2023
Annual Campus Security & Fire Safety Report

Main Campus - 3325 Marvin Sands Drive, Canandaigua

Geneva Campus Center- 63 Pulteney Street, Geneva

Newark Campus Center - 1100 Technology Parkway Rt 88, Newark

Victor Campus Center- 200 Victor Heights Parkway, Victor

Viticulture and Wine Center- 100 Empire Drive, Geneva

Muller FieldStation - 6455 CountyRoad 36, Honeoye

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Annual Disclosure of Crime Statistics

This report is filed as required by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the Clery Act. The purpose of this report is to provide FLCC students, employees, and visitors with Campus Police information, including crime statistics and procedures to follow to report a crime or request assistance.

This report is prepared by the FLCC Campus Police Department with information provided by the local law enforcement agencies serving our main campus, the Geneva, Newark, and Victor campus centers, Muller Field Station, and the FLCC Viticulture and Wine Center, and other locations where required. The report also includes incidents that occurred at CMAC, a privately managed major concert venue located on the FLCC campus.

Additionally, statistics compiled are based on information provided by the following FLCC offices whose employees are considered by the Clery Act to be Campus Security Authorities, (CSA's):

- Director of Student Health (585) 785-1297
- Athletic Director (585) 785-1292
- Office of Community Standards and Counseling (585) 785-1211
- Director of the Educational Planning and Career Services (585) 785-1268
- Geneva Campus Center Director (315) 789-6701
- Newark Campus Center Director (315) 331-9098
- Victor Campus Center Director (585) 785-1100
- Director of Housing & Residential Life (585) 785-1643

A procedure is in place to anonymously count crime statistics disclosed during a confidential counseling session. Anyone who reports crime or incidents tracked by the Clery Act is protected from retaliation, threats, or discrimination by any employee of the College.

Each year, an email notification that provides an electronic version of and a link for website access to this report is sent to all enrolled students. Faculty and staff receive a similar notification through the FLCC employee email system. Printed copies of the report may also be obtained at each campus center's main office and at the Campus Police Department in room 2202 on main campus, or by calling (585) 785-1900. Copies of the report are also available at our Department of Human Resources, located in Suite 1340 on main campus, or by calling (585) 785-1428.
This information, and much more, is available online, through the Campus Police web page on the FLCC website at http://www.flcc.edu/police/. Copies of this report are available to anyone free of charge.
The Clery Act is covered by FLCC policy D-7

If you have any questions or would like further information about safety and security at Finger Lakes Community College, please stop by our office in room 2202 on the main campus at any time.

Sincerely,
Matthew McGrath
Chief of Campus Police

Clery Report Enrollment/Employee Duplicated Headcounts Fall 2022 Data*

Campus	Full-time students	Part-time Students	Full-time Employees	Part-time employees
Main	1,218	334	261 (total FT employees minus manual FT adjustments- see below)	290
Geneva Center	91	37	4	14
Victor Center	88	28	7	7
Newark Campus	17	22	1	11
Enrollment and employee counts include duplicate headcounts. Students attend multiple locations. Employee headcounts are duplicated for part-time adjunct faculty/Instructors (Including ABE/GED/ESL) teaching at multiple locations. Part-time employee counts for Main Campus include student employees. *Geneva FT student headcounts include all enrollment in EMCR paramedic courses with location at GVA				

*COVID-19 Note: In Fall 2022, the College started returning to more normalized operations following the pandemic. More classes were offered face-to-face and more larger numbers of employees were required to adopt a hybrid schedule. All employees maintained the ability to report to campus every workday.

About FLCC Campus Police

The Campus Police Department is responsible for crime prevention, law enforcement, and initial response to emergencies on the main campus. The department consists of the Chief of Campus Police, 10 sworn Peace Officers; Assistant Chief, two Sergeants, and seven Officers, as well as administrative support staff, and a compliment of student workers.

Officers employed by the FLCC Campus Police Department are New York State certified peace officers who have authority to make arrests for illegal acts on campus. They are trained and certified to carry a baton, pepper spray, and a pistol. All officers receive training in first aid, CPR, and the use of an Automated External Defibrillator (AED). Officers conduct foot, mobile, and sometimes bicycle patrol of campus buildings and grounds 24 hours a day, seven days a week.

The Campus Police Department also coordinates with private security companies who provide non-sworn security officers who patrol the Geneva, Newark, and Victor Campus Centers during the Spring and Fall semesters. The security officers are all NYS licensed security guards and are also licensed to carry a firearm.

Campus Police personnel maintain a close working relationship with all area law enforcement agencies, including the City of Canandaigua Police Department, Geneva Police Department, Newark Police Department, the Ontario and Wayne County Sheriff's Offices, and the New York State Police. Although the FLCC Campus Police Department does not have its own dispatchers, officers are radio dispatched by the Communications Division of the Ontario County Sheriff's Office (911) in the event an immediate response to the main campus is required or needs to be coordinated with other emergency services such as fire or medical.

FLCC Campus Police also assist these agencies with incidents occurring off campus that involve campus employees or students. Law enforcement agencies are asked to contact Campus Police any time an FLCC student is involved in an incident off campus, or in the event of a serious incident that may cause an ongoing threat to the FLCC community is reported to them. Regular information-sharing meetings are held with representatives from area law enforcement to discuss trends and formulate preventive programs and efforts.

The prosecution of criminal offenses committed on FLCC property are conducted at either the Hopewell Town Court, Geneva City Court, Newark Town Court, or the Ontario County Court. Minor offenses involving College code of conduct violations committed by College students on or off campus may also refer the student to the Associate Vice President for Student Affairs to consider disciplinary action.

FLCC Campus Safety and Security Advisory Committee

In accordance with Section 6431 of the NYS Education law, the FLCC Campus Safety and Security Advisory Committee is charged with reviewing current campus security policies and procedures to make recommendations for their improvement. The committee submits a report to the college president annually.

Campus Safety and Security Advisory Committee is covered by FLCC policy D-5

Silent Witness Program

Crimes or information about a crime or suspicious activity, may be reported anonymously through the silent witness program at https://www.flcc.edu/offices/safety/silent.cfm
Information provided via Silent Witness is forwarded electronically to Campus Police to investigate. Please provide as much information as possible. Silent Witness provides a secure means to share information or concerns with authorities.

Missing Students

Students are encouraged to identify a person who College personnel should contact in the event they are believed to be missing. Students living on campus may designate this confidential contact to the Director of Housing and Residential Life (585) 785-1643. This contact information

will remain confidential and will only be accessed by authorized College personnel and law enforcement in furtherance of a missing person investigation.

Missing persons should be reported directly to the Ontario County Sheriff's Office or to FLCC Campus Police without delay. Pursuant to a memorandum of understanding, the Ontario County Sheriff's Office and the New York State Police are the primary law enforcement agencies for The Suites at Laker Landing, our on-campus housing.

Do not wait to report if a student is missing. Federal law states that the campus is required to provide missing person notification to:

1. All local police agencies pursuant to any memorandums of understanding that are in place.
2. The student's designated contact person if one has been provided.
3. Parents or guardians of students not emancipated under 18 years of age.

Campus Police or local law enforcement will immediately conduct an investigation, and if the student has not been located after a reasonable period of time (not more than 24 hours) the College will proceed with the required notifications. The sooner an investigation begins, the better the chance of locating the missing person is.

Missing Students and Violent Felony Investigations are covered by FLCC policy D-10

Violent Felony Investigations

In any situation involving a violent felony investigation, FLCC Campus Police will contact the nearest available local law enforcement agency and request their response without delay. Efforts to investigate the situation will be coordinated with the responding agencies. The main campus is within the jurisdiction of the Ontario County Sheriff's Office and the New York State Police.

Missing Students and Violent Felony Investigations are covered by FLCC policy D-10

Crime Reporting

All members of the campus community are urged to promptly report criminal incidents, emergencies, and suspicious activity to FLCC Campus Police and local law enforcement. **The number to call in the event of an emergency is 911. 911 can be used to report all fire, medical, and police emergencies.** Emergencies can also be reported by using the emergency blue light phones located throughout campus. Telephones are located in many instructional spaces on campus and can also be used to dial 911 in the event of an emergency. Campus Police personnel and any other emergency agencies (police, fire, or medical) necessary will be dispatched immediately to the location of the complaint. Campus Police personnel also prepare and submit investigative reports which are kept on file.

Members of the campus community may also report criminal incidents directly to the following offices on the Main Campus:

Campus Police	Main Campus 2202	(585) 785-1900	24hrs x 7 days/wk
Student Health Services	Main Campus 3260	(585) 785-1297	8:30AM-5:00PM Mon-Fri
Athletics	Main Campus 3826	(585) 785-1292	8:00AM– 4:00PM Mon.-Fri
Community Standards and Counseling	Main Campus 3260	(585) 785-1211	8:00AM-5:00PM Mon-Fri
Academic Advising, Career and Transfer Services (AACTS)	Main Campus 1115	(585) 785-1268	8:30AM-6:30PM Mon Tue 8:30AM-5:00PM Wed Thurs 8:30AM-4:00PM Fri

Victims and witnesses may choose to report crime in different ways:

1. Report an incident confidentially, to a sympathetic party. The College will countthe incident for our mandatory reporting of statistics or:
2. Report the incident and request a Student Code of Conduct investigation. The incident will be documented and included in our statistics or:
3. Report the incident and request a criminal investigation. In this case, the incident will be included in our statistics and a criminal investigation will be initiated or:
4. Anonymously report by using Silent Witness (link available on the CampusPolice Webpage).

Area Emergency Contacts

All Emergencies	911
Ontario County Sheriff's Office	(585) 394-4560
Canandaigua City Police	(585) 394-5035
Geneva City Police	(315) 828-6771
Newark Police Department	(315) 331-3701
New York State Police, Troop E	(585) 398-4100
Wayne County Sheriff's Office	(315) 946-9711
FF Thompson Health System	(585) 396-6000
Geneva General Hospital	(315) 787-4000
Clifton Springs Hospital	(315) 462-9561
Safe Harbors	(315) 781-1093
Planned Parenthood	(800) 230-7526
Lifeline	(800) 342-9871
CPEP for mental health emergencies	(315) 462-0425 or (315) 462-9561

Crime Reporting at FLCC Campus Centers

- At the Geneva Campus Center, call 911 for a police response or contact a staff member in the main office (315) 789-6701 for a non-emergency situation.

- At the Newark Campus Center, call 911 for a police response, or contact a staff member in the main office (315) 331-9098 for a non-emergency situation.

- At the Victor Campus Center, call 911 for a police response, or contact a staff member in the main office (585) 785-1111 for a non-emergency situation.

Access to Campus Facilities

Roadways, parking lots, grounds, and buildings are regularly patrolled on the Main Campus in Canandaigua by Campus Police. During business hours, the College is open to the general public. During non-business hours, College buildings are locked, and authorized access to the main campus by faculty, staff, and students is managed by Campus Police. Several college locations are equipped with intrusion alarms or access control systems which may be monitored through a central monitoring system that will contact 911 and initiate a response from Campus Police or local emergency responders in the event of an activation. The Newark and Victor Campus Centers and Muller Field Station are monitored by a central alarm monitoring company that advises Campus Police of activations.

During the spring and fall semesters, armed, uniformed, NYS licensed security guards are employed to patrol the Geneva, Newark and Victor Campus Centers during specified hours.

Campus Police and other College personnel examine issues such as landscaping, locks, lighting, alarms, and communications systems during the course of their activities. Work orders are submitted to address any deficiencies that are noted.

The Suites at Laker Landing residence halls are located on FLCC's main campus in Canandaigua, NY. They are managed and operated by the FLCC Association, a private organization. The buildings are secured 24 hours a day. Admittance is allowed only through an electronic card reader, and there is a security system monitoring the residence halls. New York State licensed security guards are also present on residence grounds at various times. The Ontario County Sheriff's Office and the New York State Police are the primary responding law enforcement agencies for The Suites at Laker Landing.

