



**SUNY
CORNING**
COMMUNITY COLLEGE

2025 SUNY Corning Community College Annual Security and Fire Safety Report

Introduction

Campus Safety

At SUNY Corning Community College, safety and security is a shared responsibility. In addition to the uniformed presence of the Department of Public Safety, the best protection against campus crime is an aware, informed, alert campus community who use reason and caution.

While the majority of our students, staff and visitors will never become the victim of a crime, crimes sometimes occur despite our best efforts. This information is intended to provide useful information relating to campus safety and to keep our students, employees and guests well informed about our crime statistics in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. We are committed to providing a safe and secure environment for the campus community.

We provide this information so that you can make informed decision in regards to your safety. If you have any concerns, questions or comments about federal or state law requirements or the College's compliance with these laws, please contact the Department of Public Safety at (607) 962-9000.



Policy Addressing Preparation of Disclosure of Crime Statistics

The Department of Public Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our website at the Department of Public Safety page, and then clicking on the Annual Security Report tab. The report is prepared in cooperation with the local law enforcement agencies surrounding our campuses, the Department of Public Safety and other departments at SUNY Corning Community College. Each entity provides updated information on their educational efforts and programs to comply with the Act. In an effort to thoroughly obtain accurate statistics, the Executive Director of Auxiliary Campus Services annually requests crime statistics from each local law enforcement entity that has overlapping jurisdiction on our campuses. In addition, the Department of Public Safety keeps records of law enforcement activity related to this report occurring on our campuses which is then documented in the department records management system.

Campus crime, arrest and referral statistics include those reported to the Department of Public Safety, other local law enforcement agencies and designated campus officials considered to be “Campus Security Authorities” (CSA’s). Examples of Campus Security Authorities include but are not limited to: staff members who oversee student housing, the Assistant Dean of Student Services, the Director of Athletics, a team coach or a faculty advisor to a student group; or the Coordinator of Residence Life and Retention. If someone has significant responsibility for student and campus activities, they are a campus security authority.

These statistics include crimes that occur on campus, in residence halls and on the local streets immediately surrounding the campus. Staff members who directly interact with students inform them of the procedures to report crime to the Department of Public Safety on a voluntary and/or confidential basis, should they feel it is in their best interest. There are also procedures in place to anonymously capture crime statistics for the college.

The Annual Security Report is prepared by the Executive Director of Auxiliary Campus Services. Faculty, staff, and enrolled students are notified when the report is completed and available. All prospective employees are provided information on how to obtain Clery Crime statistics for the past three years. Human Resources staff members also inform prospective employees they may access the full Annual Security Report on the SUNY CCC website for additional information. For reporting purposes, statistics are provided individually for the following campus locations: Main Campus at 1 Academic Drive, Corning, NY; Airport Corporate Park located at 360 Daniel Zenker Drive, Horseheads, NY, The Health Education Center located at 132 Denison Parkway East in the City of Corning and The Elmira Workforce Development Center at 318 Madison Avenue, Elmira. At this time, SUNY Corning Community College does not have non-campus locations of student organizations which are officially recognized by the institution.

Printed copies of this report may be obtained from the SUNY Corning Community College Department of Public Safety located in the Commons Building, Room M-148 at 1 Academic Drive, Corning, NY 14830 or by calling (607) 962-9000. Please call in advance so a copy can be prepared prior to your arrival.

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and the relevant federal law. It is important to note that the crime classification definitions for which colleges and universities must provide statistics for the Clery Act differ from the state definitions. For example, the crime statistics reported under the Jeanne Clery Act include the following:

Uniform Crime Reporting Program (UCR) Crime Categories –

- Criminal Homicide (Murder /Non Negligent Manslaughter and Negligent Manslaughter)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Forcible Sex Offenses (Rape, Fondling, Incest and Statutory Rape)



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Definition of Clery Terms

The following is a list of terms used in the Clery Act. Note that these definitions may not be the same as those in the New York State Penal Law.

Accused - a person accused of a violation who has not yet entered an Institution's judicial or conduct process.

Advisor - any individual who provides the accused or victim/survivor with support, guidance and/or advice.

Aggravated Assault - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

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

Bias Crime - See 'Hate Crime'

Burglary - The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Bystander - a person who observes a crime, impending crime, conflict, potentially violent or violent behavior, or conduct that is in violation of rules or policies of an institution.

Bystander intervention - A bystander's safe and positive actions to prevent harm or intervene when there is a risk posed to another person. Bystander intervention includes recognizing situations of potential harm, identifying safe and effective intervention options, and taking action to intervene.

Clery Coordinator - Not an official title, but informally used to reference the individual, office, or group of individuals or offices tasked with collecting data for the Annual Security Report and submission to the Department of Education.

Code - As used here, this refers to the college or university's Student Code of Conduct (or equivalent, if it is differently-named), for which changes are subject to the approval of the College Council for State- operated colleges and Board for Community Colleges.

Code of Conduct - The written policies adopted by an Institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.

Consent - Consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity. Consent is active, not passive. Requesting and having consent accepted is the responsibility of the person(s) initiating each specific sexual act regardless of whether the

person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. When consent is withdrawn, sexual activity must stop.

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

Confidentiality - may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with State and Federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

Dating Violence - The term "dating violence" means violence committed by a person;

1. Who has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such relationship shall be determined based on the reporting party's statement with consideration of:
 - I. The length of the relationship
 - II. The type of relationship
 - III. The frequency of interaction between the persons involved in the relationship

Discrimination - Occurs whenever a person is denied equality of opportunity because of race, creed, color, sex, religion, national origin, ancestry, age, disability, marital status, sexual orientation, criminal record or veteran status

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

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

Forcible Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Rape - The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

Forcible Sodomy - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Hate Crime - A reported crime that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability.

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

Larceny - The unlawful taking of property from the possession, or constructive possession, of another.

Liquor Law Violations - The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

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

Motor Vehicle Theft - The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding).

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

Non-consent- Silence, in and of itself, cannot be interpreted as consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. Consent to any sexual act or prior consensual sexual activity between or with any party does not constitute consent to any other sexual act. Consent cannot be given when a person is incapacitated. o Incapacitation occurs when an individual lacks the capacity to fully, knowingly choose to decide about participating in sexual activity, whether due to a disability that limits informed sexual decision-making, or because of impairment due to drugs or alcohol (whether such use is voluntary or involuntary), the lack of consciousness or being asleep, being involuntarily restrained, if any of the parties are under the age of 17, or otherwise cannot consent.

Non-professional counselors and advocates - campus support resources that are not privileged or confidential. These individuals are not required to reveal personally identifiable information about a victim/survivor to the Title IX Coordinator, Clery Coordinator, or anyone else on campus. They are required to report aggregate data to the Title IX Coordinator, including nature, date, time, and general location of the incident.

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

Privacy - may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with this and other applicable laws, including informing appropriate Institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the Institution.

Privileged or Confidential Resources - Individuals that, with very few exceptions, are confidential resources to those wishing to disclose sexual violence. Such resources include licensed medical professionals, licensed mental health counselors, the college nurse and clergy.

Protected person/individual - a person protected by an Order of Protection, which is issued by the court to limit the behavior of someone who harms or threatens to harm another person.

Rape - 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.

Reporting individual - shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to refer to an individual who brings forth a report of a violation.

Respondent - a person accused of a violation who has entered an Institution's judicial or conduct process.

Responsible employee - an employee with the authority to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. If a responsible employee is aware of sexual violence, then the college is considered on notice of that sexual violence.

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.

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

Sexual activity - shall have the same meaning as “sexual act” and “sexual contact” as provided in 18 U.S.C. 2246(2) and 18 U.S.C. 2246(3).

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”), fondling, statutory rape and incest. For statutory rape, the age of consent in New York State is 17 years old.

Sexual Assault with an Object - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity

Sex discrimination - includes 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 SUNY campus or whether it occurs during work hours. Sex 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 Title IX.

Sexual harassment - unwelcome, gender-based verbal, non-verbal, 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 University's educational program and/or activities, and is based on power differentials, the creation of a hostile environment, or retaliation.

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.

Sex Offenses Forcible - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

Sex Offenses Non-Forcible - Unlawful, non-forcible sexual intercourse.

Simple Assault – Assaults and attempted assaults where no weapon was used and which did not result in a serious or aggravated injury to the victim. (Currently, this crime category only applies to hate crimes.)

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress

Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Title IX Coordinator - the Title IX Coordinator and/or his or her designee(s).

Victim/survivor - a person who suffers personal, physical, or psychological injury. The policies use "victim/survivor" and campuses are encouraged to ask each individual disclosing or reporting sexual violence how that person wants to be identified--whether as victim, survivor, witness, reporting individual or another term.

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

SUNY Corning Community College General Information

Geography Definitions

On-Campus - (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building Or Property - (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

On-Campus Student Housing Facilities - Statistics are included also in the On-Campus statistics; they include only incidents which occurred in the residence halls

Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus. The crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

SUNY Corning Community College Geographic Locations

The following locations are part of SUNY Corning Community College and are subject to the gathering of Clery Crime Statistics:

Main Campus
1 Academic Drive
Corning, NY 14830

Airport Corporate Park
360 Daniel Zenker Drive
Horseheads, NY 14845

Health Education Center
132 Denison Parkway East
Corning, NY 14830

Academic and Workforce Development Center
318 Madison Avenue
Elmira, NY 14901

Campus Law Enforcement Authority

The Department of Public Safety employs both Campus Safety Officers and Senior Campus Safety Officers. The fundamental difference between the two is that the Senior Campus Safety Officers are sworn law enforcement officers who are designated as Peace Officers under New York State Criminal Procedure Law and Campus Safety Officers are NYS licensed Security Guards. Senior Campus Safety Officers have full arrest powers on the college campus. Criminal incidents may be referred to the Senior Campus Safety Officers whose jurisdiction encompasses all campus owned property.

Campus Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at SUNY Corning Community College. Campus Safety Officers have the authority to issue parking citations on SUNY Corning Community College property or property leased by SUNY Corning Community College. Campus Safety Officers do not possess arrest powers.

If minor offenses involving College rules and regulations are committed by a SUNY Corning Community College student, any Department of Public Safety Officer may refer the individual to the Assistant Dean of Student Services under the college student conduct procedures.

Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the New York State Police or local Sheriff's Office (Steuben or Chemung). Joint investigative efforts with officers from the Department of Public Safety and the New York State Police or local Sheriff's Office (Steuben or Chemung) are utilized to solve these serious felony crimes.

All crime victims and witnesses are strongly encouraged to immediately report crime to the Department of Public Safety and the New York State Police or local Sheriff's or Police Department (Steuben or Chemung). Prompt reporting will assure timely warning notices on campus, timely disclosure of crime statistics and will assist the appropriate law enforcement agency in its investigation of crimes occurring on campus. Victims and witnesses may voluntarily report crimes to the Department of Public Safety on a confidential basis for inclusion of incidents in the statistical portion of the Annual Security Report.

General Procedures for Reporting a Crime or Emergency on Campus

To report a crime or an emergency on any campus site, either call 911 to speak to an emergency dispatcher or contact the Department of Public Safety at (607) 962-9000 (or by dialing extension 9000 from any phone within the College system). There are also "Red Phones" in most buildings that automatically dial the Department of Public Safety.

Reports of crime that are of a non-emergency nature can also be made to any Campus Security Authority. Examples of Campus Security Authorities include but are not limited to: staff members who oversee student housing, the Director of Athletics, a team coach or a faculty advisor to a student group; or a Residence Life staff member. If someone has significant responsibility for student and campus activities, he or she is a Campus Security Authority. It is the Campus Security Authority's primary responsibility to report allegations made in good faith, to the Department of Public Safety, which has been designated as the reporting department of SUNY Corning Community College.

If you see something suspicious, report it. If no imminent threat exists, in addition to contacting Public Safety, you may also report suspected activity to the following:

Assistant Dean of Student Services	Gymnasium Building	Ext. 9396
Director of Student Services/Residence Life	Commons Building	Ext. 9133
Coordinator of Residence Life & Retention	Perry Hall	Ext. 9135

Reporting a Crime off Campus

To report a crime that occurs off campus, call 911 if it is an emergency. The Director of Public Safety meets regularly with state, county and local law enforcement agencies to exchange ideas and discuss problems which may be of concern for the college community. The Department of Public Safety is also notified by local law enforcement agencies if they are investigating reported incidents occurring on campus property.

