--	N/A	0	0	0
Rushton Hall	0	--	N/A	0	0	0
Mohawk Hall	0	--	N/A	0	0	0
Smith Hall	0	--	N/A	0	0	0

"Whistleblower" Protection

HEOA states that nothing in the law "... shall be construed to permit an institution to take retaliatory action against anyone with respect to the implementation of any provision of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act."

The following table describes fire safety systems located in the Residence Hall facilities on the SUNY Canton campus.

Fire Safety Systems Student Housing Facilities						
Building	Assembly Space	Detection Type	Sprinkler System (Y/N)	Fire Suppression System (Y/N)	Fire Alarm Sound	Strobe Lights (Y/N)
Kennedy Hall	Front sidewalk parallel to the loop road (in between the light poles)	Heat/Smoke & CO	Y - Fully addressable fire alarm system and wet sprinkler system throughout the building.	N	Horn	Y - In Hallways and Common Areas. Also in Handicap Rooms.
Heritage Hall	Payson Drive	Heat/Smoke & CO	Y- Fully integrated fire and smoke alarm systems in place. There are sprinkler systems in the east wing and in a limited number of storage areas.	N	Horn	Y - In Hallways and Common Areas. Also in Handicap Rooms.
Rushton Hall	Miller Campus Center Service Lot	Heat/Smoke & CO	Y- Fully integrated fire and smoke alarm systems in place. There are sprinkler systems in the east wing and in a limited number of storage areas.	N	Horn	Y - In Hallways and Common Areas. Also in Handicap Rooms.
Mohawk Hall	Lot #13	Heat/Smoke & CO	Y- Fully integrated fire and smoke alarm systems in place. There are sprinkler systems in the east wing and in a limited number of storage areas.	N	Horn	Y - In Hallways and Common Areas. Also in Handicap Rooms.
Smith Hall	Lot #1	Heat/Smoke & CO	Y- Fully integrated fire and smoke alarm systems in place. There are sprinkler systems in a limited number of storage areas in each wing.	N	Horn	Y - In Hallways and Common Areas. Also in Handicap Rooms.



CRIMINAL INCIDENT REPORT

1. Prepared by: Name _____
Title _____
Date _____
2. Was this crime reported to any Law Enforcement Agency? ☐ Yes No ☐

If "Yes," to which agency: ☐ SUNY Canton University Police
☐ Canton Village Police Department
☐ Other
3. Does the Reporter wish to file a formal complaint? ☐ Yes ☐ No

If "Yes": Name _____
Address _____
Phone _____
4. A) The following crime was reported (please check):

<input type="checkbox"/> Murder	<input type="checkbox"/> Aggravated Assault	<input type="checkbox"/> Robbery
<input type="checkbox"/> Non-Negligent Manslaughter	<input type="checkbox"/> Burglary	<input type="checkbox"/> Hate Crimes
<input type="checkbox"/> Negligent Manslaughter	<input type="checkbox"/> Motor Vehicle Theft	<input type="checkbox"/> Dating Violence
<input type="checkbox"/> Rape	<input type="checkbox"/> Arson	<input type="checkbox"/> Domestic Violence
<input type="checkbox"/> Fondling	<input type="checkbox"/> Liquor Law Violations	<input type="checkbox"/> Stalking
<input type="checkbox"/> Incest	<input type="checkbox"/> Drug Law Violations	
<input type="checkbox"/> Statutory Rape	<input type="checkbox"/> Weapon Law Violations	

B) Was the crime reported a hate crime? ☐ Yes ☐ No
If "Yes," identify the category of prejudice:
☐ Race ☐ Ethnicity ☐ National Origin ☐ Gender Identity
☐ Religion ☐ Disability ☐ Sexual Orientation ☐ Gender
Please provide a brief explanation for this determination:

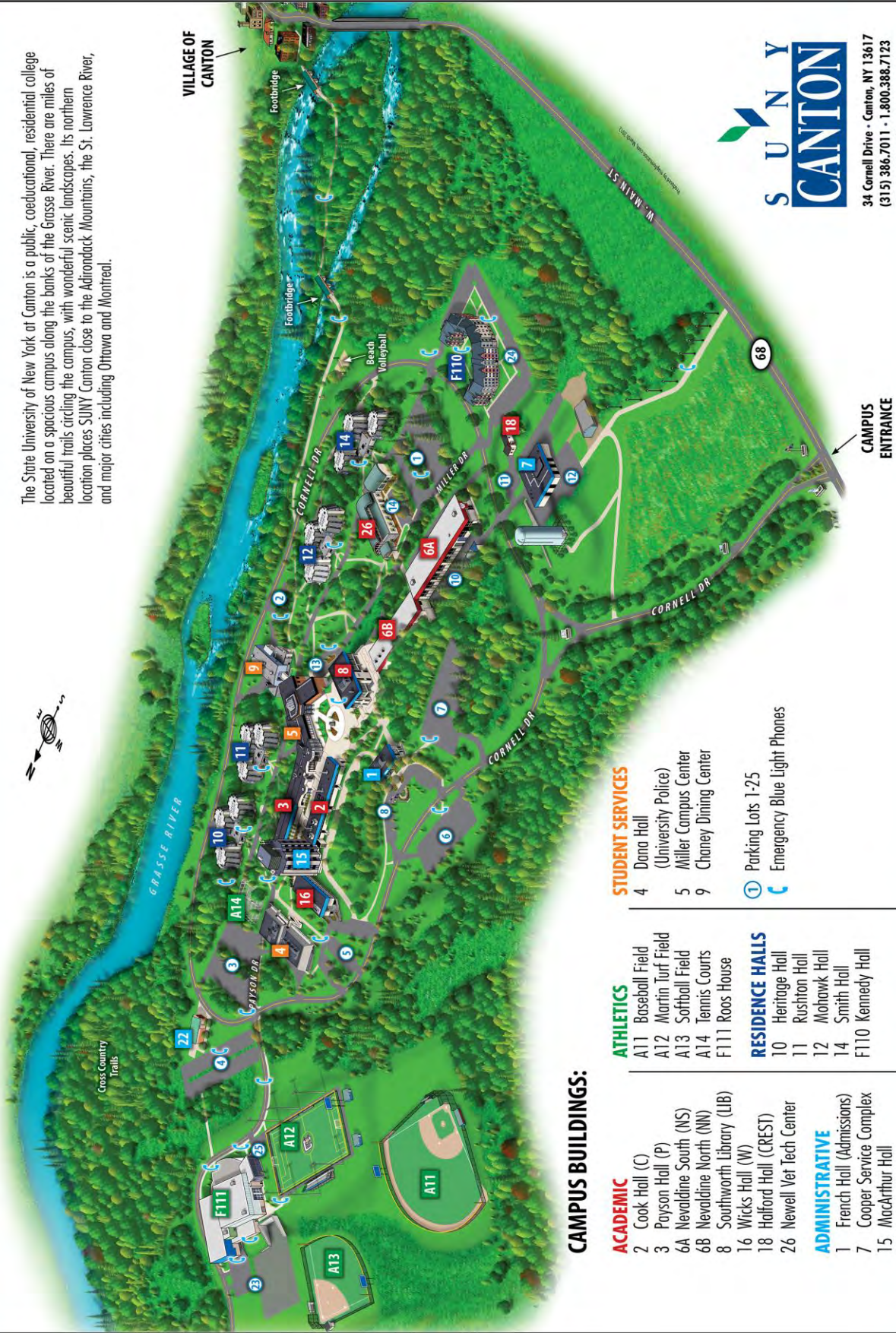
5. A) Crime occurred: Date _____
Time _____
Location _____
B) Give a brief description of the incident: _____

Please forward completed form to:
Chief of University Police, Wicks Hall 031

(Anonymous Reports Accepted)

CAMPUS MAP

The State University of New York at Canton is a public, coeducational, residential college located on a spacious campus along the banks of the Grasse River. There are miles of beautiful trails circling the campus, with wonderful scenic landscapes. Its northern location places SUNY Canton close to the Adirondack Mountains, the St. Lawrence River, and major cities including Ottawa and Montreal.



34 Cornell Drive • Canton, NY 13617
(315) 386.7011 • 1.800.388.7123
www.canton.edu

CAMPUS BUILDINGS:

ACADEMIC

- 2 Cook Hall (C)
- 3 Payson Hall (P)
- 6A Nevaldine South (NS)
- 6B Nevaldine North (NN)
- 8 Southworth Library (LIB)
- 16 Wicks Hall (W)
- 18 Halford Hall (CREST)
- 26 Newell Vet Tech Center

ADMINISTRATIVE

- 1 French Hall (Admissions)
- 7 Cooper Service Complex
- 15 MacArthur Hall
- 22 Energy Center

ATHLETICS

- A11 Baseball Field
- A12 Martin Turf Field
- A13 Softball Field
- A14 Tennis Courts
- F111 Roos House

RESIDENCE HALLS

- 10 Heritage Hall
- 11 Rushton Hall
- 12 Mohawk Hall
- 14 Smith Hall
- F110 Kennedy Hall

STUDENT SERVICES

- 4 Dana Hall (University Police)
- 5 Miller Campus Center
- 9 Chaney Dining Center

- ① Parking Lots 1-25

- Ⓢ Emergency Blue Light Phones

CAMPUS ENTRANCE