Emergency Notification

FLCC Alert is a system that enables Finger Lakes Community College to warn the campus community of emergencies and provide timely information to protect lives and minimize campus disruption. Messages can be received via cell phone (text and/or voice), telephone, email, and fax. Participants are enrolled by the College to receive notification alerts, and may modify their contact information and the format they would like to receive messages in at a later time.

It is the policy of FLCC to utilize FLCC ALERT in addition to other emergency notification systems provided by local, state, and the federal government as a method of contacting the campus community upon the confirmation of a significant emergency or dangerous situation

involving an immediate threat to the health or safety of students or staff occurring on the campus unless issuing a notification will compromise efforts to contain the emergency.

If FLCC Campus Police or a local emergency services provider confirms that there is an emergency or a dangerous situation that poses an immediate threat to the health or safety of some or all members of the FLCC community, first responders, including FLCC Campus Police may request the Ontario County 911 dispatcher to issue an Emergency Notification using their alert systems to the area identified. FLCC will follow its emergency communications plan to determine the content of additional messaging and will use some or all of the systems described below to communicate the most accurate and recent information about the threat to the FLCC community or to the appropriate segment of the community, if possible. FLCC will, without delay and taking into account the safety of the community, determine the content of the additional notifications and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: FLCC Campus Police, local police, fire, or emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

FLCC has various systems in place for communicating quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the FLCC campus community. These methods of communication include network emails, emergency text messages that can be sent to a phone, voice messages sent to a phone, emergency messages that scroll across video monitor screens positioned inside some college buildings, networked personal computer messages, or written signs posted in areas of the college if accessible. FLCC may post updates during an incident on the FLCC website at http://www.flcc.edu

FLCC Campus Police patrol vehicles equipped with public address systems may be used to facilitate communication through their PA systems.

More information can be found at the campus police webpage http://www.flcc.edu/police/and FLCC ALERT webpage at https://www.flcc.edu/offices/safety/nyalert.cfm

FLCC tests this system each semester and conducts a College-wide test on an annual basis in the fall of each academic year.

Timely Warnings

In the event that a situation arises that constitutes an ongoing or continuing threat either on or off campus, a campus-wide "timely warning" will be issued by FLCC or local, state, or federal authorities. Immediate notification of the campus community will be made by these same procedures upon confirmation of a significant emergency or dangerous situation involving a confirmed immediate threat to the health or safety of students and staff on campus. The warning will be issued to students, faculty, and staff via one or more of the following means:

- FLCC Alert– Voice, Text, Email activation
- Urgent FLCC email to staff and students
- Posting on the FLCC website
- Fliers posted at entrances to the buildings
- Officers communicating in person

Anyone with information warranting a timely warning should report the circumstances to FLCC Campus Police in person (room 2202 in the main building) or by phone at (585) 785-1900.

Emergency Phones

There are emergency phone towers, wall units, and call boxes at several locations on the campus grounds and within some campus buildings. These phones connect directly to 911 or Campus Police and can be used to request assistance in the event of an emergency.

Incidents involving a threat to life or property can also be reported by dialing 911 on or off College property.

Campus Police may be contacted by calling (585) 785-1900 for non-emergency requests for assistance 24 hours a day, 7 days a week.

Emergency Response and Evacuation Procedures

FLCC Emergency Action and Response Plans (EAPs) contain specific information about emergency response and evacuation procedures for each college building. They also contain shelter-in-place, evacuation guidelines, and a description of FLCCs emergency communication procedures. FLCC conducts emergency response exercises such as a table top exercises, field exercises, and tests of the emergency notification systems on campus each year. These tests are designed to assess and evaluate the emergency plans, capabilities of the institution, and effectiveness of local emergency responders.

FLCC peace officers and supervisors have received training in incident command and tactical management. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually FLCC Campus Police, area law enforcement including state, county, city, town agencies, fire, and emergency medical responders. All responding agencies are trained to work together using an incident Command/ Unified Command structure to manage the incident. Depending on the nature of the incident, other FLCC departments and other local or federal agencies could also be involved in responding to the incident.

FLCC employees are required to notify FLCC Campus or local 911 center of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health a safety of students and/or employees on campus. FLCC Campus Police has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document and situation that may cause a significant emergency or dangerous situation.

Emergency Action and Response Plans can be found on the FLCC Campus Police Website: https://www.flcc.edu/offices/safety/

Procedures for Testing Emergency Response and Evacuation

Fire and evacuation drills, referred to as “Fire Drills as a Learning Experience”, are coordinated by FLCC Environmental Health and Safety, Campus Police, and additional FLCC employees

each semester. Other drills are coordinated each semester at the Main Campus, Geneva Campus Center, Newark Campus Center, and the Victor Campus Center. Emergency response and evacuation procedures are tested at least twice each year and, for some of the buildings, up to seven times a year. Students and employees learn locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. FLCC Campus Police and participating staff on the scene will communicate information to the students regarding the developing situation or any evacuation status changes.

The purpose of evacuation and emergency response drills is to prepare building occupants for an organized evacuation in case of an emergency. At FLCC, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the College an opportunity to test the operation of fire alarm system components. Evacuation drills are monitored by the FLCC Environmental Health and Safety, Campus Police to evaluate egress and assembly outdoors. Building evacuation drills may be combined with a simulated emergency response from local agencies to provide a functional response exercise for the participating agency and to improve the response effectiveness. Reports are prepared which identify areas for improvement are also submitted to the appropriate departments/ offices for consideration.

Students receive information about evacuation and shelter-in-place procedures during their orientation and during other educational sessions that they can participate in throughout the year. There is additional information that students and employees can access online at: https://www.flcc.edu/offices/safety/

This Website provides crime prevention, emergency response, and personal safety information to the FLCC community. Residential housing staff members are trained in their emergency procedures as well and may act as an available resource for the students living in the residential facilities.

Daily Crime Log

The Campus Police Department maintains a daily log of crimes that occur on campus; this log is available for the public to view at any time upon request. Criminal Incidents are recorded by date and time of occurrence, date of report, location, nature of the crime, agency taking the report, and disposition of the complaint. This daily log is available at the Campus Police Department, on the main campus in room 2202. Entries or updates to the log are made within two business days of when the occurrence is made known to authorities.

Credit Cards and Identity Theft

FLCC prohibits the advertising, marketing, or merchandising of credit cards on all of its campuses. The soliciting of any kind on campus is prohibited without the written permission of the College. For additional information regarding identity theft, you can take this link to the NYS

Office of the Attorney General https://ag.ny.gov/consumer-frauds-bureau/identity-theft , or call Campus Police at (585) 785-1900.

Weapons on Campus

Firearms and dangerous weapons are not permitted on campus or at the extension centers, even if legally registered. Intentional use, possession, or sale of firearms or other dangerous weapons by anyone on College property is prohibited and is a violation of State and Federal law, FLCC Policy, as well as a violation of the College's Student Code of Conduct. Prior approval for firearms on campus may be granted by the college president in extremely limited circumstances.

Weapons on Campus are covered by FLCC policy number D-17

Drug and Alcohol Abuse Prevention

The FLCC Office of Student Health has established a College and Community Coalition which examines drug and alcohol use in the College community. The Coalition also focuses on promoting healthy lifestyles and coordinates these efforts with local drug and alcohol prevention and treatment programs. Students can access resources for the prevention and treatment of drug and alcohol problems by contacting Student Health Services at (585) 785-1297 or taking this link to their webpage: http://www.flcc.edu/studenthealth/prevention.cfm

Drug and Alcohol Policy

Finger Lakes Community College complies with the Drug-Free School and Communities Act of 1989 and prohibits the illegal possession, consumption, and distribution of drugs and alcohol on College property. Students, faculty, and staff may not consume alcoholic beverages on College property, during classes, or in connection with activities officially sponsored by the College except by written permission of the President of FLCC. Finger Lakes Community College enforces all federal, State, and local ordinances pertaining to alcohol and drugs and will coordinate with law enforcement authorities to protect the College community from the illegal possession, purchase, sale, and manufacture of controlled substances and alcohol.

In addition to criminal prosecution, disciplinary action will be taken by the College for violations of law, College policy, or Student Code of Conduct regulations. Student sanctions are outlined in the Student Code of Conduct. Employee sanctions include written reprimand, suspension, fines, loss of leave time, reduction of grade, and termination. All students, faculty, and staff should be familiar with the Drug-Free Campus Policy and abide by it. In addition, all College faculty, staff, and student employees must be in compliance with the Finger Lakes Community College Drug-Free Workplace Policy. FLCC's Drug and Alcohol policy is I-7

Hate Crimes and the Law

The U.S. Department of Justice defines hate crime as "the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their race, ethnicity, national origin, religion, sexual orientation, or disability." Hate crimes, also called bias crimes or bias-related crimes, are criminal activities motivated by the perpetrator's bias or attitude against an individual victim or

group based on perceived or actual personal characteristics, such as race, religion, age, ethnicity, gender identity, sexual orientation, disability, or national origin. Hate/bias crimes are addressed in 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 may be found online or at FLCC Campus Police, at 585-785-1900.

Penalties for hate crimes range from fines to imprisonment for lengthy periods, depending upon 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 investigating hate/bias crimes, Campus Police also assists 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 College as acts of bigotry, harassment, or intimidation directed at a member or group within the FLCC 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 College's code of conduct policies. Bias incidents can be reported to Campus Police at 585-785-1900, as well as to the Civil Rights Compliance Officer in the Human Resources Office at 585-785-1428.

If you are a victim of, or a witness to, a hate/bias crime on campus, report it to Campus Police by using any campus phone and dialing 1900 or stopping by the Campus Police office. If the incident involves any kind of threat or injury, dial 911. If you witness or fall victim to a hate/bias crime at the Geneva, Victor, or Newark Campus Centers, you may also call local police by dialing 911. Local Law enforcement or Campus Police will investigate and follow up the incident.

Victims of bias crime or bias incidents can request counseling and support services from the Office of Community Standards and Counseling by calling (585) 785-1211.
Bias-Related Crime Prevention is covered by FLCC Policy D-4

Registered Sex Offenders

The Campus Sex Crimes Prevention Act of 2000 provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The law requires institutions of higher education to issue a statement advising the campus community where such important information may be obtained. It also requires sex offenders to provide notice to each institution of higher education in the state where the person is employed, carries on a vocation, or is a student. In New York State, a sex offender must register with the Division of Criminal Justice Services (DCJS).

There are three levels of risk, based on an offender's risk of re-offending: Level 1 (low), Level 2 (moderate), and Level 3 (high). The sentencing court will often determine an offender's risk level at the time of sentence (in probation cases) or when the offender is released from custody (in jail or prison cases). All sex offenders must register annually for a period of at least 10 years. Offenders who are classified as "high risk" (Level 3) must register for life unless judicially

relieved of that obligation and also must personally verify their address with local law enforcement every 90 days.

In some circumstances, FLCC may notify the community regarding Level 2 or Level 3 sex offenders on campus. FLCC is prohibited by law from disclosing information regarding Level 1 sex offenders.

Information about registered sex offenders can be found by taking these links to the Ontario County Sheriff's Office Offender Watch Webpage http://www.co.ontario.ny.us/291/Offender-Watch the NY State Sex Offender Online Registry online http://www.criminaljustice.ny.gov/nsor/ or the FLCC Campus Police Department Campus Sex Crime Prevention webpage: http://www.flcc.edu/police/cscpa.cfm

Reporting of Sex Crimes or Sexual Misconduct

Incidents of sexual misconduct, assault, or rape should be reported to FLCC Campus Police or local law enforcement by calling 911. Survivors of a sex crime may also choose to report the offense to any of the following FLCC offices or supporting agencies:

FLCC Campus Police	Main Campus 2202	(585) 785-1900
FLCC Student Health Services	Main Campus 3260	(585) 785-1297
FLCC Athletics	Main Campus 3826	(585) 785-1292
FLCC Community Standards and Counseling	Main Campus 1155	(585) 785-1211
FLCC Academic Advising, Career and Transfer Services (AACTS)	Main Campus 1115	(585) 785-1268
FLCC Geneva Campus Center	63 Pulteney St, Geneva, NY 14456	(315) 789-6701
Geneva City Police	255 Exchange St, Geneva, NY 14456	(315) 828-6771
FLCC Newark Campus Center	1100 Technology Pkwy, Newark, NY 14513	(315) 331-9098
Newark Police Department	100 E Miller St, Newark, NY 14513	(315) 331-3701
FLCC Victor Campus Center	200 Victor Heights Parkway Victor, NY 14564	(585) 742-6337
Ontario County Sheriff's Office	74 Ontario St, Canandaigua, NY 14424	(585) 394-4560
New York State Police	1569 Rochester Rd, Canandaigua, NY 14425	(585) 398-4100

Victims and witnesses may choose to report crime in different ways:

1. Report an incident confidentially, to a sympathetic party. The College will count the incident for our mandatory reporting of statistics or:
2. Report the incident and request a Student Code of Conduct investigation. The incident will be documented and included in our statistics or:
3. Report the incident and request a criminal investigation. In this case, the incident will be included in our statistics and a criminal investigation will be initiated.