Statement of Memorandum of Understanding (MOU) with the New York State Police

The College recognizes that laws and rules are necessary for society to function and supports the enforcement of law by governmental agencies and rules by officials of the College. All persons on the campus are subject to these laws and rules at all times. While the College is private property and Constitutional protections apply, law enforcement officers may enter the campus to conduct business as needed. Additionally, the officers are invited to patrol the campus to assist the Department of Public Safety in deterring crime.

The Department of Public Safety is recognized by the State of New York as a law enforcement/public safety agency.

The Department of Public Safety enjoys an especially good relationship with the New York State Police and Steuben County Sheriff's Office who also have jurisdiction on the main campus. To establish efficient enforcement guidelines, a "memorandum of understanding" (MOU) between the New York State Police and the Department of Public Safety has been developed to outline which law enforcement agency will have jurisdiction over various offenses. Campus Safety Officers have no arrest authority beyond that of an ordinary citizen. Campus Safety Officers may make an arrest in the event a felony is committed in their presence; however, as a matter of course, serious crimes committed on the main campus are the responsibility of the New York State Police or Steuben County Sheriff's Office.

Department of Public Safety officers are expected to render all possible assistance provided such assistance can be given without significantly endangering the officer or others not involved in the crime.

As noted in the introduction and outlined in established emergency procedures, the New York State Police and/or Steuben County Sheriff's Office are notified of all serious crime on campus, and are immediately notified of major crimes via the telephone or two-way radio. The College also relies on the telephone or two-way radio to contact the Steuben County emergency dispatch center for fire and emergency medical needs. All victims are offered an opportunity to report crimes to local law enforcement agencies. Instances where law enforcement resources are needed are determined jointly between those agencies and the Executive Director of Auxiliary Campus Services or Assistant Director of Public Safety. Crimes committed at off campus facilities under the control of SUNY Corning Community College will be disclosed in these statistics if they come to the attention of the Department of Public Safety.

Accurate & Prompt Reporting

Community members, students, faculty, staff and guests are encouraged to accurately and promptly report all crimes and public safety related incidents to the Department of Public Safety in a timely manner. Both witnesses and bystanders are encouraged to report when a victim is unable to report.

To report a crime or an emergency on campus contact the Department of Public Safety at (607) 962-9000 or by dialing extension 9000 from any phone within the college system. To report a non-emergency security or public safety related matter, call the Department of Public Safety at extension 9000, or from outside of the college phone system, (607) 962-9000.

Department of Public Safety personnel are available to answer calls 24 hours a day. In response to a call, the Department of Public Safety will take the required action which may include; asking the victim to come to the Department of Public Safety offices to file an incident report, dispatching an officer to the scene or notifying local law enforcement, fire or emergency medical personnel to respond.

SUNY Corning Community College Public Safety incident reports may be forwarded to campus administration personnel for further action. Additionally, any incident reports involving students are forwarded to the Assistant Dean of Student Services for review and potential disciplinary action under the Student Code of Conduct or Residence Hall Handbook. The Executive Director of Auxiliary Campus Services or Assistant Director of Public Safety are responsible for all reported incidents that require an investigation. Additional information obtained via investigation will be forwarded to appropriate college personnel. If a law enforcement investigation is required, the Executive Director of Auxiliary Campus Services or Assistant Director of Public Safety will work with the appropriate law enforcement personnel to assist them with completing the investigation.

This publication contains information about on-campus and off campus resources to provide SUNY CCC community members with specific information regarding resources that are available in the event they become a victim of a crime. The information about “resources” is not provided to infer that those resources are “reporting entities” for SUNY Corning Community College.

All crimes should be reported to the Department of Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the college community.

Voluntary Confidential/Anonymous Reporting

If you are the victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. With your permission, any member of the campus community can file a report on the details of the incident without revealing your identity.

The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving both students and staff, determine if there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the college.

Limited Voluntary Confidential Reporting

The SUNY Corning Community College Department of Public Safety encourages anyone who is the victim or witness to any crime to promptly report the incident. Because Department of Public Safety records may at times be considered public records under State law, the Department of Public Safety cannot guarantee that reports of crimes will be held in confidence. Confidential reports for the purposes of inclusion in the annual disclosure of crime statistics can generally be made to Campus Security Authorities.

Examples of Campus Security Authorities include but are not limited to: the Assistant Dean of Student Services, staff members who oversee student housing, the Director of Athletics, a team coach or a faculty advisor to a student group, or a Resident Director. If someone has significant responsibility for student and campus activities, he or she is a campus security authority.

Confidential Reporting Procedures in Regards to Counselors

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092(f), clarification was given to those considered to be Campus Security Authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors”, when acting as such, are not to be considered to be a Campus Security Authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Pastoral Counselor Defined: An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor Defined: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certificate. SUNY CCC offers free counseling services to students through the Student Assistance Program.

Security and Access Policy

During business hours, the college (excluding residence halls) will be open to students, faculty, staff and guests. Any unescorted visitors should report to the Department of Public Safety Office before proceeding to their destination. During non-business hours, access to all college facilities is by key, if issued, or by admittance via the Department of Public Safety. In the case of extended closing, only those with prior approval will be admitted to any college facility.

Residence halls are secured 24 hours a day. All SUNY CCC students are issued a student identification card which also acts as a proximity card for resident students to enable them to enter Perry Hall. Students who loan their student identification/proximity card to another person may be subject to disciplinary action.

Some campus facilities may have individual hours which could vary at different times of the year. Examples are the library and computer labs. Emergencies may necessitate changes or alterations to any posted schedules.

Security Awareness Programs

During the academic year, the Department of Public Safety, in cooperation with other departments, may present prevention programs for sexual assault, crime prevention awareness, and other personal safety oriented programs. The Department of Public Safety also provides training to the Residence Life Staff and similar information is presented at New Employee Orientation to new employees. Crime Prevention Programs and Sexual Assault Prevention Programs are available through various responsible departments on a continual basis.

A common theme is to encourage students and employees to be aware of their responsibility for their own security and the security of others. The Department of Public Safety is always available to provide safety and security awareness, crime prevention programs, emergency response training, drug awareness, drinking and driving awareness, and other training requested by students or staff.

Additional security measures include; Security Escort service (available to students and staff), red phones, security considerations included in the construction and maintenance of campus facilities, video surveillance and access control systems.

Timely Warning and Emergency Notification Policy

When information regarding an emergency is received, the campus administration will determine whether a campus-wide emergency notification is necessary. Without delay and taking into account the safety of the campus community, administrators will determine the content of the notification and initiate communication, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The SUNY Corning Community College community is provided with timely information by way of the College intranet, MyCorning, regarding reported criminal activity in situations where the college believes a reported crime poses a serious or continuing threat to students and employees. Messages will be disseminated by the Crisis Communication Team in conjunction with emergency responders and when possible, the Emergency Response Team. During times of extreme emergency, the Department of Public Safety or individual members of the Emergency Response Team may generate emergency messages.

Crime Alerts will be issued when a crime that is Clery Act-reportable, committed or attempted by an un-apprehended perpetrator, poses a substantial risk to the physical safety of other members of the SUNY Corning Community College community, or when any crime involving bodily injury is classified as a hate crime, or if there is a pattern of crime against persons or property on campus. Crime Alerts will include the title of the reported crime; description of the incident, date, time, and location; description of the perpetrator; general description of the victim; tips for maintaining personal safety; a request for information; and where to direct this information. Crime Alerts will also be disseminated through MyCorning.

When time is of the essence, information is released to the college community through security alerts via text messages, door-to-door notification, fire alarm systems, digital signage, the College webpage, mass media, the college's electronic mail system, or the InformaCast phone notification system. InformaCast phones are located in offices and classrooms which allows the phone system to relay emergency messages.

Students, Faculty and Staff can receive immediate notifications through the college text messaging system. It is important that anyone wishing to receive text alerts regarding emergencies should update their Banner personal information to include a cell phone number. Text messages will be sent through this system to the cell phone number on record in Banner. All members of the campus community are advised to sign up with NY Alert to receive emergency notifications @users.nyalert.gov/



Campus Safety Committee

SUNY Corning Community College's Campus Safety Committee is in place to review current security policies and procedures and make recommendations for improvement. This advisory committee is responsible for ensuring that procedures for educational programs on safety, sexual assault and crime prevention are in place and that reporting, referral, counseling and response mechanisms for security and safety are also updated and monitored regularly.

The Safety and Security Committee reports its findings and recommendations directly to the President at least once each academic year. These reports are available upon request. To report a safety concern or to make recommendations regarding safety, contact the Executive Director of Auxiliary Campus Services (Chair to the committee) at publicsafety@corning-cc.edu or (607) 962-9000.

Physical Plant

The Physical Plant staff maintains campus buildings and grounds with a priority of safety and security. Staff members inspect campus facilities regularly, promptly make repairs affecting safety and security, and respond to reports of potential safety and security hazards such as broken windows and locks. To report concerns about the physical safety of campus buildings and grounds, call the Physical Plant Office (607) 962-9233 from 7:00 A.M. to 3:30 P.M. Monday through Friday. Emergencies outside of these hours should be reported to Public Safety at (607) 962-9000.

Procedures for Testing Emergency Response and Evacuation Procedures

Emergency drills will be conducted periodically in accordance with current statutory requirements and when deemed necessary by the Emergency Response Team. These drills provide an opportunity for students and staff to learn the locations of the emergency exits in the buildings and to be informed of what is expected of them so they may safely respond to incidents that occur on campus.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At SUNY CCC, evacuation drills are used as a way to educate and train occupants on issues specific to each building. Drills provide building occupants an opportunity to practice emergency response procedures and to 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 and communications systems.

Evacuation drills are led by the Department of Public Safety staff to evaluate egress and behavioral patterns. Reports are submitted to Physical Plant staff so that repairs to deficient equipment can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Resident students receive information about evacuation and shelter-in-place procedures from Residence Life Staff during meetings and during other educational sessions that they can participate in throughout the year. Residence Life staff members are trained in these procedures and act as an on-going resource for the students living in residential facilities.

After drills are conducted, emergency management staff members will meet to discuss and assess the response and to recommend improvements to emergency response procedures.

In an effort to test the college community's ability to respond during an emergency, tests may be unannounced or advance notice may be provided. A record for each emergency drill or exercise will be maintained and input will be solicited from participants.

Missing Student Notification Policy and Procedures

If a member of the college community has reason to believe that a student who resides in student housing is missing, he or she should immediately notify Public Safety at (607) 962-9000. Public Safety will generate a missing person report and initiate an investigation.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the college in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the college will notify that individual no later than 24 hours after the student is determined to be missing. A student who wishes to identify a confidential contact can do so through the Residence Life Office. A student's confidential contact information will be accessible only by authorized campus officials and law enforcement in the course of the investigation.

After investigating a missing person report, should Public Safety determine that the student has been missing for 24 hours, Public Safety will notify the New York State Police or the Steuben County Sheriff's Office and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the college will notify the student's parent or legal guardian immediately after Public Safety has determined that the student has been missing for 24 hours.



Alcoholic Beverages and Illegal Drugs Policy

Alcoholic Beverages

The possession, sale or the furnishing of alcohol on any of the SUNY Corning Community College campuses is governed by New York state and the New York State Alcoholic Beverage Control law. However, the enforcement of alcohol laws on-campus is the primary responsibility of the SUNY Corning Community College Department of Public Safety. The SUNY Corning Community College campus has been designated “drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the SUNY Corning Community College Department of Public Safety.

Violators are subject to SUNY Corning Community College disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the SUNY Corning Community College Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by SUNY Corning Community College.

The Student Association has voted that all student activities and socials be alcohol free. Student Association and the College continue to sponsor regular alcohol and drug awareness programs. Permits for the use of alcohol at events held on College-owned or operated property may be obtained from the Office of Student Life, subject to final approval from the Office of the President.

Applicability of the Policy

All members of the college community, including visitors to the college, should be familiar with and abide by this policy. The procedures for students are outlined in the student handbook. This policy shall also apply to conduct of students, employees, contractors and vendors when representing the college at college sponsored events at off- campus locations including but not limited to campus activities, school sponsored trips, school sponsored study abroad programs and school sponsored social events.

Summary of New York State Laws Pertaining To Alcohol:

Legal Minimum Purchase Age: No person shall sell, deliver, or give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to any person, actually or apparently, under the age of 21 years. Persons under 21 are not permitted to purchase, possess or consume alcoholic beverages.

Selling or Giving Alcohol to an Intoxicated Person: No person shall sell, deliver, give away, permit or procure to be sold, delivered or given away, any alcoholic beverages to an intoxicated person or any person under the influence of alcohol.

Using False I.D.s: Any person under 21 years of age who is found to have presented or offered false or fraudulent written identification of age for the purpose of purchasing or attempting to purchase alcoholic beverages may be faced with probation for a period of not exceeding one year, and may in addition receive a fine not exceeding \$100.00.

Effective November 1, 1989, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine of up to \$100.00 and a community service requirement of up to thirty (30) hours.

Previously, violations of this section were punishable only by the imposition of a one-year probationary period and a fine. Additionally, a person under the age of 21 who presents an altered New York State driver's license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver's license for up to ninety days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver's license following the suspension.

Personal Liability: The New York State legislation has enacted a law which imposes liability for injuries to third parties upon persons who knowingly cause the intoxication or the impairment of ability of a person under 21 years of age by "unlawfully furnishing" or "unlawfully assisting in procuring" alcoholic beverages for underage persons.

New York State Alcohol Beverage Control law sets twenty-one (21) as the minimum age to purchase or possess any alcoholic beverage. Parts of that law include:

- Persons under 21 found possessing alcohol may be given a maximum fine of \$50.
- Persons convicted for fraudulently using a driver's license to buy or attempt to buy alcohol may have their driver's licenses suspended up to 90 days.
- Persons convicted of buying alcohol through fraudulent means face a possible \$100 fine and/or may be required to work up to 30 hours of community service work.
- Persons convicted of selling, giving or serving alcohol to persons less than 21 years of age face significant fines.

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

Health Risks of Substance Abuse

Risks associated with substance abuse cannot be easily summarized, but the information that follows should give the reader an appreciation of the severity of these risks.

Substance abuse is usually acute or chronic. An acute problem results from a single episode of drug/alcohol use such as sudden heart failure (cocaine use), an automobile accident with personal injuries or misbehaviors with legal ramifications. While under the influence of alcohol or drugs, rational decision making may be altered which may result in many unwanted outcomes such as unwanted pregnancies, sexually transmitted disease, violence, and rape. Substance abuse by anyone can cause unwanted and unnecessary acute problems.

Chronic problems result from long-term habits of abuse of alcohol or drugs. It is typical for individuals with chronic problems to hide or deny the existence of a problem. In most cases, an individual's ability to perform any task is diminished which negatively affects one's relationships, ability to work and overall performance in life. Substance abuse creates changes in one's life that are very gradual and many times the negative effects go unnoticed by the abuser and those around him or her. Addiction is a disease that is not easily detected in the early stages.

Symptoms of addiction include:

- Drinking or getting high for relief
- Increased tolerance
- Feeling guilt or remorse (as a result of behavior while under the influence)
- Negative attitude or blaming others for problems
- Anxiety or depression
- Complaints from family/friends about drinking or drug use
- Decline in work performance
- Inability to remember what happened when drinking (blackouts)

Drug Free Campus

The college seeks to assure the health and well-being of all students. The college is committed to prevention efforts and intervention techniques. The college is committed to a standard of conduct that prohibits at a minimum, the unlawful possession and use or distribution of alcohol and other drugs by students.

Students should remember that the sale, use or even possession of a narcotic or dangerous drug (including marijuana, LSD, or any "narcotic, drug, depressant, or stimulant drug") constitutes an illegal act, unless expressly permitted by law. Legal authorities are required by their office to investigate and to prosecute whenever there is evidence of such illegal activity, and the college student is not immune from such investigation and prosecution. The college, therefore, will readily cooperate with law enforcement agencies in the upholding of the law and expects that our students will recognize drug abuse for the problem that it is and avoid its dangers.

If a student does engage in such illegal activity, it should be understood that he or she not only faces potential legal prosecution but also the possibility of disciplinary action through student conduct procedures.

Alcohol and Substance Abuse Information and Prevention Programs

SUNY Corning Community College partners with Local, State and Federal Agencies to provide students with services regarding alcohol and substance abuse. These include:

Steuben County Department of Community Services

<https://www.steubencony.org/pages.asp?PGID=30>

Chemung County Health Department

<http://www.chemungcountyhealth.org/>

Steuben Council on Addictions

http://www.catholiccharitiessteuben.org/services/steuben_council_addictions.html

Family Services of Chemung County

<http://www.familyservicesofchemung.com/>

Alcohol

<http://www.cdc.gov/alcohol/faqs.htm>

Tobacco

<http://www.nysmokefree.com/>

NYS Office of Alcoholism and Substance Abuse

<https://www.oasas.ny.gov/>

Website Resources

<https://www.healthstatus.com/calculate/blood-alcohol-bac-calculator/>

<http://www.cspinet.org/booze/collfact1.htm>

Blood Alcohol Estimator

FactSheet: Binge Drinking on College Campuses

Illegal Drugs

SUNY Corning Community College will not tolerate the unlawful possession and/or use of controlled substances, illegal drugs, and other products deemed to be illegal by the federal government and/or the State of New York on its premises. The unlawful manufacture, distribution, possession, or use of a controlled/illegal substance is prohibited in and on property owned or controlled by SUNY Corning Community College. Drug paraphernalia, [including but not limited to synthetic drugs, bongs, pipes, filter tubes, etc.] is not permitted and may, under some circumstances, be considered as evidence of illicit drug use. Such circumstantial evidence may be considered grounds for suspension or dismissal from the Residence Hall and/or college.

The college staff will strictly adhere to and enforce all federal law, state law and college regulations regarding illicit drug use. The college will cooperate with law enforcement agencies in any case involving the possession, use, or sale of illegal drugs on the SUNY Corning Community College campus. Any known use or possession of such drugs by a SUNY Corning Community College student will result in immediate disciplinary action, which may include suspension or expulsion. Being under the influence of drugs shall not excuse the student from legal and/or disciplinary consequences of offensive, disorderly or unlawful conduct.

Marijuana Regulation and Taxation Act and SUNY Campuses

On March 31, 2021, New York enacted the Marijuana Regulation and Taxation Act (MRTA), legalizing and regulating the use and possession of cannabis for adults ages 21 and up across the state. However, the MRTA's impact is limited for SUNY campuses based on continuing requirements of federal law. This document may be revised upon further guidance from the New York State Office of Cannabis Management and other agencies. Although the MRTA changes the way New York State regulates cannabis, using and possessing cannabis in any form remains a crime under federal law. Specifically, New York colleges and universities remain bound by their federal requirements under the Drug Free Schools and Communities Act and the Drug Free Workplace Act. Under these laws, the use, possession, and distribution of cannabis for any reason must be prohibited and subject to student code of conduct or employee disciplinary actions. Failure to comply with federal law may result in termination of all forms of federal financial assistance, including federal student financial aid grants. As a result, all existing campus policies prohibiting the use of cannabis must remain in effect. Possession or use of cannabis must remain prohibited on all SUNY property in public or in residence halls or offices (including college-owned and leased buildings, housing, and parking lots) and at all campus events or while conducting campus business, except for approved academic research. In addition to traditional cannabis buds that are smoked using rolling papers, bowls, bongs, or other paraphernalia, cannabis may also take the form of edibles, including candies, cookies, and brownies. None of these forms are permitted within college-owned or operated accommodations.

Sexual Offender Registration

Sexual Offender Registration Act

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act. Federal law requires state law enforcement agencies (in New York, it is the Division of Criminal Justice Services) to notify SUNY Corning Community College regarding sex offenders who have indicated that they are enrolled, employed or residing at CCC.

SUNY Corning Community College Department of Public Safety maintains a list of notices from the Department of Criminal Justice Services pertaining to sex offenders who have indicated that they are enrolled, employed or residing at CCC. The college is required to inform the campus community that a list of all registered sex offenders in New York State is available from the New York State Division of Criminal Justice Services.

Sex offender information can be obtained by calling DCJS at 1-800-262-3257 or <http://criminaljustice.state.ny.us/>

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000 and New York State Corrections Law 6-C.

CSCPA requires the Division of Criminal Justice Services (DCJS) to maintain a Sex Offender Registry. The Registry contains information on sex offenders classified according to their risk of re-offending as follows: low risk (level 1), moderate risk (level 2), and high risk (level 3). The Act requires that DCJS also maintain a subdirectory of level 3 sex offenders.

Sex offenders in New York are required to notify the Registry of any institution of higher education at which he or she is, or expects to be, whether for compensation or not, enrolled, attending or employed, and whether such sex offender resides or expects to reside in a facility operated by the institution.

Changes in status at the institution of higher education must also be reported to the Registry no later than ten days after such change.

Hate Crimes

Definition and Explanation of Hate Crime Classification

Members of the SUNY Corning Community College community have the right not to be discriminated against for reasons of age, creed, ethnic or national origin, gender, disability, marital status, political or social affiliation, race, religion, or sexual orientation. It is the policy of SUNY Corning Community College to ensure that all bias or hate related incidents are investigated thoroughly in a sensitive manner that provides support for, and minimizes the trauma experienced by the victim.

Definition of Hate Crime - A hate crime can be generally defined as a crime, which in whole or part, is motivated by the offender's bias toward the victim's status. The offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, ethnicity, national origin, ancestry, gender identity, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct (Section 485.05 of the New York State Penal Law).

Hate Crimes Act of 2000 - A person commits a hate crime when he or she commits a specified offense and either: (Section 485.05 of the New York State Penal Law).

- Intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or
- Intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail and instant messaging), physical assaults, vandalism, destruction of property, and fire bombings. A complete listing may be found in article 485.00 of the New York State Penal Law.

Response:

As soon as any member of the campus becomes aware of a hate crime, the Department of Public Safety should be contacted immediately. If the victim requires medical attention, Department of Public Safety and emergency medical services may be called.

Procedure:

The initial complaint of a hate crime may be made to the Department of Public Safety, the Executive Director of Human Resources, the Chief Diversity Officer or to a local law enforcement agency. The College will do everything possible to ensure a safe living environment for all involved persons. Although the victim may not wish to proceed with formal judicial or criminal proceedings, the College reserves the right to protect members of the campus community.

The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed in the preceding section and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.



Sexual Crimes and Assistance for Victims (Title IX)

Title IX procedures can be located in Appendix A at the end of this document.



Airport Corporate Park

Equal Employment and Educational Opportunity (EEEE) Policy

EEEE Policy Statement {RBOT Resolution #4050-15}

SUNY Corning Community College (“the college”) declares and affirms a policy of equal employment and equal educational opportunity. The college will make all decisions regarding admissions and the entire educational process of its students (including all educational programs and activities) and the recruitment, hiring, promotion, and other terms and conditions of employment without discrimination on the basis of race, color, age, religion, national origin, disability, sex, sexual orientation, or other protected characteristics which cannot be lawfully used as the basis for employment or educational decisions.

Through its policies and programs, the college undertakes to comply fully with all applicable federal, state and local laws relating to equal employment and equal educational opportunity. These laws include the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972, and the New York State Human Rights Law. These laws prohibit discrimination and harassment, including sexual harassment and sexual violence, and place an affirmative obligation on the college to maintain a work and study environment free from discriminatory harassment, intimidation, ridicule, and insult.

The college is committed to maintaining an educational and work environment that is free of any harassment and to fostering positive business and personal conduct so that everyone, including students, employees, and visitors, is treated with respect and dignity in a non-discriminatory environment.

EEEE Policy Summary

Harassment on the basis of the above protected characteristics constitutes unlawful discrimination. The college will take steps to prevent discrimination and harassment, to prevent the recurrence of discrimination and harassment, and to remedy its discriminatory effects on the victim(s) and others. Sex discrimination includes sexual harassment, sexual assault, and sexual violence.

This policy applies to all members of the campus community, individuals doing business with the college, and any persons utilizing campus facilities. A procedure for handling complaints under this policy has been established and is available at: https://www.corning-cc.edu/sites/default/files/EEEE_Policy_March_2015.pdf. This procedure may be used by students, employees, or any third party participating in a college sponsored program or affiliated activity. Employee grievance procedures established through college policy or collective bargaining agreements, student disciplinary procedures, or any other internal grievance/complaint procedure will continue to operate as before.

The President of the college has ultimate responsibility for equal opportunity and has assigned responsibility for the administration of the college’s policy to the Executive Director of Human Resources (the “Director”). The Director administers the Equal Employment and Educational Opportunity Complaint Procedure, coordinates the activities of the Equal Opportunity Committee, and is responsible for the maintenance of all necessary records needed to comply with federal and state laws governing equal employment and educational opportunity.