Anonymously report by using Silent Witness (link available on the Campus Police Webpage) https://www.flcc.edu/offices/safety/silent.cfm

Information about victim support and options may be found by taking this link to the FLCC Police: Prevention and Response webpage at https://www.flcc.edu/personalsafety/

Reporting Domestic & Dating Violence, Sexual Assault, or Stalking

The Campus Police team will assist anyone reporting or seeking information about how to report domestic violence, dating violence, sexual assault, or stalking. Our role is to educate the public regarding their options and offer support and guidance throughout the process based upon the wishes of the individual coming forward. The Campus Police team is prepared to offer guidance and written materials that provide the following information:

- The importance of preserving evidence for proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;
- Options regarding reporting, including law enforcement and campus authorities
- Inform the victim or reporting person of the option to notify on-campus and local police
- Assist the victim if they choose to notify law enforcement
- Inform the victim of their right to decline to notify such authorities
- Rights of victims and institutional responsibilities on orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal, civil, or tribal courts.
- Procedures for institutional disciplinary action in cases of domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that:
  - Proceedings will provide a prompt, fair, and impartial investigation and resolution; and be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - The accuser and accused are entitled to the same opportunities to have a support person/ advisor of their choice at any proceeding or related meeting.
  - The accuser and accused must be simultaneously informed in writing of the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking.
  - The institution's procedures for appealing the results of the proceeding.
  - Any change to the results that occurs prior to the time that such results become final.
  - When such results become final.

Dating Violence

The term "dating violence" means 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.

Domestic Violence

The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to- (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Sexual Assault

Offense is classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Victims of domestic violence, dating violence, sexual assault, or stalking on campus are encouraged to report the incident by calling 911 immediately. Emergency responders will provide immediate care, assistance, and offer the opportunity to initiate a criminal investigation.

Victims of sexual assault are also encouraged to:

- Go to a hospital emergency room as soon as possible if the assault was sexual in nature. Evidence can be collected several hours after an attack, but its value may be diminished over time.
- Avoid washing, changing clothes or bedding, or otherwise cleaning up after a sexual assault.
- Bring a full change of clothing to the hospital, as the clothes worn at the time of the attack may be kept asevidence.

Reporting a crime to the police or to a campus office does not necessarily obligate a victim to follow through with criminal prosecution, although in some cases of domestic violence, a mandatory arrest may be required by law. People reporting crimes of this nature to FLCC will receive support and be provided information regarding their options for resolving the issue, either by initiating a criminal investigation or an FLCC code of conduct violation complaint.

Support and Prevention Resources

Additional information regarding reporting, prevention, and support can be found at

http://www.flcc.edu/personalsafety/index.cfm

Incidents of domestic violence, dating violence, sexual assault, or stalking that occur off campus should be reported to local law enforcement or FLCC Campus Police who will then coordinate and investigation with local law enforcement.

Efforts will be made to ensure the confidentiality of all reports, except as necessary and required to investigate the offenses. College authorities may issue a safety alert to those areas of the campus community affected by the crime. The issuance of this alert will depend upon the particular circumstances of the crime and will never identify the victim or person reporting the incident.

Title IX/Nondiscrimination Procedures

Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Americans with Disability Act of 1990

Finger Lakes Community College - Nondiscrimination Notice

Finger Lakes Community College does not discriminate against any employee, applicant for employment, student or applicant for admission based on an individual's race, color, national origin, religion, creed, age, disability, sex, gender identification, gender expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, veteran status, domestic violence victim status, criminal conviction or any other category protected by law. The College adheres to all federal and state civil rights laws prohibiting discrimination in public institutions of higher education.

Inquiries regarding the application of Civil Rights/Title IX

Inquiries regarding the application of Civil Rights may be directed to the Civil Rights Compliance Officer, Human Resources, Room 1350, 585-785-1451, or:
Title IX Co-Coordinators: Sarah Whiffen, Associate Vice President for Student Affairs, Room 2153, 585-785-1284, Sarah.Whiffen@flcc.edu or Kelly Engert, Assistant Director of Employee and Labor Relations, Room 1341, 585-785-1466, Kelly.Engert@flcc.edu; at Finger Lakes Community College; 3325 Marvin Sands Drive, Canandaigua, NY 14424.
Title IX Investigator: Sara Iszard, Director of Community Standards and Counseling, Sara.Iszard@flcc.edu Main Campus Room 1155, 585 785-1211

Inquiries may also be directed to the United States Department of Education's Office of Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel. 646-428-3800; or email: ocr.newyork@ed.gov, or contact the NYS Division of Human Rights Offices http://www.dhr.ny.gov/, One Monroe Avenue, Suite 308, Rochester, NY 14607; Tel. 585-238-8250; or email InfoRochester@dhr.ny.gov.

Retaliation is prohibited against any person who files a charge of discrimination, participates in an OFCCP proceeding or otherwise opposes discrimination under state or federal law.

Violence Against Women Act Educational Programs

In accordance with the Violence Against Women Act (VAWA) Finger Lakes Community College offers a number of prevention and awareness programs for all incoming students and new employees to help prevent rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. These programs are designed to promote an awareness regarding rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. Information contained within these programs include:

- A statement that these crimes are prohibited at the College;
- Definitions of consent, domestic violence, dating violence, sexual assault, and stalking;
- Safe and positive bystander intervention actions;
- Recognition of the warning signs of abusive behavior to reduce risks and avoid potential attacks;
- The College's disciplinary procedures.

Additionally, The Violence Against Women Act amendments to the Clery Act require that certain college officials charged with responding to sexual assault, domestic violence, dating violence, and stalking be trained annually in a number of areas. This college/university is a member of the SUNY Student Conduct Institute. As part of that membership, covered officials who investigate or conduct proceedings to address allegations of dating violence, domestic violence, sexual assault and stalking receive at least eight hours of training annually through attendance at the SUNY Student Conduct Institute's Basic Compliance Training and/or live Advanced Trainings and/or digital Basic or Advanced Trainings. These in-person and digital courses address topics including how to determine the relevancy of evidence and use it during the proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. These trainings also address how to conduct an investigation and hearing process that protects the safety of victims, properly employs trauma-informed practice, and promotes accountability, while protecting the due process rights of the respondent. Finally, these trainings provide comprehensive reviews of federal and state laws and regulations on point as well as relevant court and administrative opinions.

Sexual Misconduct Procedures for Students

FLCC Office of Community Standards and Counseling

Statement of Jurisdiction

The following Sexual Misconduct and Non-Discrimination policy applies to all students and student organizations of Finger Lakes Community College. The Conduct Officer may address and take action based on student conduct occurring off campus when the behavior or the presence of the individual, in the College's sole judgment, adversely affects the campus community, damages the reputation of the institution, or impairs, obstructs, or interferes with the interests and/or mission, processes, or functions of Finger Lakes Community College.

Students are subject to the Sexual Misconduct and Non-Discrimination policy beginning at the time they register/are registered for their first class. This policy applies to students during academic terms for which they are enrolled, during breaks between terms for which they are registered (including summer), during college holidays and vacations, and during periods of suspension.

If a student breaks a law that also violates the Sexual Misconduct and Non-Discrimination policy, that student may be held accountable by both civil authorities and the College. The College may, at its sole discretion, elect to pursue action against the student at the same time as criminal proceedings, even if criminal charges involving the same incident are not complete, have been dismissed, or were reduced.

Students are responsible for the behavior of their guests. A guest is any person who is not currently enrolled at the College whose purpose on College property is entirely, or in part, to make contact with a student(s). Students must accompany their guests at all times while on College property. Conduct of a guest which violates any part of College policy may result in the guest's immediate removal from College property and being banned from returning to College property in the future. In addition, conduct of a guest which violates any College policy may be considered a violation by the student(s) and result in College conduct processes and sanctions for the student(s).

Standard of Evidence

The standard of evidence used to determine responsibility is a "preponderance" of evidence (more likely than not). This determination does not require a standard beyond a reasonable doubt and the technical rules of evidence applicable to criminal procedures shall not apply to these administrative procedures.

The Sexual Misconduct and Non-Discrimination policy is reviewed annually under the direction of the Director of Community Standards and Counseling and the Associate Vice President of Student Affairs. Regulations governing student conduct shall be approved by the FLCC Board of Trustees.

Student Rights

Right to a Hearing

The Responding Party has the right to a hearing with a hearing officer. This will typically be the Director of Community Standards and Counseling, but may also be his/her designee or Title IX Co-Coordinator who conducts the investigation and hearing.

Right to Witnesses and Evidence

The Responding Party and Reporting Party have the right to call witnesses. The conduct officer shall determine how many and who can testify in a hearing. The Responding Party and Reporting Party may also enter into record evidence that is relevant to the case. This may include testimony, statements, photographs, and other evidence which is deemed relevant by the hearing officer.

Right to Not Respond

The Responding Party and Reporting Party, or witness(es) have the right during a hearing or the investigation to not respond to questioning during the process. The investigator will have to make a determination based on the information available.

Right to an Advocate

Both the Responding Party and Reporting Party have the right to an advocate to be with them during the investigation process and/or hearing. The advocate can be someone of the student's choosing and affiliated with the institution, and is usually a faculty, staff or student. Non-FLCC

affiliated advocates may be allowed at the sole discretion of the conduct officer. The role of the advocate is to be supportive and give consultation to the student. The advocate may not speak during the hearing. Only in Sexual Misconduct cases may an advocate be an attorney. See page 23 for full rights of an advocate.

Right to Appeal

All students found responsible and sanctioned to more than a warning are eligible to appeal the decision.

Civil Rights Discrimination Complaints

Finger Lakes Community College does not discriminate against any employee, applicant for employment, student or applicant for admission based on an individual's race, color, national origin, religion, creed, age, disability, sex, gender identification, gender expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, veteran status, domestic violence victim status, criminal conviction or any other category protected by law. The College adheres to all federal and state civil rights laws prohibiting discrimination in public institutions of higher education.

Inquiries regarding the application of Civil Rights may be directed to the Civil Rights Compliance Officer (CRCO), Human Resources, Room 1350, 585-785-1451, or Title IX Co-Coordinators: Sarah Whiffen, Associate Vice President of Student Affairs, Room 2135,585-785-1284, Sarah.Whiffen@flcc.edu or Kelly Engert, Assistant Director of Employee and Labor Relations, Human Resources, Room 1341, 585-785-1466, Kelly.Engert@flcc.edu; at Finger Lakes Community College; 3325 Marvin Sands Drive, Canandaigua, NY 14424. Inquiries may also be directed to the United States Department of Education's Office of Civil Rights, 32 Old Slip 26th Floor, New York, NY 10005-2500; Tel. 646-428-3800; or email: ocr.newyork@ed.gov, or contact the NYS Division of Human Rights Offices http://www.dhr.ny.gov/, One Monroe Avenue, Suite 308, Rochester, NY 14607; Tel. 585-238-8250; or email InfoRochester@dhr.ny.gov.