To ensure that the complaint procedure processes are fair, the Director or his/her designee serves as an impartial party who is responsible for:

- ensuring that the procedure is carried out properly
- ensuring that the rights of both complainant and respondent are protected and that both parties have an equal opportunity to present relevant witnesses and other evidence
- advising and providing information to the complainant and respondent, including information on counseling and victim services available both on and off campus
- investigating complaints
- requesting access to pertinent documents
- maintaining a record of each case.

The Director may receive initial inquiries, reports, and requests for consultation and counseling on an informal basis. Assistance will be available whether or not a formal complaint is under consideration or even possible. It is the responsibility of the Director to respond to all such inquiries, reports, and requests as soon as possible and in a manner appropriate to the particular circumstances. This response may include interim measures to protect the parties during the investigation process. Such interim measures will not disproportionately impact the complainant.

Individuals who believe that they have been harassed or otherwise discriminated against in violation of this policy should contact the Director. Responsible employees who observe or become aware of incidents of discrimination and harassment, including sexual harassment, sexual assault, and sexual violence, are obligated to report this information to the Director. A “responsible employee” is an employee with the authority to take action to redress the harassment/discrimination, who has the duty to report harassment or any other misconduct by students or employees to appropriate college officials, or an individual who a student or employee could reasonably believe has this authority or responsibility. In the event that the Director is alleged to have discriminated against an individual in violation of this policy, the incident should be reported directly to the President’s Office.

Inquiries regarding the application of Title IX and other laws, regulations, and policies prohibiting discrimination and harassment may be directed to:

Stacy Ward
Executive Director of Human Resources
1 Academic Drive
Corning, NY 14830
(607) 962-9444
sward11@corning-cc.edu

OR-

U.S. Department of Education’s Office for Civil Rights
32 Old Slip, 26th Floor
New York, NY 10005-2500
(646) 428-3800
OCR.NewYork@ed.gov

EEEE Related Definitions

Harassment on the Basis of Protected Characteristics Other Than Sex/Gender - harassment based on race, color, age, religion, national origin, disability, sexual orientation, or other protected characteristics is oral, written, graphic or physical conduct relating to an individual's protected characteristics that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the college's programs or activities.

Sex Discrimination* – behaviors and actions that deny or limit an individual's ability to benefit from and/or fully participate in the educational programs or activities or employment opportunities because of an individual's sex. Under Title IX, discrimination on the basis of sex can include sexual harassment, rape, and sexual assault, and sexual violence, both on and off campus, by employees, students, or third parties. Employees and students should report sexual harassment that they observe or become aware of to the Title IX Coordinator.

Sexual Harassment in the Educational Setting – unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student denies or limits, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the college's programs.

Sexual Harassment in the Employment Setting – unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when any of the following occurs:

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

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

Sexual Violence,* as that term is used in this document and prior U.S. Office for Civil Rights guidance, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (as defined within this policy). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence could involve students, college employees, third parties or a combination. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX and the college's Equal Employment and Educational Opportunity Policy.

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

Hostile Environment Sexual Harassment – examples include:

- ✓ Sexual innuendos, sexually suggestive comments, offensive language, sexually oriented kidding or teasing, gestures, practical jokes, etc.
- ✓ Displays of sexually suggestive pictures, magazines, or other objects
- ✓ Any other conduct that ridicules or humiliates an individual because of his/her gender.

Non-Sexual Hostile Environment Harassment - The same general principles that apply to hostile environment sexual harassment also apply to harassment on the basis of other factors, such as race, color, age, religion, national origin, disability, sexual orientation, or other protected characteristics. Examples of non-sexual hostile environment harassment include:

- Transfer, demotion, or termination of employees on the basis of race, color, age, religion, national origin, disability, gender, sexual orientation, or other protected characteristics.
- Interference in or denial of opportunities for educational success on the basis of race, color, age, religion, national origin, disability, gender, sexual orientation, or other protected characteristics.
- Unwelcome, offensive, or demeaning comments, slurs, language, jokes, or gestures related to or referring to an individual's race, color, age, religion, national origin, disability, gender, sexual orientation, or other protected characteristics.
- The presence of books, magazines, pictures, or other objects that may be reasonably construed as offensive or demeaning based on race, color, age, religion, national origin, disability, gender, sexual orientation, or other protected characteristics in the workplace where other students or employees may see or find them.
- Creating or contributing to an intimidating, hostile, or offensive working environment on the basis of race, color, age, religion, national origin, disability, gender, sexual orientation, or other protected characteristics.

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

*For additional information and resources regarding sexual assault and sexual violence, please refer to the *College's Response Policy for Sexual Violence and Other Misconduct*, available at: www.corning-cc.edu/sexualviolence.

EEEE Complaint Procedure

This Procedure provides a mechanism through which the college may identify, respond to, and prevent incidents of bullying and illegal discrimination. The college recognizes and accepts its responsibility in this regard and believes that the establishment of this internal, non-adversarial complaint process will benefit students, employees, and college administration, permitting investigation and resolution of problems without resorting to the frequently expensive and time consuming procedures of state and federal enforcement agencies or courts.

All members of the college community, including students, should realize that a charge of discrimination is a serious matter that may impact the education or careers of individuals or the college as a whole. For that reason, the college is obligated to investigate all discrimination charges, regardless of whether the victim/complainant chooses to proceed with either an informal or formal resolution, and make every effort to keep the complainants and respondents informed throughout the course of an investigation. The proceedings of any investigation are held confidential to the extent possible.

Although this complaint procedure does not in any way deprive an individual of the right to file a complaint with outside agencies (such as the NYS Division of Human Rights, the Equal Employment Opportunity Commission, or the Office for Civil Rights of the U.S. Department of Education), it is to the benefit of all parties involved that such cases be addressed promptly and fairly using whatever administrative means are available to avoid the personal and institutional stress which can occur in a public hearing. Consequently, this complaint procedure may not be used if the same complaint has been filed with a State or Federal agency or if a grievance has been filed under any current college policy of collective bargaining agreement or any other internal grievance procedure, **unless the complaint is one of sex discrimination (including sexual harassment, sexual assault, and sexual violence)**. Any investigation or review underway will terminate without conclusion if a complaint (other than one of sex discrimination) is filed elsewhere.

Please Note:

- This procedure, as well as the student conduct process (available at: <https://www.corning-cc.edu/student-code-conduct>), may be used for complaints under the college's Anti-Bullying Policy (available at: <https://www.corning-cc.edu/public-safety/policies>).
- During any portion of the complaint procedure, the use of audio or video taping devices by any party is prohibited.
- The standard applied to this process is a preponderance of evidence standard (i.e., the evidence must demonstrate that it is more likely than not that the conduct occurred).

Retaliation

Retaliation against any individual for filing a complaint or for assisting or participating in the investigation of a complaint is strictly prohibited and may result in disciplinary action. Retaliation is an adverse action taken against an individual as a result of complaining about unlawful discrimination or harassment, exercising a legal right, and/or participating in a complaint investigation as a third party witness. Complainants or participants who experience retaliation should contact the Executive Director of Human Resources.

Informal Resolution

Although in rare instances verbal complaints may be acted upon, the procedures set forth herein rely upon the submission of a written complaint to initiate a full and fair investigation of the facts. **IT IS THE RESPONSIBILITY OF THE COMPLAINANT TO ENSURE THAT HIS/HER COMPLAINT IS FILED WITHIN THE 90 CALENDAR DAY PERIOD THAT IS APPLICABLE UNDER STEP 1 OF THE INFORMAL RESOLUTION SECTION OF THIS PROCEDURE.**

1. Complaints or concerns that are reported to an administrator, director, or supervisor concerning an act of discrimination or harassment, or acts of discrimination or harassment that administrators, directors, or supervisors observe or become aware of must be immediately referred to the Executive Director of Human Resources. Complaints may also be made directly to the Executive Director by anyone who experiences, observes, or becomes aware of discrimination or harassment.

Employees must file a written complaint with the Executive Director within 90 calendar days following the alleged discriminatory act or the date on which the complainant first knew or reasonably should have known of such act. All such complaints must be submitted on a form provided by the college. Students must file a written complaint within 90 calendar days following the alleged discriminatory act or 90 calendar days after a final grade is received or the semester during which the discriminatory act occurred, if that date is later. If a complaint of sexual harassment or sexual violence is filed more than 90 calendar days following the alleged act, the complainant will still be offered all appropriate victim support services and resources, including interim measures to protect the parties. In addition, the matter may be referred for appropriate employee or student disciplinary action.

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

The Executive Director of Human Resources is available to assist individuals in preparing complaints.

Title IX Complaints: The Executive Director and/or his/her designee(s) will ensure that complainants are aware of their Title IX rights and available resources (both on- and off-campus), and the right, if any, to file a complaint with the Title IX Coordinator and/or with local law enforcement. The college will comply with law enforcement requests for cooperation and such cooperation may require the college to temporarily suspend the fact-finding aspect of a complaint investigation while the law enforcement agency is in the process of gathering evidence. The college will resume its Title IX investigation as soon as it is notified by the law enforcement agency that it has completed its evidence gathering process.

3. The Executive Director and/or his/her designee(s) will attempt to resolve the complaint informally to the mutual satisfaction of the parties. The Executive Director or his/her designee will review all relevant information and interview pertinent witnesses. For Title IX complaints, a preponderance of evidence standard (i.e., it is more likely than not that sexual harassment or violence occurred) will be used.

If a mutually agreeable solution is achieved within 24 calendar days of the date the complaint was filed, the complaint is closed and the file is completed. Both the complainant and the respondent receive a copy of a brief concluding statement. Complaint records will be kept in a secure file in the Director's office.

If a mutually acceptable solution is not possible at the informal stage, either party may choose to move to the formal procedure. The Director and/or his/her designee will assist the complainant and respondent through the formal resolution process.

Formal Resolution

Either party may make a written request to the Executive Director to have the matter reviewed by an Equal Opportunity Committee. Such written request must be received by the Director within 10 calendar days of the date that any informal resolution was rendered.

- A. The Committee is coordinated by the Executive Director or his/her designee and will be composed of three members of the College community who are appointed by the President, excluding the Executive Director, who is not eligible to serve. If the President is the respondent, then the committee members will be appointed by the Chairperson of the Regional Board of Trustees of SUNY Corning Community College. The Committee members will be appointed within 10 calendar days of the date the Executive Director receives the written request to have the matter reviewed by an Equal Opportunity Committee.

The Equal Opportunity Committee is charged with determining the validity of the complaint, as to whether the charges are grounded, ungrounded, or false. The Committee is not responsible for recommending penalties. The President of the college is ultimately responsible for taking action on any complaints of discrimination.

- B. The Committee will hold closed meetings to review all relevant information, interview pertinent witnesses, and, at their discretion, hear testimony from and bring together the complainant and the respondent. Both the complainant and the respondent will have the opportunity to present to the subcommittee their respective accounts and positions and to review all other information presented. Both the complainant and the respondent will be entitled to submit written statements or other relevant and material evidence and to provide rebuttal statements to the written record compiled by the Committee. Should the Committee decide to bring the complainant and the respondent together in a hearing, the complainant has the right to request alternative arrangements to avoid being in the same room as the respondent. Any alternative arrangements must enable both parties to hear each other during such joint hearing.

- C. The Committee will communicate its written opinion on the validity of the complaint to the complainant, the respondent, the Executive Director, and the President of the college within 24 calendar days of the receipt of the written complaint from the Executive Director. If the President is the respondent, the written opinion will be communicated to the Chairperson of the Regional Board of Trustees of SUNY Corning Community College.
- D. Within 15 calendar days of the receipt of the Committee's opinion, the President will submit a written decision to the complainant, the respondent, and the Executive Director, indicating what action, if any, he/she will take. If the President determines the complaint was substantiated, such action may consist of:
- If the respondent is a student: suspension or expulsion from the college and/or eviction from Perry Hall (if applicable).
 - If the respondent is an employee (including student employees): disciplinary action which may include, but is not limited to, termination, demotion, reassignment, suspension, reprimand, or training, consistent with the provisions of any applicable collective bargaining agreement. Disciplinary decisions may be contested by employing the appropriate grievance procedure.
 - If the respondent is a third party: issuance of a persona non grata letter.

The action of the President will be final. If the President is the respondent, the Chairperson of the Regional Board of Trustees will issue a written decision indicating what action, if any, he/she will take. The Chairperson's decision will be final.

Note: All of the time limits specified in either the informal or formal resolution stage of this complaint procedure may be extended upon written notification from the Executive Director of Human Resources or his/her designee(s) to the respondent and the complainant.

- E. If the complainant is dissatisfied with the President's (or Chairperson's) decision on a discrimination complaint, he/she may elect to file a complaint with one or more state and federal agencies.

Student Conduct Process:

To request that student conduct charges be filed against the accused:

Conduct proceedings are governed by the procedures set forth in the SUNY Corning Community College Course Catalog and Information Guide (<https://www.corning-cc.edu/catalog>), as well as federal and New York State law, including the due process provisions of the United States and New York State Constitutions.

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

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

- 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.
- For information on the Student Code of Conduct and the student conduct process, contact the Office of the Assistant Dean of Student Services, at (607) 962-9396.
- 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 complaint process be protected from public release until the appeals panel makes a final determination unless otherwise required by law.

Proceedings for Student Misconduct

1. Any member of the college community may file charges against any student of the college for misconduct.
2. The college guarantees fair proceedings to each student whose alleged behavior is contrary to the established Code of Conduct. Fair proceedings should include, as a minimum, at least the following:
 - ✓ a written statement of charges being made and the source thereof,
 - ✓ ample notice of the time of trial,
 - ✓ a hearing at which the individual is presented with the case against him/her,
 - ✓ the individual has the opportunity to answer accusations and to submit the testimony of witnesses,
 - ✓ the individual has an opportunity for, and must be informed of his/her right to, and the procedures for, appealing the decision made at the trial,
 - ✓ plaintiff, defendant and witnesses, if any, must appear in person, and
 - ✓ a guaranteed right to question evidence presented.

Criminal Activity Off-Campus

When a SUNY Corning Community College student is involved in an off-campus offense, Public Safety may assist with the investigation in cooperation with local, state, or federal law enforcement. Neighboring police agencies routinely work and communicate with campus officers on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. SUNY Corning Community College operates no off-campus housing or off-campus student organization facilities.

While neighboring police agencies have primary jurisdiction in all areas off campus, SUNY Corning Community College Department of Public Safety officers can and do respond to student-related incidents that occur in close proximity to campus. SUNY Corning Community College Department of Public Safety Officers have direct radio communications with the neighboring police agencies, fire departments, and ambulance services to facilitate rapid response in any emergency situation.

Other Definitions

DATING VIOLENCE: 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:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship
- *The definition does not require that dating violence be a “crime of violence”

DOMESTIC VIOLENCE: Domestic violence includes felony or misdemeanor crimes of violence committed by;

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

STALKING: The Clery Act defines stalking as a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

The course of conduct must include two or more acts, such as:

- Following, monitoring, observing, or surveilling
- Threatening
- Communicating to or about the person
- Interfering with the person's property



The Health Education Center located in the City of Corning

Student Code of Conduct

Policy Statement

The principles established under this Code will govern the conduct of students on the college campus and any other premises or property under the control of the college used in its teaching, administrative, service, cultural, recreation, athletic, and other programs and activities. In addition, student athletes are subject to the principles of conduct established in the Athletic Code of Conduct and residential students are subject to the principles of conduct established in the Residence Life Handbook.

The college upholds local, state, and national laws. The college will not condone unlawful conduct, and it will not protect students from their obligation to uphold the law. In addition, the college will provide no sanctuary for those who violate the law, and it will cooperate with appropriate health and law enforcement agencies. Some very specific applications of this principle are that students will be subject to discipline for the use, possession, sale, or transfer of illegal drugs, sexual abuse, hate crimes and hazing, and may also face civil prosecution for violations of this Code.

Actions for which students will be subject to college discipline include but are not limited to:

- Forgery or alteration of college documents, records or instruments of identification or use of same with intent to defraud.
- Intentional obstruction or disruption of teaching, research, administrative functions or disciplinary proceedings or other college activities, including public service functions and other authorized activities of the college.
- Abuse of any person, college premises, or at college-sponsored or college supervised events or conduct which threatens or endangers the health or safety of any such person.
- Hate crimes, also called bias crimes or bias-related crimes, involving criminal activity motivated by the perpetrator's bias or attitude against an individual or group based on perceived or actual personal characteristics, such as race, religion, ethnicity, gender, sexual orientation or disability. Penalties for these crimes are very serious and range from fines to imprisonment for lengthy periods, depending on the nature of the underlying criminal offense, the use of violence or previous convictions of the offender. Students who are perpetrators of such crimes will also be subject to campus disciplinary procedures where sanctions including dismissal are possible.
- All forms of sexual violence and misconduct, which include, but are not limited to acts of sexual harassment, sexual violence, sexual coercion, sexual assault, domestic violence, dating violence, stalking, rape, criminal sexual acts, forcible touching, and sexual abuse. Where there is a preponderance of evidence indicating that such misconduct has occurred, strong disciplinary action will be pursued, including the possibility of suspension or dismissal from the college. An individual charged with sexual violence/misconduct may be subject to college disciplinary procedures, whether or not prosecution under New York State law is pending.
- Theft from or damage to college premises or theft or damage to property of a member of the college community or college premises.
- Failure to comply with directions of college staff.
- Use by any student or student organization of the college name or a claim to speak or act in the name of the college or a college-related organization without due authorization.
- Disorderly, lewd, indecent or obscene conduct or expression on campus or at a college-sponsored function.
- Hazing: Any action taken by any student or participation in the creation of any situation which recklessly or intentionally endangers mental or physical health or which involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

- Violation of published college regulations.
- Public intoxication or display of any behavior associated with the abuse of alcohol or drugs.
- Behavior that is lacking respect for the worth and/or dignity of an individual.

Student organizations which operate on the campus or upon the property of the college used for educational purposes are prohibited from authorizing the conduct described above. Student organizations which authorize prohibited behaviors will be subject to college discipline under this Code.

Violations of the Student Code of Conduct

Any member of the SUNY CCC community may file a complaint against a student for violations of the Student Code of Conduct. Complaints must be made in writing and directed to the Assistant Dean of Student Services, except for complaints of discrimination (including sexual harassment sexual violence, sexual coercion, sexual assault, rape, criminal sexual acts, forcible touching, and sexual abuse), which should be directed to the Title IX Coordinator.

Complaints should be submitted as soon as possible after the event takes place, preferably within thirty days.

- Complaints of discrimination (including sexual harassment, sexual violence, sexual coercion, sexual assault, rape, criminal sexual acts, forcible touching, and sexual abuse) will be addressed by the Title IX Coordinator under the college's Equal Employment and Educational Opportunity Complaint Procedure, available at:
- https://www.corning-cc.edu/sites/default/files/EEEEO_Complaint_Procedure_rev_Sept_2015.pdf
- Complaints of violation of the Athletic Code of Conduct will be addressed by the Director of Athletics.
- Complaints of violation of the principles of conduct in the Residence Life Handbook will be addressed by the Director of Student Services.
- Complaints of violation of Academic Honesty will be addressed by the VP/Dean of Academic Affairs.
- Complaints concerning the misconduct of a student organization (concerning hazing and other violations) will be addressed by the President of the College.

Except for college-sponsored off campus programs and off campus incidents of sexual violence, it is the intent of the college to leave disciplinary action with respect to off campus offenses of students to civil authorities. However, there may be certain off campus offenses that by their very nature pose a serious threat or disruption to the college community. In such cases, the college reserves the right to take appropriate action.

Student Disciplinary Procedure

A procedure for handling Student Code of Conduct -violations (except for complaints of discrimination, including sexual harassment, sexual violence, sexual coercion, sexual assault, rape, criminal sexual acts, forcible touching, and sexual abuse) has been established and is available at: <https://www.corning-cc.edu/sites/default/files/Student-Code-of-Conduct-Complaint-Procedure-Sept-2016.pdf>. This procedure guarantees students the right of due process, including the right to appeal.

Sexual Violence and Other Misconduct Complaint Procedure:

All complaints of sex discrimination, including sexual harassment, rape, and sexual assault, and sexual violence, will be processed under the college's Equal Employment and Educational Opportunity Complaint Procedure, available at:

https://www.corning-cc.edu/sites/default/files/EEEEO_Complaint_Procedure_rev_Sept_2015.pdf

Complaints of dating violence, domestic violence, and stalking will be processed under the procedure for handling Student Code of Conduct violations. Additional information for victims/survivors of sexual violence, dating violence, domestic violence, and stalking appears below.

Alcohol and/or Drug Use Amnesty in Sexual and Interpersonal Violence Cases

The health and safety of every student at the State University of New York and its State-operated community colleges is of utmost importance. SUNY Corning Community College 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. The college 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 college officials or law enforcement will not be subject to the college's code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Transcript Notations

For crimes of violence*, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. 1092(f)(1)(F)(i)(I)-(VIII), the Registrar will make a notation on the transcripts of students found responsible after a conduct process that they were:

- “suspended after a finding of responsibility for a code of conduct violation” or
- “suspended after a finding of responsibility for a Title IX violation” or
- “expelled after a finding of responsibility for a code of conduct violation” or
- “expelled after a finding of responsibility for a Title IX violation” or
- “withdrew with conduct charges pending” for accused students who withdraw from the college while such conduct charges are pending, and declines to complete the disciplinary process or
- “withdrew with Title IX charges pending” for accused students who withdraw from the college while such Title IX charges are pending, and declines to complete the disciplinary process.

If a finding of responsibility is vacated for any reason, any such transcript notation will be removed.

Appeals seeking removal of transcript notations for suspensions may be submitted in writing to the Vice President and Dean of Student Development and Enrollment Management, provided that such notations will not be removed prior to one year after conclusion of the suspension. Notations for expulsions will not be removed.

*Violations equivalent to the Clery Act (as updated by the Violence Against Women Act Final Regulations) Part I crimes for which transcript notations will be made are: murder; rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; manslaughter; and arson.

Student Code of Conduct Complaint Procedure

This Procedure provides a mechanism through which the college may respond to violations of the Student Code of Conduct and guarantees students the right of due process, including the right to appeal.

Please Note: Complaints of discrimination (including sexual harassment, sexual violence, sexual coercion, sexual assault, rape, criminal sexual acts, forcible touching, and sexual abuse) will be addressed by the Executive Director of Human Resources and Title IX Coordinator under the College's Equal Employment and Educational Opportunity Complaint Procedure, available at:

https://www.corning-cc.edu/sites/default/files/EEEEO_Complaint_Procedure_rev_Sept_2015.pdf

Complaint Procedure:

Any member of the SUNY CCC community may file a complaint against a student for violations of the Student Code of Conduct. Complaints must be made in writing and directed to the Assistant Dean of Student Services. Complaints should be submitted as soon as possible after the event takes place, preferably within thirty days.

When a complaint is filed, the Assistant Dean of Student Services will conduct an investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Assistant Dean. The Assistant Dean will render a decision and a written notice will be sent to the accused student and the complainant.

To more effectively identify behavior patterns, there are times when those with a "need to know" are notified about a student's involvement, or alleged involvement, in an incident. To the extent allowed by FERPA (Family Education Rights and Privacy Act), this "need to know" may include administrators, faculty, advisors, coaches, and health and wellness professionals. Those considered "need to know" are determined by the Assistant Dean on a case-by-case basis.

An interim suspension may be imposed to ensure the safety and well-being of members of the college community, preservation of college property, and/or assurance of the student's own physical or emotional safety. During the interim suspension, a student may be denied access to any property owned or controlled by the college, any class (including Internet classes), or any other SUNY CCC activities or privileges for which the student might otherwise be eligible. Students on interim suspensions must be given a preliminary hearing unless it can be shown that it is impossible or unreasonably difficult to convene one. The student must be given a notice which states the reasons for the interim suspension and the time and place of the hearing at which time the student is provided with an opportunity to show why his/her continued presence on campus does not constitute a danger to self, others, or to property. This interim suspension does not replace the normal discipline process. Determination of the interim suspension is at the discretion of the Assistant Dean.

Sanctions

Students who are found guilty of violation of the Student Code of Conduct may be subject to one or more of the following sanctions, as determined by the Assistant Dean of Student Services:

- Reprimand: An oral warning to the student which includes the nature of the violation and the consequences of further violations.