Retaliation is prohibited against any person who files a charge of discrimination, participates in an Office of Federal Contract Compliance Programs (OFCCP) proceeding or otherwise opposes discrimination under state or federal law. Retaliation is defined as adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process. Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying. Retaliation is also defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, supporting a party bringing an allegation or for assisting in providing information relevant to a claim of harassment is a serious violation of College policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the CRCO or a Title IX Co-Coordinator and will be promptly investigated. The College is prepared to assist individuals who fear that they may be subjected to retaliation.

Reporting a Civil Rights Discrimination Complaint:

- Students should report a complaint to the Director of Community Standards & Counseling, a Title IX Co-Coordinator, the CRCO or Campus Police.
- A preliminary Inquiry will be conducted by the CRCO, a Title IX Co-Coordinator or an investigator within 10 business days of the receipt of the report.
- On the 11th day, if probable cause is determined, the reporting officer will produce written notification to responding party and copy the reporting party. If the responding party is an employee of the College, the College will use the procedures outlined in the Harassment and Non-Discrimination Prevention Guidelines for Employees
- The reporting officer has 60 days to complete the Formal Investigation; if at any point during this time, no reasonable cause is determined, the process ends and this finding will be communicated to both parties in writing.
- Once the investigation is complete, the Associate Vice President of Student Affairs will make a determination of findings, usually within ten (10) days.
- Should a sanction be rendered, the responding party will have the right to appeal as outlined in this document's Appeal Section (page 25).

When the Responding Party is a faculty or staff member of the College, the student will receive the same time frame allowed to the faculty or staff member per the faculty or staff member's labor contract provisions.

All investigations will be thorough, reliable, impartial, prompt and equitable. Investigations entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, as necessary.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or other Investigation Resolution Process proceedings.

Discrimination of Students on the Basis of Pregnancy, Childbirth and Related Conditions:

Absences due to medical conditions related to pregnancy, childbirth, and related conditions must be excused for as long as medically necessary and the student must be given the opportunity to make up missed work, with the goal of having the student graduate on time, if possible and if desired by the student. **Professors and administrators should not direct, tell or advise students that they have to drop out of their classes or programs or change their educational plans due to their pregnancies or related conditions**. Finger Lakes Community College cannot terminate or reduce athletic, merit or need-based scholarships based on pregnancy. These rules supersede any school-or-instructor-based attendance or other policies regarding allowable numbers of absences or ability to make up missed schoolwork.

1. Within five business days from the start of the absence, the student will notify, in writing, her faculty member(s) of absences that will or did occur due to pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom.

NOTE: If a student indicates, in any manner either formally or informally, that she is having difficulty because of a pregnancy, childbirth, and/or related condition the instructor/administrator should communicate to the AVP of Instruction immediately. The AVP of Instruction will then notify the student about the appropriate course of action.

2. The instructor will forward this communication to the AVP of Instruction. The AVP of Instruction will then communicate with the students to have a Medical Release Form submitted within ten business days of receipt of the form. This form will indicate the amount of time she is excused from class.

3. The AVP of Instruction will advise the student's instructors with information on the student's expected return.

4. Instructors will provide a plan for the AVP of Instruction on an individual basis to ensure compliance for each student. The plan must include:

    1. The amount of time the student has to complete the work. The amount of time can be no less than the amount of time the student was medically excused.

    2. The specific work that the student must complete.

A decision on whether a grade of "Incomplete" should be given as opposed to an "F" if there is not enough time before the end of the course for her to complete the work assigned.

Sexual Misconduct Procedures

Statement on Sexual Misconduct:

Finger Lakes Community College is committed to creating and maintaining an educational environment free from all forms of sex discrimination, including sexual misconduct. Any act involving sexual harassment, violence, coercion, and intimidation is prohibited and will not be tolerated. Specifically, FLCC 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 FLCC that, upon learning of an alleged act of sexual misconduct, immediate action will be taken to address the situation and punish the perpetrator(s) where appropriate. This may include working with campus, State and local law enforcement to bring possible criminal charges, seeking student conduct action, and adding permanent transcript notifications so other institutions are on notice of the offense(s) committed, where appropriate.

FLCC encourages prompt and accurate reporting of sexual misconduct. This allows the college community to quickly respond to allegations and offer immediate support to the victim. FLCC is committed to protecting the confidentiality of victims/reporting individuals whenever possible 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(s)/reporting individual(s) and the respondent(s) will be afforded equitable rights during the college investigative process.

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

and all members of the college community are encouraged to participate throughout the year in ongoing campaigns and trainings focused on the prevention of sexual misconduct on campus.

Statement on Gender Identity:

Finger Lakes Community College will not exclude, separate, deny benefits to, or otherwise treat differently on the basis of sex any person in its educational programs or activities unless expressly authorized to do so under Title IX or its implementing regulations. The College treats a student's gender identity as the student's sex for purposes of Title IX and its implementing regulations. This means that a school must not treat a transgender student differently from the way it treats other students. The College's interpretation is consistent with courts' and other agencies' interpretations of State and Federal laws prohibiting sex discrimination.

The College interprets Title IX to require that when a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the school will begin treating the student consistent with the student's gender identity. There is no medical diagnosis or treatment requirement that students must meet as a prerequisite to being treated consistent with their gender identity. Because transgender students often are unable to obtain identification documents that reflect their gender identity (*e.g.*, due to restrictions imposed by state or local law in their place of birth or residence), requiring students to produce such identification documents in order to treat them consistent with their gender identity may violate Title IX when doing so has the practical effect of limiting or denying students equal access to an educational program or activity.

A school's Title IX obligation to ensure non-discrimination on the basis of sex requires schools to provide transgender students equal access to educational programs and activities even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students.

Students' Bill of Rights

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

- Make a report to local law enforcement and/or state police;

- Have disclosures of domestic violence, dating violence, stalking and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure from the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institutional representatives as practicable and not to be required to unnecessarily repeat the 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 (advocate) 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; and
- Exercise civil rights and practice of religion without interference by the investigation, criminal justice, or judicial or conduct process to the institution.

APPLICABILITY OF POLICY

Who:

These procedures apply to all members of the FLCC 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). These procedures apply to these parties regardless of sexual orientation or gender identity. The tenets herein apply to students beginning at the time they register/are registered for their first class. They apply to students during academic terms for which they are enrolled, during breaks between terms for which they are registered (including summer), during college holidays and vacations, and during periods of suspension. If the Responding Party is a College employee, the College will follow the Procedures; Harassment and Non-Discrimination Prevention Guidelines for Employees**.**

What:

These procedures prohibit 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 list of terms and prohibited acts.

Where:

These procedures cover conduct that takes place on college property. This includes any building or property owned or controlled by FLCC and used in direct support of, or in a manner related to, the institution's educational purposes, including public property within or immediately adjacent to and accessible from campus. These procedures also cover conduct that takes place off-campus that may have a nexus to the college community.

Programs:

These procedures cover all educational, extracurricular, athletic, or other campus programs.

Evidentiary Standard:

The standard of proof in sexual misconduct cases is preponderance of evidence, which asks whether it is "more likely than not" that the sexual misconduct occurred.

Activities:

These procedures cover all campus and College-related activities, including, but not limited to, student organizations (academic, 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.

Relationships:

These procedures cover sexual misconduct occurring between individuals in various types of relationships. These include, but are not limited to, student to student, 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 is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. While the College encourages victims to report an incident of sexual misconduct, there are options available for students to speak with someone about what happened while maintaining confidentiality. Please see the following sections on Options for Confidentially Disclosing Sexual Violence for more information on confidentiality.

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 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 may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Non-consent:

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

Dating Violence:

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 underdomestic violence.

Domestic Violence:

Any violent crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.

Gender Identity:

Gender identify refers to an individual's internal sense of gender. A person's gender identify may be different from or the same as the person's sex assigned at birth.

Retaliation:

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

Sex Assigned at Birth:

Sex assigned at birth to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.

Sex Discrimination:

All forms of sexual harassment, sexual assault, and other sexual violence by employees, students, or third parties against employees, students, or third parties. Students, employees, and third parties are prohibited from harassing others whether or not the harassment occurs on the FLCC campus or whether it occurs during work hours. Sex discrimination-Discrimination can be carried out by other students, college employees, or third parties. All acts of sex Discrimination, including sexual harassment and sexual violence, are prohibited by TitleIX.

Sexual Assault:

A physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly called "date rape" and "acquaintance rape"), statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.

Sexual Harassment:

Unwelcome, sexual, sex-based and/or gender-based, verbal, written, online and/or physical conduct that is sexual in nature and sufficiently severe, persistent, or pervasive that it unreasonably interferes with, denies, or limits someone's ability to participate in or benefit from the College's educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation. Examples of sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that expressly or implicitly imposes conditions upon, threatens, interferes with, or creates a severe, pervasive and objectively offensive environment that interferes with or limits a student's ability to participate in or benefit from the College's program.

Sexual Misconduct:

Sexual misconduct can be defined as unwanted behavior of a sexual nature including sexual harassment, sexual violence, dating violence, and domestic violence.

Sexual Violence:

Physical sexual acts perpetrated against a person's will or perpetrated where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Stalking:

Intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, two or more

acts by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property.

Transgender:

Transgender describes those individuals whose gender identity is different from the sex they were assigned at birth. A transgender male is someone who identifies as male but was assigned the sex of female at birth; a transgender female is someone who identifies as female but was assigned the sex of male at birth.

Victim/survivor:

A person who suffers personal, physical, or psychological injury.

REPORTING OPTIONS

Options for Confidentially Disclosing Sexual Violence

The State University of New York and FLCC 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 with 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 applies to different resources that may be available to you.

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 a health and/or safety emergency. At FLCC, this includes:

FLCC licensed medical professionals or supervised interns when they are engaged in a physician/ patient relationship: Student Health Services. 585-785-1297, Room 3260, www.flcc.edu/studenthealth (confidential unless child abuse is disclosed)

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.

- Safe Harbors of the Finger Lakes
  Hotlines: Seneca & Ontario Counties: 800.247.7273 Yates County: 315.536.2897
- Victim Resource Center of the Finger Lakes Hotline: 866.343.8808
- New York State Office for the Prevention of Domestic Violence

  Hotline: 800.942.6906

- NYS Coalition against Sexual Assault http://nyscasa.org/.
- FF Thompson Hospital emergency room-Sexual Assault Nurse Examiner (SANE) available 24 hours/day. 350 Parrish St., Canandaigua, NY 14424, 585.396.6000
- Newark-Wayne Community Hospital has a SANE nurse on call (not always in the hospital). Students should go to the emergency room, and the staff will contact the SANE nurse, as well as offer the student an advocate from the Wayne county Victim Resource Center. 1200 Driving Park Ave., Newark, NY 14513, 315-332-2022
- Off-campus healthcare providers
  Note that medical office and insurance billing practices may reveal information to the insurance policyholder, including medication and/or examinations paid for or administered. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency compensation. More information may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247-8035. Options are explained here: http://www.ovs.ny.gov/helpforcrimevictims.html.

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.

Non-Professional Counselors and Advocates:

Non-professional counselors and advocates can also assist you without sharing information that could identify you. At FLCC, this includes **most staff members** in the Community Standards & Counseling Office (Room 1155, 585.785.1211, or 585.785.1389.) The Assistant Director of Academic Support and Access Programs and the EOP Counselor. It also includes the Campus Center Administrators and Campus Center Specialists at each campus center.

- Newark Campus Center – Administrator: 315.331.9098, ext. 305, Specialist: 315.331.9098, ext. 304
- Geneva Campus Center – Administrator: 315.789.6701, ext. 6002, Specialist: 315.789.6701, ext. 6014
- Victor Campus Center – Administrator: 585.785.1108, Specialist:585-785-1114

These individuals will report the nature, date, time, and general location of an incident to FLCC's Title IX Co-Coordinators, but will consult with you to ensure no personally identifying details are shared without your consent. These individuals are not considered confidential resources as discussed above.