- Censure: A written warning which indicates that repetition of wrongful conduct will be followed by more severe disciplinary action. This written statement will become a part of the college's disciplinary file.
- Disciplinary Probation: An official action informing the student in writing that the violation of any college regulation during the probationary period may result in suspension or expulsion. During this specified period, the student may be excluded from acting as a representative of, or participant in, any college activity or program, and may be restricted or denied the use of or participation in certain college facilities and/or activities. This written statement will become a part of the college's disciplinary file and the student's educational record.
- Fines: Reasonable fines may be imposed.
- Restitution: In all disciplinary violations involving theft and/ or damage to college property, restitution may be required.
- Discretionary Sanctions: Essays, work assignments, apology letters, service to the college or other related discretionary assignments may be imposed.
- Suspension: A written statement which indicates that the student is denied access to any property owned or controlled by the college, any classes (including Internet classes), or any other activities or privileges for a definite period of time, as determined by the Assistant Dean of Student Services. This written statement will become a part of the college's disciplinary file and the student's educational record.
- Expulsion: A written statement which indicates permanent termination of the individual's student status at the college including denial of access to any property owned or controlled by the college. This written statement will become a part of the college's disciplinary file and the student's educational record.
- Loss of Privileges for Clubs or Organizations: In addition to the sanctions described above, clubs or organizations may lose selected or all rights and privileges for a specified period of time or indefinitely.

Appeal Procedure

- The decision of the Assistant Dean of Student Services may be appealed by submitting a written request to the Assistant Dean within 72 hours of the written notification of the decision. The Assistant Dean may waive the 72-hour requirement for just cause. The written appeal request must contain the reasons for the appeal: new evidence, violation of due process, or improper penalty.
- The Assistant Dean of Student Services (or his/her designee) is responsible for scheduling training for the Appeal Committee members prior to convening the Committee to ensure hearings are conducted using the established guidelines.
- The Assistant Dean of Student Services will convene the Appeals Committee within thirty days of receipt of written request. The Committee will be comprised of the following voting members, selected by their constituency: three students, three Faculty Assembly members, and three Administrators Assembly members. The Assistant Dean of Student Services is a non-voting, advisory member only, responsible for scheduling the appeal hearing, preparing committee members, and overseeing proper process.
- The proceedings of Appeals Committee hearings are closed and will remain confidential within the disciplinary system, except as provided by law.
- The Appeals Committee will review the case, hear testimony, as deemed appropriate by the Committee, consider disciplinary action, and render a majority decision to uphold, reject, or modify the action of the Assistant Dean of Student Services.
- The accused student(s) may forfeit their right to participate in the Appeals Committee hearing; however, the Committee reserves the right to hold the hearing in his/her absence.
- The Appeals Committee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness(es) during the hearing by providing separate facilities, by using visual screens, and/or permitting participation by

telephone, videoconference, closed circuit television, video tape, written statement, or other means as deemed appropriate in the sole judgment of the Committee.

- Both the accused student and the complainant have the right to bring advisors of their choice, as long as the advisors are CCC students or members of CCC faculty or staff. The complainant and/or the accused student are responsible for presenting information relating to the hearing, so the advisors are not permitted to speak or to participate directly in the Appeal Committee proceedings. The Appeals Committee may grant the accused student and the complainant the right to call additional witnesses.
- In the event that Appeals Committee hearing involves more than one accused student, the Appeals Committee, at their discretion, may permit the hearings concerning each student to be conducted either separately or jointly.
- A transcript of all testimony at the hearing, in the form of an audio recording, is required and will be made available upon request to the accused student and complainant.
- After the pertinent information has been received and reviewed, the Appeals Committee will determine, by majority vote, whether the accused student has violated the Student Code of Conduct. The Committee's determination will be made on the basis of whether it is more likely than not that the accused student violated the Student Code.
- The Appeals Committee will communicate its determination and recommendation to the Provost within 24 hours after completing the hearing, including its rationale to:
 - reject the appeal; or
 - modify the disciplinary sanction (including suggestions on how to implement); or
 - exonerating the accused student.
- The Provost will notify the accused student, the complainant, the Assistant Dean of Student Services, and the President of his/her decision on the appeal. The decision of the Provost is final.

Complaint Procedure for an Organization's Misconduct

- The President of the College is responsible for the enforcement of provisions concerning hazing and other violations of the Student Code of Conduct by student organizations. Such responsibility may be exercised by any designee appointed by the President.
- Whenever the President has determined, on the basis of a complaint or on personal knowledge, that there is reasonable ground to believe that there has been a violation of the Student Code of Conduct by any organization, the President or his/her designee will prepare written charges against the organization which will state the provisions prescribing the conduct and the facts alleged to constitute such violations.
- Such written charges will be served upon the principal officer of the organization by registered or certified mail, return receipt requested, to the organization's current address and shall be accompanied by a notice that the organization may respond in writing to the charges within ten days of receipt of said notice. The notice of the charge will include a statement that the failure to submit a response within ten days will be deemed to be an admission of the facts stated in such charges and shall warrant the imposition of appropriate penalties. The response is to be submitted to the President or his/her designee and will constitute the formal denial or affirmation of the facts alleged in the charge. The President or his/her designee may grant an extension of the ten-day response period.
- Upon written request by an authorized representative of the organization, the President will provide the organization's representative an opportunity for a hearing. A hearing panel designated by the President or his/her designee will hear or receive any testimony or evidence which is relevant and

material to the issues stated in the charge and which will contribute to a full and fair consideration and determination. The organization's representative may confront and examine witnesses against it and may produce witnesses and documentary evidence on its behalf. The hearing panel will submit written findings of fact and recommendations for disposition of the charge to the President or his/her designee within twenty days after the close of the hearing.

- The final authority to dismiss the charges or to make a final determination is vested in the President. Notice of the decision will be in writing, include the reasons supporting such decision, and will be served on the principal officer of the organization by mail in the manner described above within a reasonable time after such decision is made. An organization which authorized hazing or other prohibited behavior described in the Student Code of Conduct will be subject to the rescission of permission to operate upon the campus or upon the property of the college used for educational purposes. The penalty provided in this subsection will be imposed- in addition to any penalty which may be imposed pursuant to NYS penal law and any other provision of law, or to any penalty to which an individual may be subject pursuant to this subsection.



Elmira Academic and Workforce Development Center

Anti-Bullying Policy

Overview

Bullying can foster a climate of fear and disrespect which seriously impairs the physical and psychological health of its victims and creates conditions that negatively affect any learning and working environment. With the proliferation of the use of electronic means of communication, bullying has transformed from a predominately school-based issue among youth to a broader societal problem affecting both youth and adults. Researchers have demonstrated that bullying has long-term consequences, particularly since bullying has now moved beyond the classroom to the Internet, athletic teams, college campuses, work places, and among the general public.

Cyber-bullying has been shown to cause significant psychological trauma to its victims. Victims suffer very real and serious harm as a result of these incidents, often showing signs of depression, anxiety, social isolation, nervousness when interacting with technology, low self-esteem, declining school and work performance, hyper-vigilance, nightmares, changed eating and sleeping habits, and fear for their safety. In extreme cases, victims attempt or commit suicide due to the cyber-bullying they have endured.

Policy Statement

SUNY Corning Community College (“the college”) is committed to maintaining an educational and work environment in which every member of the college community conducts himself/herself in a manner which demonstrates proper regard and respect for the rights and welfare of others so that everyone, including students, employees, and visitors, is treated with respect and dignity. The intended purpose of this Anti-Bullying Policy is to educate the college community about bullying and promote civility and respect among all its members. This policy applies to all members of the campus community, individuals doing business with the college, and any persons utilizing campus facilities.

Summary

Bullying is strictly prohibited on any college property; at any college function, event or activity; or through the use of any electronic or digital technology, whether or not such use occurs on college property. Any case of bullying suspected to be of a criminal nature will be referred to local law enforcement authorities.

A procedure for handling complaints under this policy has been established and is available on the college website, in the college catalog, and from the Human Resources Office.

Definitions

Bullying: aggressive and hostile acts of an individual or group of individuals which are intended to humiliate, mentally or physically injure or intimidate, and/or control another individual or group of individuals. Bullying can occur as a single, severe incident or repeated incidents.

Physical Bullying: pushing, shoving, kicking, poking, and/or tripping another; assaulting or threatening a physical assault; damaging a person's work area or personal property; and/or damaging or destroying a person's work product.

Verbal/Written Bullying: includes ridiculing, insulting or maligning an individual, either verbally or in writing; addressing abusive, threatening, derogatory or offensive remarks to an individual; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities.

Nonverbal Bullying: includes making direct threatening gestures toward an individual or invading personal space after being asked to move or step away.

Cyberbullying: the bullying of an individual using any electronic form, including, but not limited to, the Internet, interactive and digital technologies, or mobile phones.

Racist Bullying: racial taunts, graffiti or gestures; and/or a refusal to work with another individual because they are of a different culture.

Sexual Bullying: unwanted physical contact or sexually abusive comments.

Homophobic, Gender, and Sexual Orientation Bullying: bullying which is usually aimed at gay, lesbian, bisexual and transgender people or those with gay, lesbian, bisexual or transgender relatives/friends; and/or the use of generic insults relating to gender and/or sexual orientation.

Stalking: continued unwanted attention through: personal contact (directly with and individual or through the individual's friends and family); telephone calls; letters; e-mails; text messages; Internet chat rooms; and other means.

Bullying does not include the following circumstances:

- A supervisor or any person with supervisory authority reports and/or documents an employee's unsatisfactory job performance and the potential consequences of such unsatisfactory performance; or
- A faculty or staff member advises a student of unsatisfactory academic work and the potential for the course failure or dismissal from the program; or
- A faculty or staff member advises a student of inappropriate behavior that may result in disciplinary proceedings.

Residence Hall Fire Safety and Alarm Information



Perry Hall

Fire Alarm and Emergency Evacuation Procedures

- The fire alarm system in the residence halls is directly connected to the SUNY Corning Community College Department of Public Safety and is monitored 24 hours per day.
- When an alarm sounds, all occupants must vacate the building quickly, safely and meet in either Lot C or Lot H.
- The Fire Department, Public Safety Officers and Residence Life staff members will ensure that the building has been properly evacuated. Any resident found in the building during an alarm will be subject to student conduct sanctions.
- The Fire Department will determine when it is appropriate to return to the building and under no circumstances should you return to the building unless you are told to do so by the Fire Department, Public Safety, or a Residence Life staff member acting on behalf of the Fire Department.
- There are NO critical operations that require personnel to remain in the building during an alarm. ALL personnel are to exit. No one is to remain in the building during an evacuation.
- Residence Life Staff at the rally points should make every attempt to obtain accountability for their residents and report any unaccounted for students to CCC Public Safety Officers, police or firefighters.
- For further information regarding emergency evacuation procedures, the following individuals can be contacted:
The Executive Director of Auxiliary Campus Services (607) 962-9328
The Director of Student Services (607) 962-9528

Fire Extinguishers

Fire Extinguishers are provided in the residence halls for fighting a fire in its very beginning stages. No resident is expected to use the fire extinguisher. **YOUR FIRST EXPECTATION IF YOU SEE A FIRE IS TO SOUND THE FIRE ALARM AND EXIT THE BUILDING.**

The following individuals are trained to use portable extinguishers to attempt to extinguish fires before evacuating:

- Public Safety Officers
- Director of Student Services
- Facilities Maintenance Personnel
- Responding Firefighters
- Resident Assistants

Using a fire extinguisher is only an option. The first responsibility of the above personnel is the safety of the residents and themselves. If, in their opinion, they believe that the fire cannot be extinguished with a fire extinguisher they should exit the building. If they do use a fire extinguisher and it does not extinguish the fire, they should immediately exit the building.

For fire, medical & other emergencies call 911 or Public Safety at Ext. 9000 from a campus phone, or, (607) 962-9000 from a cell phone or off-campus line.

Fire Alarm System Information

The fire alarm system was installed with the safety of the residents in mind and was designed to be as in-obtrusive as possible and should not be triggered if a small amount of smoke or steam from showering occurs. Always make use of the ventilating fans while cooking or while showering.

The detector in the living room of each suite is a CO/Smoke Detector and will alarm in your suite if any smoke, steam, or carbon monoxide is detected. The detector in each bedroom is a SMOKE DETECTOR and will alarm in your suite if smoke or steam is created.

- A single alarm within a suite will activate all audible and visual alarms within your suite. If alarms within your suite activate, all occupants are required to evacuate the suite. If alarms in the rest of the building are not activated, occupants should rally in the main lobby.
- If a second smoke or CO detector within your suite detects the presence of smoke, steam, or carbon monoxide, all audible and visual alarms within the building will activate.
- If any smoke detector in a common area or room detects smoke or steam, all audible and visual alarms within the building will activate. This will cause all occupants to evacuate the building.

The Fire Department and Public Safety will automatically be notified and will respond to investigate when an alarm is triggered.

Remember, when the loud horns and strobes in the hallways and the smoke detectors in your suite area sound, you must immediately evacuate the building to the designated rally point.