Privacy versus Confidentiality:

Even FLCC 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 Co-Coordinators or designee, who is responsible under the law for tracking patterns

and spotting systemic issues. FLCC will limit the disclosure as much as possible, even if the Title IX Co-Coordinators determines that the request for confidentiality cannot be honored.

Requesting Confidentiality: How FLCC Will Weigh the Request and Respond:

If you disclose an incident to an FLCC 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 Co-Coordinator must weigh your request against our obligation to provide a safe, non-discriminatory environment for all members of our community, including you.

The College may not require a Reporting Party to participate in any investigation or conduct 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 increased 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 Reporting Party's request for confidentiality, the College will also take immediate action as necessary to protect and assist the Reporting Party.

We will assist you with academic, housing, transportation, employment, and other reasonable and available accommodations regardless of your reporting choices. While victims/survivors/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 - Community Standards and Counseling Office, 585-785-1211, Room 3260. We also may take proactive steps, such as training or awareness efforts, to combat sexual violence in a general way that does not identify the reporting party or the situation disclosed.

We may seek consent from the reporting party prior to conducting an investigation. The reporting party may decline to consent to an investigation, and that determination will be honored unless FLCC's failure to act does not adequately mitigate the risk of harm to the reporting party or other members of the College community. Honoring the 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 the reporting party and take immediate action as necessary to protect and assist the individual.

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

- Whether the Responding Party 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 Responding Party will commit additional acts of violence;
- Whether the accused used a weapon or force;

- Whether the Reporting Party individual is a minor; and
- Whether we possess other means to obtain evidence such as video, 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 Party will be notified and the College 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," candle light vigils, protests, or other public event, the College is not obligated to begin an investigation. FLCC may use the information you provide to inform the need for additional education and prevention efforts.

Anonymous Disclosure:

- Anonymously via an internet anonymous reporting system: https://www.flcc.edu/offices/police/silent.cfm ;
- The Hotline is for crisis intervention, resources and referrals and is not a reporting mechanism. New York State Hotline for Sexual Assault and Domestic Violence:1-800-942-6906

Institutional Crime Reporting:

Reports of certain crimes occurring in certain geographic locations will be included in the FLCC Clery Act Annual Security Report in an anonymized manner that neither identifies the specifics of the crime or the identity of the reporting individual or victim/survivor. Contacts: Campus Police Department, 585-785-1900, Title IX Co- Coordinators – Sarah Whiffen, AVP of Student Affairs, 585-785-1284, Room 2135; Kelly Engert, Assistant Director of Employment and Labor Relations, Human Resources Office, 585-785- 1466, Room 1350.

FLCC 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 victim/survivor/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, FLCC will not share information about a report of sexual violence with parents without the permission of the victim/survivor/reporting individual.

Sexual Violence Response

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

I. Reporting:

To disclose *confidentially* the incident to one of the following college officials, who by law may maintain confidentiality, and can assist in obtaining services.

- **Anonymously** via an internet reporting system: http://www.flcc.edu/offices/Police/silent.cfm ;
- **Student Health Services**, Room 3260, 585-785-1297 (confidential unless child abuse is disclosed);
- 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/he lp/inde x.html (or by calling 1-800- 942-6906), and assistance can also be obtained through:
    - SurvJustice: http://survjustice.org/services;
    - Legal Momentum: https://www.legalmomentum.org/;
    - NYSCASA: http://nyscasa.org
    - NYSCADV: http://www.nyscadv.org/;
    - Pandora's Project: http://www.pandys.org/lgbtsurvivors.html
    - GLBTQ Domestic Violence Project: http://www.glbtqdvp.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 Students' 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 policy to inform one or more college officials about the incident, including but not limited to the Title IX Co-Coordinators. They will notify reporting individua ls that the criminal justice process uses different standards of proof and evidence than internal procedures, and questions about the penal law or criminal process should be directed to law enforcement or district attorney:

Title IX Co-Coordinators –

- Sarah Whiffen, 585-785-1284, Room 2153, Sarah.Whiffen@flcc.edu
- Kelly Engert, 585-785-1466, Room 1350, Kelly.Engert@flcc.edu

To file a report of sexual assault, domestic violence, dating violence, and/or stalking, and/or talk to the Title IX Co-Coordinators for information and assistance. Reports will be investigated in accordance with this policy and the reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy.

When the Responding Party is an employee, a Reporting Policy may also report the incident to the Office of Human Resources or may request that one of the above referenced confidential or private employees assist in reporting to Human Resources. Proceedings will be conducted in accordance with the Procedures: Harassment and Non-Discrimination Prevention Guidelines for Employees

When the Responding Party is an employee of an affiliated entity or vendor of the College, College officials will, at the request of the Reporting Party, assist in reporting to the appropriate office of the vendor or affiliated entity and, if the response of the vendor or affiliated entity is not sufficient, assist in obtaining a persona non grata letter, subject to legal requirements and college policy.

Human Resources Office – 585-785-1428, Main Campus Room 1340

- You may withdraw your complaint or involvement from the FLCC process at any time.
- Every college shall ensure, 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 Campus 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."

Law Enforcement –

- **Campus Police** – 585-785-1900 24hrs/day (911 for emergencies), Room 2202 (including assistance in initiating legal proceedings in family court or civil court);
- **Ontario County Sheriff's Office** – 1-800-394-4560 (911 for emergencies), 74 Ontario St. Canandaigua, NY 14424
- **New York State Police Troop E Headquarters** Crime Victim Specialist 1569 Rochester Road, Canandaigua, NY 14425, 585-398-3200 (911 for emergencies)
- **New York State Police 24-hour hotline** to report sexual assault on a NY college campus: 1-844-845-7269.

II. Resources:

To obtain effective intervention services.

- **Community Standards & Counseling Office** (585-785-1211), (Services free to students). If victim/survivor/reporting individual wishes to keep his/her identity private, he or she may discuss the situation and available options with the counseling staff. Staff also have access to off-campus resources; services such as emergency loans, food and other necessities are also available.

- **Student Health Services**, Room 3815, 585-785-1297. (Services free to students).

If victim/survivor/re porting individual wishes to keep his/her identity private, he or she may anonymously discuss the situation and available options with a Student Health Center licensed personnel (see below).

Sexual contact can transmit Sexually Transmitted Infections (STI) and may result in pregnancy. Testing for STIs and emergency contraception is not available. (contact your health care provider or the following resources)

- The Campus Center Administrators at each campus center
    - Newark Campus Center–315.331.9098,x6305
    - Geneva Campus Center–315.789.6701ext.6002
    - Victor Campus Center–585.785.1108
- **Geneva Community Health**, 601 W. Washington St., Geneva, NY (sliding scale fee is available & Ontario County subsidy if qualify). Call (315) 781-8448. Visit: http://flchealth.org/locations/geneva-community-health
- **Planned Parenthood of the Rochester/Syracuse region** (financial assistance is available). Call 1-866-600-6886. Visit: http://www.plannedparenthood.org/health-center
- **Rushville Health Center**, 2 Rubin Drive, Rushville, NY (sliding scale fee is available & Ontario County subsidy if qualify). Call (585) 554-6824. Visit: http://rpcn.org
- Other applicable available on- and off-campus centers and services, and their addresses, phone numbers, and web sites http://flchealth. org/locations/; and http://rpcn.org/ can be found at:

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 may be found here: http://www.ovs.ny.gov/files/ovs_rights_of_cv_booklet.pdf, or by calling 1-800-247- 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.

III. Protection and Accommodations:

The College is firmly committed to a policy that encourages timely disclosure of sexual misconduct. Any person, who, in good faith, reports sexual misconduct will be protected from retaliation (defined as an adverse action against another person for reporting a violation or for participating in any way in the investigation or conduct process.) Retaliation includes harassment and intimidation, including but not limited to violence, threats of violence, property destruction, adverse educational or employment consequences, and bullying.

- When the Responding Party 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 Responding Party 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 Responding Party and Reporting Party may request a prompt review of the need for and terms of a No Contact Order, consistent with FLCC procedures parties may submit evidence in support of their request.

- To have assistance from Campus 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 Campus Police in effecting an arrest when an individual violates an Order of Protection or, if outside of New York State, an equivalent protective or restraining order within the jurisdiction of Campus Police or, if outside of the jurisdiction of Campus Police, to call on and assist local law enforcement in effecting an arrest for violating such an order.

- When the Responding Party 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 Responding Party 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 the College's Procedures: Harassment and Non-Discrimination Prevention Guidelines for Employees.

- When the accused is not a member of the College community, to have assistance from Campus 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 Parties 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:

    - Community Standards and Counseling Office, 585-785-1211, Room 3260

Student Conduct Process:

To request that student conduct charges be filed against the accused. Conduct proceedings related to Title IX are governed by the process that is outlined in this document 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 Responding Party and the Reporting Party 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 policy.

- 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. Responding Parties 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 the College). To schedule a review and/or offer evidence the respondent/reporting individual should contact the Director of Community Standards and Counseling– room 3260 Student Center or 585-785-1211.
- The right to present evidence and testimony at a hearing, where applicable.
- 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 other party in the conduct process or their own mental health diagnosis or treatment from admittance in college disciplinary process 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 any 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 sanctions, and the rationale for the decision and 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.
- Institutional Complaints: Under the process, the penalties for other violations may include, but are not limited to: written warning, no contact orders, conduct probation, suspension, dismissal, and/or permanent transcript notation.
- Criminal Complaints: The complaint may result in criminal penalties, such as fines, community service, probation, jail sentence, or registration as a sex offender with the NYS or federal data bases.
- 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.
- 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.

Investigation Procedures

1. FLCC will conduct a timely review of all complaints of sexual misconduct. Absent extenuating circumstances, review and resolution is expected to take place within sixty (60) calendar days from receipt of the complaint. All deadlines and time frames may be extended for good cause as determined by the designated investigator(s). Both the Responding Party and the Reporting Party will be notified in writing of the delay, the reason for delay, and provided the date of the new deadline or anticipated timeframe. Extensions requested by one party will not be longer than five College business days. If the Responding Party is a College employee, the College will follow the Procedures; Harassment and Non-Discrimination Prevention Guidelines for Employees.

2. Following the College becoming aware of an alleged incident(s) of sexual misconduct, an individual or individuals will be designated by the Title IX Co-Coordinators to conduct a preliminary inquiry into the incident(s) to determine Reasonable Cause.

3. If Reasonable Cause is determined, an investigation will be initiated which is prompt and thorough, affording all parties equitable rights, including the Responding Party (s), Reporting Party(s)and any relevant witnesses, an opportunity to provide statements, information, and documentation regarding the incident(s). If the Responding Party is a college employee, the College will follow the Procedures; Harassment and Non-Discrimination Prevention Guidelines for Employees.

4. The investigator(s) will attempt to meet individually with the Responding Party(s), Reporting Party's, and any relevant witnesses. Students will be delivered letters, for which they must sign, at their classes or using certified letters via the United States Postal Service. These letters will schedule students for a procedural review with the investigator(s). The College's desire to immediately stop any harassing behavior may result, at the investigator(s) discretion, in a hold being placed on a respondent's, reporting individual's, or witness' college account and/or no contact orders being issued to respondent(s), reporting individual(s), or witness(es) via these letters. Students charged with sexual misconduct, as defined in this document, will have a hold placed on their account and/or other steps taken (e.g., interim suspension, no contact orders) until such time as the matter is resolved. If students elect not to participate in these procedures the College may, at its sole discretion, proceed, determine results, and issue sanctions if appropriate without the benefit of both parties' input. Such actions do not presume a finding of responsibility or automatically result in sanctions. This stage of the process will usually be completed within ten days from receipt of the complaint, although the interim measures mentioned may be enacted immediately.

5. Procedural reviews are conducted in private. Reporting Party(s) and Responding Party(s) may elect to have an advocate accompany them to the procedural review (please see the Advocate section for guidelines and regulations on advocates/advisors.) In cases where

an individual involved in the investigation is also a college employee, or when a non-student college employee is involved, a representative from Human Resources may also be present.

The purposes of the procedural review will include,

a. notifying individuals that a sexual misconduct investigation is taking place,
b. informing individuals of the college procedures relative to sexual misconduct,
c. making individuals aware of their ability to report incidents of sexual harassment to other entities (e.g., state and federal agencies, law enforcement, etc.) at any time during the process, and
d. to schedule a time to conduct an interview to discuss the incident(s) of alleged sexual misconduct.

Individuals may request that the investigator(s) contact other persons who may have witnessed the alleged incident(s) of harassment at this time or have other pertinent facts about the matter. While an investigator will contact potential witnesses via their college e-mail addresses, witnesses are not obligated to meet with the investigator(s) and it is each individual's responsibility to follow-up with any witnesses to request their participation in the procedures.

Note: Individuals may elect to begin their interview immediately following their procedural review, time permitting. Otherwise, a time mutually acceptable to the individual and interviewer(s) will be scheduled within seven college business days. Individuals may request an alternative interviewer(s) during their procedural review as well.

6. Interviews are conducted in private. Reporting Parties and Responding may elect to have an advocate accompany them to the interview (please see the Advocate section for guidelines and limitations on advocates/advisors). In cases where an individual involved in the investigation is also a college employee, or when a non-student college employee is involved, a representative from Human Resources may also be present. Interviews will be recorded on college-supplied equipment and recordings will be kept according to the records policy. The purposes of the interview will be:

   a) to allow individuals to present their version of a reported incident(s) of misconduct,

   b) to present the individual with any additional reported incident(s) of misconduct of which they were not previously aware and allow them to present their version of those incident(s) as well,

   c) to question individuals regarding reported incident(s,) particularly when facts are in question, and

   d) to allow individuals to present witnesses and produce other evidence for consideration.

Reporting individuals and respondents do not directly question one another throughout these procedures. The investigator(s) may conduct secondary interviews with involved parties to obtain additional or corroborating information, or to address conflicting reports or specific

questions. Reporting Parties and Responding Parties may request interviewers ask specific questions of the other parties.

7. Following the conclusion of all interviews and any other elements of an investigation, the investigator(s) shall submit a summary of findings and recommendation(s) for further action to the Associate Vice President of Student Affairs and the College Title IX Co-Coordinators. The Associate Vice President of Student Affairs will also have access to all materials from the investigation including, but not limited to, reports, recordings, written/typed notes, information supplied by witnesses, and other relevant materials and information. This summary will typically be delivered within fifty calendar days of receipt of a report of sexual misconduct. If the complexity of an investigation requires more than fifty calendar days, the investigator(s) will inform all parties involved, the Associate Vice President of Student Affairs, and the College Title IX Co- Coordinators on or before the fifty calendar day and include an estimated time to complete the summary.

8. Within ten calendar days of the investigator's summary being received, the Associate Vice President of Student Affairs shall simultaneously issue a written statement to the reporting individual(s) and respondent(s), indicating what action(s), if any they are taking and any sanctions assigned to students. The action proposed by the Associate Vice President, may consist of:

   a) A determination that the complaint was not substantiated and the respondent is being found not responsible for violating the policy.

   b) A determination that the complaint was substantiated and the respondent is being found responsible for violating the Sexual Misconduct & Non-Discrimination Policy. If a student is found responsible for sexual misconduct violations, sanctions consistent with the severity of the offense will be imposed and may include, but are not limited to: Written warning, no contact orders, conduct probation, suspension, dismissal, and/or permanent transcript notation, sanctions are suspension with additional requirements and dismissal. For findings of responsible for Sexual Assault, the SUNY mandate is that students either be suspended or dismissed from the institution.[1] These letters shall include a listing of the factual findings for each section of the Code of Conduct that a student was charged with violating and the evidence relied upon to reach each finding.

1 This was stipulated in the SUNY policies directive entitled, SUNY Policies on Sexual Violence Prevention and Response dated December 1, 2014, page 12. Sexual assault is defined to be a Code of Conduct violation consistent with the Federal definition of rape adopted by the Department of Education in Final Regulations (http://www.gpo.gov/fdsys/pkg/FR-2014-10-20/pdf/2014-24284.pdf, page 62789), from the Uniform Crime Reporting system of the Federal Bureau of Investigations. "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." Consent for these purposes is the consent definition in these policies and the legislation.

Student Sanctions

(These Sanctions apply only to student respondents and/or recognized student groups)

Written Warning

Written warning is an official notification that the behavior of the student or student organization has been unacceptable. Written warnings will be placed in the student's or student organization's official conduct file. [Not eligible to appeal]

Conduct Probation

Conduct probation indicates to a student that his/her behavior has resulted in a sanction close to suspension. It is imposed for a definite period of time and includes the likelihood of more severe conduct sanctions, including suspension or dismissal, if the student is found to be violating or to have violated any section of the Student Code of Conduct during the probationary period, and may include ongoing conduct requirements. A student on probation may be required to meet periodically with a person designated by the Director of Community Standards.

Conduct Suspension

Suspension prohibits the student from attending FLCC for a designated period of time, which shall not exceed a period of more than five calendar years following the effective date. While on suspension the student is, in most cases, restricted from being on college property. The Director of Community Standards or designee will determine the effective dates of the suspension. If required by the suspension, a student who has been suspended must petition for re-enrollment through the Office of the Associate Vice President of Student Affairs and/or Admissions Review Board. Notice of suspension is kept permanently in the student's official college record maintained by the Registrar's Office and by the Community Standards Office.

Conduct Dismissal

Conduct dismissal *permanently* separates the student from the institution, prohibits the student from ever attending Finger Lakes Community College and, in most cases, and restricts a person from being on college property. A student may not be readmitted to the College after dismissal. Dismissals are usually accompanied by permanent transcript notations (see below.) Notice of conduct dismissal is kept permanently in the student's official college record maintained by the Registrar's Office and by the Community Standards Office.

Permanent Transcript Notation

Permanent Transcript Notations (PTN) indicating disciplinary action taken will be placed on student records where students have been found guilty of violating the Code of Conduct in the instances of behavior that leads to death or serious physical injury of another person, sexual assault or hazing. Finger Lakes Community College reserves the right to determine additional serious violations that will result in a PTN. A PTN will appear on a student's official academic transcript as grades of AW (Administrative Withdrawal) for the classes during the semester in which the sanction is imposed and a brief comment on the transcript noting sanction and date(s).

A student may appeal to remove a PTN from their transcript no sooner than one calendar year from the original sanction date. Requests for removal should be sent to the Associate Vice President of Student Affairs and should include a rationale for the request. Appeals will be reviewed by the AVP of Student Affairs and the Provost, Vice President for Academic and Student Affairs and a decision will be rendered within 30 calendar days from the receipt of the appeal.

When the decision is to not approve a request, the student may re-submit after one calendar year has elapsed. There shall be no more than five appeals for any student. Rationale for the reason the appeal is not granted will be provided.

For crimes of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act1 established in 20 U.S.C. 1 092(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."

Interim Suspension

The Director of Community Standards and Counseling, or designee, may summarily suspend a student and/or student organization; prohibit the same from any or all appropriate portions of college premises, college-related activities, or registered student organization activities; and/or permit the student or student organization to remain only under specified conditions for the interim period prior to a conduct conference. An interim suspension will be imposed whenever the Director of Community Standards or designee determines that the continued presence of the student on the College campus poses a significant risk of substantial harm to the health and/or safety of another student, other members of the college community, to the stability or continuance of normal college functions, or to property.

The Director of Community Standards and Counseling or designee may suspend a student for an interim period pending conduct proceedings or medical/mental health information. The interim suspension will become effective immediately without prior notice. Interim suspension may be imposed only:

A. To ensure the safety and well-being of members of the college community or preservation of college property;
B. To ensure other students' physical and/or emotional safety and well-being;
C. If the student poses a significant threat of disruption of or interference with the normal operations of the College.

A student subject to an interim suspension will be given written notice of the suspension and will be referred to these standards and procedures. The student will be given an opportunity to appear personally before the Director of Community Standards and Counseling or designee within four college business days from the effective date of the interim suspension, in order to review the following issues:

A. The reliability of the information concerning the student's conduct;

B. Whether or not the conduct and surrounding circumstances reasonably indicate a significant risk as described above;
C. Whether the risk posed by the student is the result of a medical or mental health condition or disability.

If the risk posed by the student is the result of a medical or mental health condition or disability, the Director of Community Standards and Counseling, or designee, shall also determine whether the risk can be eliminated or sufficiently reduced through reasonable accommodation and, if so, shall take appropriate steps to ensure that accommodation is provided. The Director of Community Standards and Counseling, or designee, may require that the student submit medical or mental health information to determine whether any such condition exists and whether reasonable accommodation is possible. If the student fails to submit required information and/or the available evidence establishes that the student's presence poses a significant risk of substantial harm to the health and/or safety of other students, other members of the college community, or to the stability or continuance of normal college functions or property, the Director of Community Standards and Counseling, or designee, may continue the interim suspension.

Conduct Appeals

Following receipt of the letters from the Associate Vice President of Student Affairs the reporting individual(s) and respondent(s) will have the opportunity to appeal the finding (responsible or not responsible) and/or the sanctions assigned by the Associate Vice President of Student Affairs. Such appeals must be submitted in writing to the Director of Community Standards and Counseling (or designee) within seven college business days of students signing for their respective letters. Appeals of sexual misconduct complaint outcomes are heard by the Conduct Board.

The grounds to file an appeal include substantive procedural error, sanctions are not appropriate, and new evidence has become available If one party in a sexual misconduct matter appeals, the other party will be informed at the close of the seven day period and given three additional business days to submit an opinion/position paper regarding their perspective on the outcome, e.g., if a respondent appeals, the reporting individual will have the opportunity to comment on the original outcome as well. These opinion/position papers are written without seeing the appeal of the other party. In cases of Sexual Misconduct, both the reporting and responding parties are eligible to appeal any decisions.

Appeal Process for Violations NOT resulting in Suspension, Conduct Dismissal and/or Permanent Transcript Notation

Sanctions which fall into this category are appealed to the Associate Vice President of Student Affairs (or designee when applicable). The appeal must be in writing and must be delivered to the Director of Community Standards & Counseling, Conduct Officer, or designee within the time frame stated in the sanction letter.

1. During the period of appeal, all sanctions will be considered in effect, pending the resolution of the appeal. Students restricted from classes may be given the opportunity to participate and/or submit work remotely at the discretion of the Director ofCommunity

Standards and Counseling or designee. Exemptions to this procedure may be requested by the Associate Vice President of Student Affairs.

2. The Associate Vice President of Student Affairs will review the appeal.
3. The appeal process will consist of a review of the records of the conduct conference and the supporting documents as well as the student, or authorized representative of a student organization, meeting with the Associate Vice President of Student Affairs. The meeting will be electronically recorded and the student may request a copy of the recording within three college business days of the receipt of the decision. The College shall have five business days from the time of the request to supply the recording.
4. The student will be notified in writing of the Associate Vice President of Student Affairs' decision within five College business days following their meeting.
5. If the appeal is denied, the original sanctions imposed may be upheld or reduced.
6. If a student or student organization (through an authorized student representative) fails to schedule or appear at an appeal meeting following proper written notification, the Associate Vice President of Student Affairs or designee may render a decision using the information available and without the benefit of having the student or organization's representative's input or information. Such decisions do not presume a finding of responsibility, or automatically result in upholding of sanctions.
7. Appeal meetings may be rescheduled at the discretion of the Associate Vice President of Student Affairs.
8. Students are limited to one appeal for each conduct conference.
9. The Associate Vice President of Student Affairs' decision is final.

Appeal Process for Violations resulting in Suspension, Conduct Dismissal and/or Permanent Transcript Notation

Sanctions which fall into this category are appealed to the Conduct Board. The Conduct Board is composed of three faculty members (appointed by the Faculty Teaching Alliance) and two matriculated students (appointed by the director of Student Life) who have each completed the minimum of twenty-four credits at FLCC and are in good academic and conduct standing. The chair of the Conduct Board will be a member of the faculty.