Carbon Monoxide

WHAT YOU SHOULD KNOW ABOUT CARBON MONOXIDE: Carbon monoxide (CO) is an insidious poison. It is a colorless, odorless, tasteless gas. It is a cumulative poison. Even low levels of CO have been shown to cause brain and other vital organ damage in unborn infants with no effect on the mother.

Your CO alarm is designed to detect the toxic CO fumes that result from incomplete combustion, such as those emitted from appliances, furnaces, fireplaces

and auto exhaust. A CO alarm is NOT A SUBSTITUTE for other combustible gas, fire or smoke alarms. This carbon monoxide alarm is designed to detect carbon monoxide gas from ANY source of combustion.

CAUTION: This alarm will only indicate the presence of carbon monoxide gas surrounding the sensor. Carbon monoxide gas may be present in other areas.

IF THE ALARM SOUNDS:

A signal is sent to the Fire Department and Public Safety, emergency personnel will respond. Immediately move to a spot where fresh air is available – preferably outdoors. CONTACT PUBLIC SAFETY AT (607)-962-9000.

Protection is provided 24/7 through central station monitoring, regardless of whether residents are away from home, sleeping or already suffering from the effects of CO. If you have questions, contact the Public Safety Office at (607) 962-9000

The following symptoms are related to CARBON MONOXIDE POISONING:

- MILD EXPOSURES - light headache, nausea, vomiting, fatigue (often described as “flu-like” symptoms).
- MEDIUM EXPOSURE - Severe throbbing headache, drowsiness, confusion, fast heart rate.
- EXTREME EXPOSURE - Unconsciousness, convulsions, cardio-respiratory failure, death.

Many cases of reported CARBON MONOXIDE POISONING indicate that victims are aware they are not well, but they become so disoriented that they are unable to save themselves by either exiting the building or calling for assistance. Young children and household pets may be the first affected.

Fire Safety Tips

- When an alarm sounds, before leaving the room touch the door to see if it is warm. If the door is warm, DO NOT open it. If possible, put a damp towel along the bottom of the doorway. If the door is not warm, open the door slightly to see if there is smoke.
- If you cannot get out of the room and your room is filled with smoke, put your head out a window to breathe. Wave a towel or other object to let the firefighters know that you are trapped.
- Put a damp towel over your mouth and nose to keep from breathing smoke.
- Crawl or stoop low on the floor to avoid smoke inhalation.
- If you are trapped and there is a phone nearby, call Public Safety. Call 9000 from an internal college Phone or call (607) 962-9000 from a cell phone.
- Close doors and windows behind you to help prevent the spread of fire. Do not lock the doors when you leave the room.
- Do not use the elevators
- Call Public Safety to report the fire when you have reached a safe location.

Fire Safety Rules

The residence halls are equipped with many safety features. In addition, annual fire safety inspections are conducted by local and state officials. Any failed or successful attempt to dismantle or bypass any of these safety features is prohibited. This includes, but is not limited to the following:

- Security Cameras
- Building Access Doors
- Exterior and Interior Safety Lights
- Sprinkler Systems
- Fire Alarm Systems



Parsons Administration Building

Fire Code Regulations

Residents are expected to observe all of the following fire code regulations. Violators of these regulations are subject to student conduct action, payment of any damages, and fines. Personal items that are in violation of the fire code will be confiscated and tagged. All confiscated items which are not picked up and taken home within thirty days will be disposed of by the Residence Life staff.

1. For the protection of residents, residence halls are equipped with smoke and fire detection, sprinkler systems and fire extinguishers. Tampering with any of these systems is a violation of the college Code of Conduct and well as a violation of New York State law. At no time should anything be hung from or placed over a sprinkler head, smoke detector or over light fixtures.
2. Ceiling hangings of any description are not permissible, as they interfere with the proper function of the fire/smoke detection and prevention devices. Room decorations should be non-combustible or flame retardant.
3. Residents may not cover their walls or hang from their ceilings items such as tapestries, sheets, canopies and fishnets. Window curtains must be manufacturer made of non-combustible or flame retardant materials and hung only with a tension rod. Items are not permitted to be hung or placed over light fixtures, sprinkler heads, or smoke detectors. Wall decorations are limited to 50 percent of each wall of the room. Wall decorations (such as blankets or tapestries), cannot cover windows, and must be at least 18 inches below the ceiling height.
4. Only store-bought curtains hung on tension rods may be used as approved window coverings. These must be made of non-combustible or flame retardant material.
5. Lighting or heating devices that produce an open flame are prohibited in the residence halls. This includes, but is not limited to, candles, kerosene lamps and lamps with the globe facing upward, such as torchiere lamps.
6. No hot plates, toaster ovens, George Foreman and similar grills, electric fry pans or auxiliary heaters are to be used. Coffee pots should be used only on the kitchen counter.
7. Bedroom furniture must allow at least a 36 inch clear walkway from the opposite side of the bedroom or common area to the door.
8. Stairwell doors leading to hallways should be kept closed. All doors leading to the hallways or lounges should be kept closed.
9. Hallways must be kept clear at all times.
10. Furniture and personal belongings such as trunks, boxes and drying racks may not be placed in hallways.
11. Fireworks and firecrackers are not permitted in the residence halls. (Residents are not permitted to possess fireworks and firecrackers while on campus.)
12. Bicycles left in residence hall common rooms, halls, stairwells, or where they obstruct exits will be removed. They should be stored only in designated bike storage areas located outside each building.
13. Flammable holiday decorations such as live Christmas trees, (cut or balled), wreaths made from pine boughs, and untreated bunting are not permitted in the buildings.
14. Only CCC wiring is allowed in residence hall rooms with the following exceptions: U.L. listed power strips with circuit breaker and power surge protection. Power strips may not be used in a series to gain greater lengths and ceiling fixtures may not be installed. Electrical cords must not be used unsafely (under carpets, in pathways, taped down, etc.). Spliced, taped or frayed cords must not be used. Multi-outlet devices such as adapters, cubes, plug-in air fresheners, etc., are prohibited. Dimmer switches and ceiling fixtures may not be installed. Extension cords are prohibited.
15. Electrical cords and data cables cannot be installed from room to room where their existence may cause a tripping hazard, nor can they be run through the ceiling tiles.

16. Combustible liquids such as gasoline, turpentine, charcoal lighter, diesel fuel, liquid propane tanks or cylinders and self-starting charcoal are prohibited from being stored in the buildings.
17. Motorized vehicles, including motorcycles, mopeds, and motorbikes are not allowed in or near the residence halls.
18. There is to be absolutely NO smoking anywhere on SUNY Corning Community College property. This includes cigarettes, e-cigs, cigars, aromatic cigarettes, herbal cigars, hookahs and burning incense. Regardless of alarm activation, if it is determined that smoking has occurred inside the suite, all residents may be subject to sanctions.
19. Never leave food unattended in the microwave, oven or on top of the stove. Use the kitchen ventilation fan when cooking.

Electrical Power Outage

In a power outage, the Perry Hall fire alarm system has 90 minutes of back-up power. In the event the power in Perry Hall goes out, residents may stay in the building for 60 minutes waiting for the power to restore. If the power does not restore within 60 minutes, residents will be evacuated to the Commons Building.



Arthur A. Houghton Library

Clery Crime Statistics 2022-2024



Planetarium and Observatory Buildings

Main Campus

1 Academic Drive, Corning, NY

Crime Statistics

Crime Classification	On Campus			Student Housing			Non-Campus Property			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Unfounded Crimes	1	0	1	1	0	1	0	0	0	0	0	0

2022, 2023 and 2024 Hate Crimes:

There were no crimes during this time period that manifested evidence of prejudice based on perceived race, religion, sexual orientation, gender, gender identity, disability, ethnicity or national origin.

**SUNY Corning Community College Main Campus
1 Academic Drive, Corning, NY**

Arrests/Disciplinary Referrals

Offense Type	On Campus			Student Housing			Non-Campus Buildings			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law Violations:												
Referral	10	6	12	10	6	12	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations:												
Referral	6	6	9	3	6	9	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Possession:												
Referral	0	0	0	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0	0	0	0

Other Offenses

Offense Type	On Campus			Student Housing			Non-Campus Buildings			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

**SUNY Corning Community College Main Campus
1 Academic Drive, Corning, NY**

Fire Safety Report

Building	Beds	Assembly Area	Detection Type	Sprinkler or Fire Suppression (Y/N)	Fire Alarm Sound	Strobe Lights (Y/N)
Perry Hall	322	Lot A, C and/or Lot H	Heat / Smoke	Y	Alarm	Y

SUNY Corning Community College’s Fire Log is maintained and available by contacting Public Safety. Below is a compilation of Department of Education reportable fires in residence halls during 2022, 2023 and 2024. Note that cases of arson would also be reported in the crime statistics section of this document.

	2022			2023			2024		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Perry Hall	0	0	0	0	0	0	0	0	0

Elmira Academic Workforce Development Center

318 Madison Avenue, Elmira, NY

Crime Statistics

Crime Classification	On Campus			Non-Campus Property			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0

2022, 2023 and 2024 Hate Crimes:

There were no crimes during this time period that manifested evidence of prejudice based on perceived race, religion, sexual orientation, gender, gender identity, disability, ethnicity or national origin.

**Elmira Academic Workforce Development Center
318 Madison Avenue, Elmira, NY**

Arrests/Disciplinary Referrals

Offense Type	On Campus			Non-Campus Buildings			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law Violations:									
Referral	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0
Drug Law Violations:									
Referral	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0
Weapons Possession:									
Referral	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0

Other Offenses

Offense Type	On Campus			Non-Campus Buildings			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Health Education Center

132 Denison Parkway East, Corning, NY

Crime Statistics

Crime Classification	On Campus			Non-Campus Property			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0

2022, 2023 and 2024 Hate Crimes:

There were no crimes during this time period that manifested evidence of prejudice based on perceived race, religion, sexual orientation, gender, gender identity, disability, ethnicity or national origin.

**Health Education Center
132 Denison Parkway East, Corning, NY**

Arrests/Disciplinary Referrals

Offense Type	On Campus			Non-Campus Buildings			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law Violations:									
Referral	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0
Drug Law Violations:									
Referral	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0
Weapons Possession:									
Referral	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0

Other Offenses

Offense Type	On Campus			Non-Campus Buildings			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Airport Corporate Park

360 Daniel Zenker Drive, Horseheads, NY

Crime Statistics

Crime Classification	On Campus			Non-Campus Property			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0

2022, 2023 and 2024 Hate Crimes:

There were no crimes during this time period that manifested evidence of prejudice based on perceived race, religion, sexual orientation, gender, gender identity, disability, ethnicity or national origin.

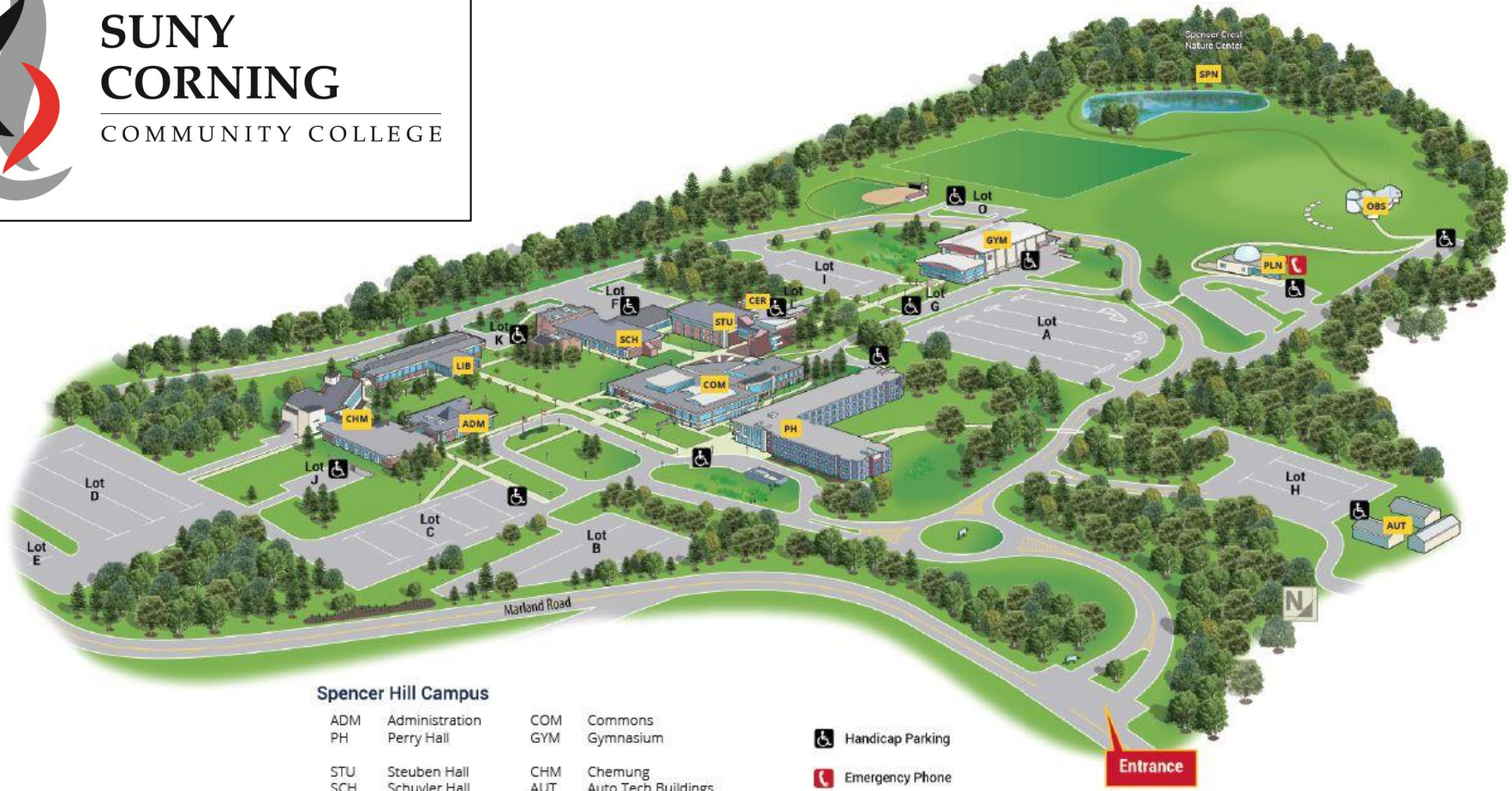
**Airport Corporate Park
360 Daniel Zenker Drive, Horseheads, NY**