1. During the period of appeal, all sanctions will be considered in effect, pending the resolution of the appeal. Students restricted from classes may be given the opportunity to participate and/or submit work remotely at the discretion of the Director of Community Standards and Counseling or designee. Exemptions to this procedure may be requested by the Associate Vice President of Student Affairs.
2. The appeal must be in writing and delivered to the Director of Community Standards and Counseling (or designee) within the time frame stipulated in the sanction letter.

3. For cases in which the student or student organization is entitled to and has requested a hearing before the Conduct Board within the designated time frame, the Director of Community Standards & Counseling shall schedule the hearing.

4. The hearing shall commence no sooner than five College business days after the request for a hearing.

5. The student or student organization will be given a minimum of five college business days' notice prior to the hearing and may request a hearing time at a future date/time. Such requests must demonstrate extenuating circumstances and are at the discretion of the Director of Community Standards & Counseling.

6. The student or student organization shall have the right to file with the Conduct Board a written response to any charge(s) and/or sanction(s). Any response must be delivered to the Director of Community Standards and Counseling at least three full business days prior to the hearing.

7. The student or authorized representative of the student organization is offered the opportunity to have a supporter from the College community (defined in the Supporter section) to provide assistance and support before and during the formal hearing with the Conduct Board. The support shall not include legal counsel except in cases of sexual misconduct hearings.

8. The student or authorized representative of the student organization may invite witnesses, both factual and character, and bring other materials to the hearing. The student or student organization must provide the names, contact information, any other materials, and purpose of the desired attendance and/or use the Director of Community Standards & Counseling at least three full College business days prior to the hearing. This information will be shared with the Board members prior to the hearing. Absent extenuating circumstances the maximum number of witnesses shall not exceed five. It is the responsibility of the student or student organization to arrange for the attendance of any witnesses. Hearings will not be postponed for late or absent witnesses.

9. If a desired witness is unable to attend the designated hearing time, the student or student organization may obtain a written notarized statement from the witness to present at the hearing.

10. The hearing shall be closed to the public.

11. Personal belongings, other than files or other items pertinent to the hearing, will not be allowed to be brought into the room by the student, authorized student organization, supporter, or Board members. Provisions will be made to store personal belongings outside the hearing room by the Director of Community Standards and Counseling, or designee.

12. The chair, or a member of the Conduct Board designed by the chair to preside, shall have the right to determine the acceptability of testimony, including witnesses and any notarized statements and any other evidence during the hearing and may place time limitations on testimony and closing arguments.

13. The student, authorized representative of the student organization, and respondent(s) shall have the right to submit evidence and question all adverse witnesses who testify in the matter. If the Conduct Board elects to accept a witness's notarized written statement in lieu of live testimony, the identity of the witness and their statements shall be full disclosed to the student, authorized representative of the student organization, and respondent(s) at the hearing and they shall be given the opportunity to respond to such statements. Witnesses other than the student, authorized representative of the student organization, and respondent(s) shall be present only when they are giving testimony. It is the student's responsibility to arrange for witnesses to attend the hearing.

14. In rare instances, the College may elect to present formally a case using legal counsel. If the College elects to present a case using legal counsel, the student or student organization will be given notice of the decision and will also have the opportunity to be represented by legal counsel at the student's or student organization's own expense.

15. The hearing shall be recorded on equipment supplied by the College. The student, authorized representative of the student organization or respondent may request a copy of the recording by submitting a written request to the Director of Community Standards & Counseling or designee within five business days following the hearing. The recording shall be made available to the student, authorized representative of the student organization or respondent not sooner than five College business days following the hearing.

16. Both sides shall be given reasonable opportunity to present a closing statement.

17. If a student or student organization (through an authorized student representative) fails to schedule or appear before the Conduct Board, following proper written notification, the Conduct Board may render a decision using the information available and without the benefit of having the student or organization's representative's input or information. Such decisions do not presume a finding of responsibility, or automatically result in upholding of sanctions.

18. Conduct Boards are not normally rescheduled absent extenuating circumstances. They may be rescheduled at the discretion of the Associate Vice President of Student Affairs or designee.

19. At the close of the hearing, the Conduct Board shall deliberative privately. The Board will seek to reach consensus in adjudicating cases. In the event there is no consensus, a majority vote (the chair voting) will determine the outcome. Within five College business days after the close of the hearing, the Conduct Board shall report its findings and recommendation(s) in writing to the Director of Community Standards & Counseling.

20. Within five College business days from receipt of the Board's decision, the Director of Community Standards & Counseling will notify the student or student organization in writing of the outcome of the hearing and will also notify the student, if responsible, of the sanction(s) changed or was upheld.

21. The student or organization has the option to accept the Conduct Board's decision or to appeal the Conduct Board's decision to the College President.

Appeal of the Conduct Board's Decision to the College President

1. The student or student organization has the right to file a request for appeal with the College President within five College business days of the written notification of the disposition of the Conduct Board. The request should state the basis for the request and include all supporting documents.

2. A copy of the appeal must be submitted to the Director of Community Standards and Counseling or designee. During the period of appeal, all sanctions will be considered in effect, pending the resolution of the appeal. Students restricted from classes may be given the opportunity to participate and/or submit work remotely at the discretion of the Director of Community Standards & Counseling or designee. Exemptions to these procedures may be requested from the Associate Vice President of Student Affairs.

3. The request for appeal will be considered only if it merits at least one of the grounds for appeals mentioned previously.

4. The College President shall decide if the appeal has merit or not (e.g., to review or not review the decision)

    a) If the appeal alleges that there was a substantive defect in procedure or new evidence is presented and the College President finds that there was a substantive defect in the procedures or new evidence presented which was sufficiently substantial to have affected the outcome, the College President will order a new hearing.

    b) If the appeal alleges that the sanction was inappropriate and the College President finds the sanction to be inappropriate, the College President may change or decrease the sanction.

5. The College President will notify in writing the student or student organization, and the Director of Community Standards & Counseling, of their decision within five (5) College business days of their receipt of the request for appeal. If the College President requires additional time, the Director of Community Standards and Counseling may extend a time limit. The extension shall be in writing and shall include the reason for the extension, and copies shall be forwarded to the student and student organization.

6. The decision of the College President to change a sanction or sustain the findings of the Conduct Board is final.

7. The result of any new hearing ordered by the College President may be appealed only as detailed in the section. If a new hearing is ordered, the new hearing will be held before the original hearing authority.

Advocates

Reporting Parties and Responding Parties are offered the option to have an advocate accompany them to procedural reviews, interviews, and any other meetings with college officials. In all sexual misconduct matters this advocate may be a member of the college community (defined as currently enrolled student or current employee) or may choose to have someone outside the

above definition as an advocate, including legal representation. Upon request, the College will supply the name of a potential advocate from the college community. The student is responsible for contacting the advocate to obtain their approval to serve in this role. The student shall submit the contact information to the investigator(s) at least three full college business days prior to any meeting. At a student's request, a meeting may be postponed for a maximum of three college business days while the student contacts an advocate of their choosing.

a. An advocate's role is limited. The advocate may:
   a) attend meetings with the student;
   b) speak privately or communicate in writing with the student during meetings; and
   c) request a brief break to speak to the student outside the meeting room. Such requests will be granted at the discretion of the investigator(s).

b. The advocate cannot:
   a) investigate the charges outside of the stated conduct procedures;

   b) present the student's case on behalf of the student;

   c) question and respond to the investigator(s) on behalf of the student during the interview; or

   d) speak to other parties on behalf of the student.

Advocates who do not follow these guidelines will not be allowed to continue in the process with the student. Reporting individuals and respondents are responsible for presenting themselves and their perspectives during sexual misconduct procedures.

Alcohol and/or Drug Use Amnesty

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. FLCC recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. FLCC strongly encourages students to report incidents of domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to FLCC officials or law enforcement will not be subject to FLCC code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Crime Prevention/Awareness Education

The College has education programs to promote the awareness of rape, acquaintance rape, dating violence, domestic violence, sexual assault, and stalking. These education programs include primary prevention and awareness programs for all incoming students and new employees. Campus Police and appropriate college administrators attend local, state and national trainings

on preventing and addressing sexual violence and improving compliance with existing federal laws. These education 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 is 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 conduct procedures. The various programs and trainings offered by the College are described below:

1. ***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.

Examples of prevention programs include:

- Session on health and wellness
- Bystander awareness information
- Continuum of sexual violence information

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

Examples of awareness programs include: Regional, and/or national speakers on dating, *Clothesline Project* which educates on topics around violence

3. ***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.

Examples of prevention programs include:

- Meet your Campus Police Peace Officers
- Interactive Campus Police awareness programs around themes of reporting violence, dating, domestic, sexual assault, and stalking
- Program series with an emphasis on mental and physical health
- Alcohol awareness events with Campus Police

4. ***Ongoing Prevention & Awareness Campaigns*:** These include programs, 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 and including information provided in campus education programs.

Example of ongoing campaigns addressing rape, dating violence, domestic violence, and sexual assault include: "These Hands Don't Hurt."

5. ***Primary Prevention Programs*:** These include programs, 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.

    - The Director of Student Health Services provides annual training to Resident Assistants which includes small group discussion, decision-making, and critical thinking regarding the continuum of relationship violence, rape myths, beliefs, intervention opportunities and making referrals

    - Approximately 50-70% of all sexual assaults involve alcohol (American College Health Association, 2008). FLCC and the Campus-Community Coalition continue to implement the Federal Substance Abuse and Mental Health Administration's Challenging College Alcohol Abuse (CCAA) model program. This program targets traditional-age students to challenge attitudes, behaviors and misperceptions about alcohol as well as creating an atmosphere of deterrence for underage alcohol use.
      Visit: www.flcc.edu/studenthealth/coalition.cfm. The Director of Student Health Services continues to implement the Brief Alcohol/Drug Screening and Intervention (BASIC) program for students with alcohol/drug sanctions, to incrementally reduce risk factors for substance abuse, including prevention of sexual assault

6. ***Risk Reduction Programs*:** These programs present options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. The Athletics Department facilitates a "Winning with Character" program each year, which contains elements of bystander intervention and the prevention of sexual assault

Resource Agencies:

NYS Division of Human Rights State Headquarters
NYS Division of Human Rights One Fordham Plaza, 4th Floor Bronx, NY 10458 Tel: 718.741.8400 Fax: 718.741.3214

Albany, NY

NYS Division of Human Rights
Empire State Plaza, Corning Tower, 28th Floor PO Box 2049
Albany, NY 12220
Tel: 518.474.2705
Fax: 518.473.3422

Office of Sexual Harassment NYS Division of Human Rights Office of Sexual Harassment
55 Hanson Place, Suite 347 Brooklyn, NY 11217
Tel: 718.722.2060 or 800.427.2773 Fax: 718.722.4525
Office of AIDS Discrimination
NYS Division of Human Rights Office of AIDS Discrimination
20 Exchange Place, 2nd Floor
New York, NY 10005
Tel: 212.480.2522 or 800.522.4369
Fax: 212.480.0143

United States Department of Labor
Office of Federal Contract Compliance Programs (OFCCP)
201 Varick St., Room 750 New York, NY 10014 Tel: 212.337.2006 Fax: 212.620.7705

OFCCP New York District Office
26 Federal Plaza, Room 36-116
New York, NY 10278-0002
Tel: 212. 264.7742
Fax: 212. 264.8166

NYS Department of Labor
State Campus, Building 12, Room 500
Albany, NY 12240-0003
Tel: 518. 457.2741
Fax: 518. 457.6908

U.S. Equal Employment Opportunity Commission EEOC National Headquarters
131 Main St. NE, 4th Floor, Suite 4NW02F Washington, DC 20507
Tel: 202. 663.4900 Fax: 202. 663.4912

EEOC Field Office
6 Fountain Plaza, Suite 350

Clery Act Crime and Referral Definitions

In order to thoroughly understand the statistics presented in this report it is important to know that, for some definitions, the Clery Act requires FLCC to use definitions that are different from New York State Law and/or the Student Codeof Conduct. The following are Clery Act definitions of crimes and referrals and, where there is a difference, New York State Law definitions. The FLCC Code of Conduct definitions can be found on pages 24-26 of this report.