Arrests/Disciplinary Referrals

Offense Type	On Campus			Non-Campus Buildings			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Liquor Law Violations:									
Referral	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0
Drug Law Violations:									
Referral	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0
Weapons Possession:									
Referral	0	0	0	0	0	0	0	0	0
Arrest	0	0	0	0	0	0	0	0	0

Other Offenses

Offense Type	On Campus			Non-Campus Buildings			Public Property		
	2022	2023	2024	2022	2023	2024	2022	2023	2024
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0



Spencer Hill Campus

ADM	Administration	COM	Commons
PH	Perry Hall	GYM	Gymnasium
STU	Steuben Hall	CHM	Chemung
SCH	Schuyler Hall	AUT	Auto Tech Buildings
CER	Ceramics	LIB	Library
OBS	Observatory	PLN	Planetarium
SPN	Spencer Crest Nature and Research Center		

- Handicap Parking
- Emergency Phone

Campus Map – Spencer Hill

Appendix A

SUNY Corning Community College

GRIEVANCE POLICY FOR ADDRESSING FORMAL COMPLAINTS OF SEXUAL HARASSMENT UNDER THE TITLE IX REGULATIONS

Effective Date: March 16, 2023	RBOT Resolution #4853-23 Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations
Amendment date: November 16, 2018	Author: Human Resources Office
References: RBOT Policy Manual, College Catalog	

1. Introduction

What is the purpose of the Title IX Grievance Policy?

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

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

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

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

Based on the Final Rule, Corning Community College will implement the following Title IX Grievance Policy, effective August 14, 2020.

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

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

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

Specifically, our campus has:

- A Code of Conduct that defines certain behavior as a violation of campus policy, and a separate Sexual Misconduct Policy that addresses the types of sex-based offenses constituting a violation of campus policy, and the procedures for investigating and adjudicating those sex-based offenses.
- Equal Employment and Education Opportunity Policy and an associated Complaint Procedure
- Anti-Bullying Policy
- Consensual Sexual and Amorous Relations Policy

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the current policies and procedures found on MyCorning within the student and employee pages.

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

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

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

2. The Title IX Grievance Policy

General Rules of Application

Effective Date

The Title IX Grievance Policy will become effective on August 14, 2020, and will only apply to sexual harassment alleged to have occurred on or after August 14, 2020. Incidents of sexual harassment alleged to have occurred before August 14, 2020, will be investigated and adjudicated according to the process in place at the time the incident allegedly occurred.

Revocation by Operation of Law

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

Non-Discrimination in Application

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

Definitions

Covered Sexual Harassment

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

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed

by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.

5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under New York State domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of New York.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to - (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the CCC campus code of conduct, https://www.corning-cc.edu/current-students/code_conduct.php.

Consent

For the purposes of this Title IX Grievance Policy, “consent” is defined as affirmative consent: Affirmative consent is a clear, unambiguous, knowing, informed, and voluntary agreement between all participants to engage in sexual activity.

Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent.

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

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and

therefore unable to consent.

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

Education Program or Activity

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

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

Formal Complaint

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

Complainant

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

Relevant evidence and questions

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

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

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
 - o They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - o They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

34 C.F.R. §

106.45(6)(i).

- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege.
- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

Respondent

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

Privacy vs. Confidentiality

Consistent with [Options for Confidentially Disclosing Sexual Violence](#), references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to *privacy* mean Corning Community College offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Corning Community College will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

Disability Accommodations

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

Making a Report Regarding Covered Sexual Harassment to the Institution

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

Contact Information for the Title IX Coordinator:

David Burdick
Executive Director of Auxiliary Services
Title IX Coordinator
SUNY Corning Community College
One Academic Drive
Corning, New York 14830
607.962.9328
dburdic4@corning-cc.edu

Stacy Ward, Deputy Title IX Coordinator
Executive Director of Human Resources
SUNY Corning Community College
One Academic Drive
Corning, New York 14830
607.962.9444
sward11@corning-cc.edu

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, by mail to the office address listed for the Title IX Coordinator, or by webform: <https://www.corning-cc.edu/current-students/harassment-discrimination-reporting-form.php>

Confidential Reporting

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

- Title IX Coordinator or designee
- Required Reporters such as fulltime faculty and fulltime staff

The following Officials may provide confidentiality:

- Chaplain's Office: Cynthia Hale, Chaplain; Commons Building, 607-962-9413, chale3@corning-cc.edu
- Health Services Office:
College Nurse; Commons Building, 607-962- 9257, healthoffice@corning-cc.edu

Non-Investigatory Measures Available Under the Title IX Grievance Policy

Supportive Measures

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from the College regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary and non-punitive. Either party may request accommodations through the Assistant Dean of Student Services to maintain continued access to facilities and resources. Due the limited size of the Campus, when there is conflict in maintaining continued access to resources, the Title IX Coordinator will meet with both parties to understand needs and determine an equitable resolution.

Supportive measures may include, but not be limited to:

- counseling
- extensions of deadlines or other course-related adjustments
- modifications of work or class schedules
- campus escort services
- restrictions on contact between the parties (no contact orders)
- changes in work or room locations in Perry Hall
- leaves of absence
- increased security and monitoring of certain areas of the campus

Emergency Removal

Corning Community College retains the authority to remove a respondent from the College's program or activity on an emergency basis, where Corning Community College (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If Corning Community College determines such removal is necessary, the respondent will be provided notice and an opportunity to challenge the decision immediately following the removal. An appeal should occur within 3 calendar days of the receipt of the written notice to the Provost. In cases where the respondent is a faculty or staff member, the appealing party must submit a written appeal to the Title IX Coordinator. Well-articulated rationale for the appeal must be stated in a written request.

Administrative Leave

Corning Community College retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with the Educational Opportunity Complaint Procedure.

The Title IX Grievance Process

Filing a Formal Complaint

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

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

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

Nothing in the Title IX Grievance Policy or Code of Conduct prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

Informal Resolution

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

Multi-Party Situations

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

Determining Jurisdiction

The Title IX Coordinator or designee will determine if the Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in the College's education program or activity; and

4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Corning Community College will investigate the allegations according to the Grievance Process.

Allegations Potentially Falling Under Two Policies:

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

Mandatory Dismissal

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

Discretionary Dismissal

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

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

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

Notice of Dismissal

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

Notice of Removal

Upon dismissal for the purposes of Title IX, Corning Community College retains discretion to utilize the Code of Conduct and/or Non-Title IX Sexual Misconduct Policy to determine if a violation of the Code of Conduct and/or Non-Title IX Sexual Misconduct Policy has occurred. If so, Corning Community College will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.

Notice of Allegations

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable after the institution receives a Formal Complaint of the allegations.

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

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

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

Contents of Notice

The Notice of Allegations will include the following:

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

Ongoing Notice

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

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

Advisor of Choice and Participation of Advisor of Choice

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

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

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

Corning Community College's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and Corning Community College cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. Corning Community College will not be obligated to delay a meeting or hearing under this process more than five (5) days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the College.

Notice of Meetings and Interviews

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

Delays

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

For example, a request to take a five day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain

documentary evidence shall generally be granted.

The Title IX Coordinator shall have sole judgment to grant further pauses in the Process. **Investigation**

General Rules of Investigations

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

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

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

Inspection and Review of Evidence

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

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

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

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

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator after which the

investigator will not be required to accept a late submission. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their designated extension request.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination. The parties and their advisors are not allowed to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020). The parties and their advisors agree not to photograph or otherwise copy the evidence. See, 85 Fed. Reg. 30026, 30435 (May 19, 2020).

Inclusion of Evidence Not Directly Related to the Allegations:

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

Investigative Report

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

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

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

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

Hearing

General Rules of Hearings

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

The live hearing may be conducted with all parties physically present in the same geographic location, or, at the College's discretion, any or all parties, witnesses, and other participants may

appear at the live hearing virtually through Google Meet or Zoom. This technology will enable participants simultaneously to see and hear each other. At its discretion, Corning Community College may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording if in person or audiovisual recording if conducted virtually. That recording or transcript will be made available to the parties for inspection and review.

Continuances or Granting Extensions

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

Newly-discovered Evidence

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

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

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

If the hearing officer answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

Participants in the live hearing

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

Complainant and Respondent (The Parties)

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by that party. 85 Fed. Reg. 30026, 30361 (May 19, 2020).
- For example, A verbal or written statement constituting part or all of the sexual harassment itself is not a "prior statement" that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document,

audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020), available at <https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html>

- Corning Community College will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party's participation. See 34 C.F.R. § 106.71; see also 85 Fed. Reg. 30026, 30216 (May 19, 2020).
- If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a "statement" by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross examination or other questions. See 34 C.F.R. §106.45(b)(6)(i).
- The parties shall be subject to the Rules of Decorum.

The Decision-maker

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

Advisor of choice

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross examination.
- In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.

- The advisor is not prohibited from being a witness in the matter.
- If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf. 85 Fed. Reg. 30026, 30340 (May 19, 2020).
- If neither a party nor their advisor appear at the hearing, the College will provide an advisor to appear on behalf of the non-appearing party. See, 85 Fed. Reg. 30026, 30339-40 (May 19, 2020).
- Advisors shall be subject to the institution's Rules of Decorum, and may be removed upon violation of those Rules.

Witnesses

- Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. See, 85 Fed. Reg. 30026, 30360 (May 19, 2020).
- If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. 85 Fed. Reg. 30026, 30347 (May 19, 2020).
- Witnesses shall be subject to the institution's Rules of Decorum.

Hearing Procedures

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

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

Live Cross-Examination Procedure

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

Before any cross-examination question is answered, the hearing officer will determine if the question is relevant. Cross-examination questions that are

duplicative of those already asked, including by the hearing officer may be deemed irrelevant if they have been asked and answered.

Review of the Recording

The recording of the hearing will be available for review by the parties within 5 business days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

Determination Regarding Responsibility

Standard of Proof

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

General Considerations for Evaluating Testimony and Evidence

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

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

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

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

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

Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third party knowledge of the facts at issue will be allowed, but

will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

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

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

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

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the hearing officer may draw an adverse inference as to that party or witness’ credibility.

Components of the Determination Regarding Responsibility

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

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

activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

Timeline of Determination Regarding Responsibility

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

Finality

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

Appeals

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that affected the outcome of the matter (i.e. a failure to follow the institution's own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

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

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

Appeals may be no longer than 10 pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN,

12 point font, and single-spaced.

Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by a three (3) member appeals panel as designated by the President ensuring members will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter.

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

Retaliation

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

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

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

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

Complaints alleging retaliation may be filed with the chief Human Resources Officer or Title IX Coordinator.