Aggravate d Assault

Clery Act Definition: 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

Clery Act Definition: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another etc.

Burglary

Clery Act Definition: The unlawful entry of a structure to commit a felony or a theft.

Dating Violence

Clery Act definition: 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.

NYS Penal Law Definition: Any number of NYS Penal Law citations may be involved when reporting Dating Violence and/or Domestic violence. These include, but are not limited to: assault, rape, murder, sexual abuse, harassment, stalking, criminal mischief, disorderly conduct, and larceny.

Domestic Violence

Clery Act definition: 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 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.

NYS Penal Law Definition: Any number of NYS Penal Law citations may be involved when reporting Dating Violence and/or Domestic violence. These include, but are not limited to:

assault, rape, murder, sexual abuse, harassment, stalking, criminal mischief, disorderly conduct, and larceny.

Drug Abuse Violations
Clery Act definition: 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.

Ille gal Weapons Possession/We apon Law Violations
Clery Act definition: 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.

NYS Penal Law definition: Any number of Penal Law violations as defined in section 265 may be involved when reporting weapons possession/weapon law violations.

Liquor Law Violations
Clery Act definition: 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.
Motor Vehicle Theft
Clery Act definition: The theft or attempted theft of a motor vehicle. (Including any self-propelled vehicle that runs on land surface and not on rails, such as motor scooters, trail bikes, mopeds, snowmobiles, golf carts, and motorized wheelchairs.)

Murder and Non-Negligent Manslaughter
Clery Act definition: The willful (non-negligent) killing of one human being by another. This includes any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

Manslaughter by Negligence
Clery Act definition: The killing of another person through gross negligence. It is any death caused by gross negligence. In other words, it's something a reasonable and prudent person would not do.

Robbery
Clery Act definition: 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.

Sexual Assault

Student Code of Conduct definition: The term "sexual assault" is defined as a physical sexual act or acts committed against another person without consent. Sexual assault is an extreme form of sexual harassment. Sexual assault includes what is commonly known as "rape" (including what is commonly called "date rape" and "acquaintance rape"), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.

Rape

Clery Act definition: 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. This offense includes the rape of both males and females.

NYS Penal Law definitions: The citations that most closely meet the Clery Act definition of Rape are:

S 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;
2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or
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.

S 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; or
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.

S 130.35 Rape in the first degree.

A person is guilty of rape in the first degree when he or she 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; or

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.

Fondling

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

NYS Penal Law definition: There is no NYS Penal Law called "fondling." The NYS Penal Law citation that most closely meets the Clery Act definition of fondling is:

S 130.52 Forcible touching.

A person is guilty of forcible touching when such person intentionally, and for no legitimate purpose:

1. 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; or
2. subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions.

For the purposes of this section, forcible touching includes squeezing, grabbing or pinching.

Forcible touching is a class A misdemeanor.

Incest

Clery Act definition: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

NYS Penal Law definition: The NYS Penal Law citation that most closely meets the Clery Act definition of Incest is:

S 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 is a class E felony.

Statutory Rape
Clery Act definition: Sexual intercourse with a person who is under the statutory age of consent. (17yrs old in NY)

NYS Penal Law definition: There is no definition of Statutory Rape in the NYS Penal Law. See the above citations, under "Rape," that most closely meets the Clery Act definition of Statutory Rape.

Consent
NYS Penal Law definitions:
S 130.05 Sex offenses; lack of consent.
1. Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.
2. Lack of consent results from:
(a) Forcible compulsion; or
(b) Incapacity to consent; or
(c) Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct; or
(d) Where the offense charged is rape in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

Stalking
Clery Act definition: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-
Fear for the person's safety or the safety of others; or
Suffer substantial emotional distress

NYS Penal Law definition: The NYS Penal Law citation that most closely meets the Clery Act definition of Stalking is:

S 120.45 Stalking in the fourth degree.
A person is guilty of stalking in the fourth degree when he or she intentionally, and for no 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 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.

For the purposes of subdivision two of this section, "following" shall include the unauthorized tracking of such person's movements or location through the use of a global positioning system or other device.

Stalking in the fourth degree is a class B misdemeanor.

Hate Crime Definition

For the purpose of statistical disclosures the Clery act requires FLCC to use the following definition of hate crimes: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. This bias may be based upon the victim's actual or perceived characteristic(s). Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

The following crimes are only reported in the statistical disclosure if they are determined to be hate crimes.

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.

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

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.

Destruction/Damage /Vandalism of Property: 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.

Unfounded Crimes

An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence,

have made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report.

New York State Penal Law Additional Information

NYS Penal Law Definitions for Sex Offenses

130.00 Sex offenses; definitions of terms.

The following definitions are applicable to this article:

1. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight.

2. (a) "Oral sexual conduct" means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.

(b) "Anal sexual conduct" means conduct between persons consisting of contact between the penis and anus.

3. "Sexual contact" means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.

4. For the purposes of this article "married" means the existence of the relationship between the actor and the victim as spouses which is recognized by law at the time the actor commits an offense proscribed by this article against the victim.

5. "Mentally disabled" means that a person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct.

6. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his conduct owing to the influence of a narcotic or intoxicating substance administered to him without his consent, or to any other act committed upon him without his consent.

7. "Physically helpless" means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

8. "Forcible compulsion" means to compel by either:

a. use of physical force; or

b. a threat, express or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person, or in fear that he, she or another person will immediately be kidnapped.

9. "Foreign object" means any instrument or article which, when

inserted in the vagina, urethra, penis, rectum or anus, is capable of causing physical injury.

10. "Sexual conduct" means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.

11. "Aggravated sexual contact" means inserting, other than for a valid medical purpose, a foreign object in the vagina, urethra, penis, rectum or anus of a child, thereby causing physical injury to such child.

12. "Health care provider" means any person who is, or isrequired to be, licensed or registered or holds himself or herself out to be licensed or registered, or provides services as if he or she were licensed or registered in the profession of medicine, chiropractic, dentistry or podiatry under any of the following: article one hundred thirty-one, one hundred thirty-two, one hundred thirty-three, or one hundred forty-one of the education law.

13. "Mental health care provider" shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker.

Additional information on NYS penal law definition of consent

S 130.05

3. A person is deemed incapable of consent when he or she is:

(a) less than seventeen years old; or

(b) mentally disabled; or

(c) mentally incapacitated; or

(d) physically helpless; or

(e) committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties: (A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to inmates; or

(B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or

(ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or

hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or

(iii) a person, including a volunteer, providing direct services to inmates in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or

(f) committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or

(g) committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or

(h) a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in section 130.25, criminal sexual act in the third degree as

defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or

(i) a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, habilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact.

Clery Act Crime Location Definitions:

On-campus—includes any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls, and property that is frequently used by students. This category includes our main campus building at 3325 Marvin Sands Dr., The Constellation Brands Marvin Sands Performing Arts Center (CMAC) at 3355 Marvin Sands Dr., and The Suites at Laker Landing, 4316 College Suites Dr.

Residential facilities—includes residence halls and on campus apartment housing. This category includes The Suites at Laker Landing, 4316 College Suites Dr.

Public property—includes thoroughfares, streets, sidewalks, and parking facilities within the campus, or immediately adjacent to and accessible from the campus.

Non-campus sites—any property owned or controlled by a student organization officially recognized by the institution and is used in direct support of, or in relation to, the institution's educational purposes, and is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. The Geneva, Newark and Victor Campus Centers, as well as the Muller Field Station, and the East Hill Field Station are classified within this category.

Finger Lakes Community College 2020 Annual Crime Statistics				
Clery Defined Locations	**On Campus**	**On Campus Housing**	**Public Property**	**Non-Campus Locations**
Part I Primary Crime s				
(A) Criminal homicide:	0	0	0	0
(1) Murder and Manslaughter by negligence	0	0	0	0
(2) Manslaughter by negligence	0	0	0	0
(B) Sex offenses:				
(1) Rape	0	1	0	0
(2) Fondling	0	0	0	0
(3) Incest	0	0	0	0
(4) Statutory rape	0	0	0	0
(C) Robbe ry	0	0	0	0
(D) Aggravated assault	0	0	0	0
(E) Burglary	0	0	0	0
(F) Motor vehicle theft	0	0	0	0
(G) Arson	0	0	0	0
	0	0	0	0
Part II Drug Alcohol and Weapons				
a. Weapons arrests	0	0	0	0
b. Drug law arrests	1	0	0	
c. Liquor law arrests	2	0	0	0
d. Weapons law referrals	0	0	0	0
e. Drug law referrals	1	1	0	0
f. Liquor law referrals	1	29	0	0
Part III Hate Crimes- NARRATIVE FORMAT	There were no hate crimes reported in 2020			
Part IV VAWA Crimes				
g. Domestic violence	1	0	0	0
h. Dating violence	1	0	0	0
i. Stalking	0	0	0	0

Finger Lakes Community College 2021 Annual Crime Statistics				
Clery Defined Locations	**On Campus**	**On Campus Housing**	**Public Property**	**Non-Campus Locations**
Part I Primary Crime s				
(A) Criminal homicide:	0	0	0	0
(1) Murder and Manslaughter by negligence	0	0	0	0
(2) Manslaughter by negligence	0	0	0	0
(B) Sex offenses:				
(1) Rape	0	0	0	0
(2) Fondling	0	0	0	0
(3) Incest	0	0	0	0
(4) Statutory rape	0	0	0	0
(C) Robbe ry	0	0	0	0
(D) Aggravated assault	0	0	0	0
(E) Burglary	0	0	0	0
(F) Motor vehicle theft	0	0	0	0
(G) Arson	0	0	0	0
Part II Drug Alcohol and Weapons				
a. Weapons arrests	0	0	0	0
b. Drug law arrests	0	0	0	
c. Liquor law arrests	0	0	0	0
d. Weapons law referrals	1	0	0	0
e. Drug law referrals	9	8	0	0
f. Liquor law referrals	35	35	0	0
Part III Hate Crimes	There were no hate crimes reported in 2021			
Part IV VAWA Crimes				
g. Domestic violence	1	0	0	0
h. Dating violence	0	0	0	0
i. Stalking	2	0	0	0

Finger Lakes Community College 2022 Annual Crime Statistics				
Clery Defined Locations	**On Campus**	**On Campus Housing**	**Public Property**	**Non-Campus Locations**
Part I Primary Crime s				
(A) Criminal homicide:	0	0	0	0
(1) Murder and Manslaughter by negligence	0	0	0	0
(2) Manslaughter by negligence	0	0	0	0
(B) Sex offenses:				
(1) Rape	0	0	0	0
(2) Fondling	0	0	0	0
(3) Incest	0	0	0	0
(4) Statutory rape	0	0	0	0
(C) Robbery	0	0	0	0
(D) Aggravated assault	0	0	0	0
(E) Burglary	0	0	0	0
(F) Motor vehicle theft	0	0	0	0
(G) Arson	0	0	0	0
Part II Drug Alcohol and Weapons				
a. Weapons arrests	0	0	0	0
b. Drug law arrests	0	0	1	0
c. Liquor law arrests	0	0	0	0
d. Weapons law referrals	2	1	0	0
e. Drug law referrals	11	11	0	0
f. Liquor law referrals	27	26	0	0
Part III Hate Crimes	There were no hate crimes reported in 2022			
Part IV VAWA Crimes				
g. Domestic violence	0	0	0	0
h. Dating violence	1	1	0	0
i. Stalking	2	1	0	0

Finger Lakes Community College Annual Fire Safety Report

Finger Lakes Community College's Annual Fire Safety Report is also available. This report is required by federal law and contains policies, procedures and programs concerning fire safety in addition to reported fires pertaining to on-campus student housing facilities, not the campus as a whole.

The Finger Lakes Community College Annual Fire Safety Report is available online at https://www.flcc.edu/pdf/safety/AnnualFireReport.pdf

Paper copies of this report can be obtained from the FLCC Campus Police Department, or any of the Campus Centers.