



Center For
Community

alphabetical listing

[A](#) | [B](#) | [C](#) | [D](#) | [E](#) | [F](#) | [G](#) | [H](#) | [I](#) | [J](#) | [K](#) | [L](#) | [M](#) | [N](#) | [O](#) | [P](#) | [R](#) | [S](#) | [T](#) | [V](#) | [W](#)

[Handbook Home](#)

[Geneseo
Home](#)

[Questions?](#)

[Download
Handbook](#)

[Download
04-05 Update](#)

[What Families
Should Know](#)

Policy Statement on Sexual Harassment

SUNY Geneseo seeks to create and maintain an educational environment in which all members of the College community are free to pursue their educational goals. Harassment on the basis of sex is violation of the law (Sec. 703 of Title VII of the Civil Rights Act as amended, Title IX Education Amendments of 1972, and the New York State Human Rights Law) and will not be tolerated in the Campus community of SUNY Geneseo. The College will not condone actions and words that a reasonable person would regard as sexually harassing. It is the responsibility of every administrator, supervisor and faculty member to create and maintain an environment that is free of discrimination and allows full access and opportunity for participation to all members of the College community.

Sexual harassment is defined as any unwelcome sexual attention, unwanted verbal or physical sexual advance, request for sexual favors, sexually explicit derogatory statement, or sexually discriminatory remark made by someone within the College Community, which is offensive or objectionable to the recipient (including causing discomfort and humiliation), and when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, or grade;
2. submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual;
3. such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance; or
4. such conduct has the purpose or effect of creating an intimidating, hostile, or offensive employment or educational environment.

Sometimes people who are being harassed feel that if they ignore the problem it will go away. The truth is, the situation could continue or get worse. Sexual harassment can substantially interfere with a student's education.

SUNY Geneseo regards sexual harassment as particularly reprehensible, and a violation of the standards of conduct required of all persons associated with this institution. Accordingly, those individuals inflicting such behavior on others are subject to institutional action.

The National Advisory Council on Women's Educational Programs has identified five categories of sexual harassment. They are:

1. generalized sexist remarks or behaviors which include: indicating one sex is not as capable as the other, telling off-color jokes, making suggestive comments, leering, ogling.
2. inappropriate and offensive sexual advances that are often accompanied by suggestive remarks and/or touching.
3. sexual activity or other sex-related behavior is solicited (usually very subtly) with promise of reward such as higher grades.
4. coercion for sexual activity by threat of punishment such as a lower grade, failing a course, negative recommendations and even jeopardizing the future career of the person.
5. sexual crimes and misdemeanors including indecent exposure, sexual fondling, request for intercourse and rape.

In addition to protecting students from sexual harassment, the College is also interested in protecting the academic freedom of students and faculty. Given our nature as an educational community, the topic of sexual harassment may be discussed within the classroom. Thus, faculty members have the right to "without limitation, discuss their own subject in the classroom," however, the right is not without limitation as the faculty member is not empowered to discuss "controversial matter which has no relation to their subject."

Both employees and students alleging harassment may use the SUNY Discrimination Grievance Procedure for review of their allegations. Should disciplinary action be found necessary, the appropriate procedure applicable under present collective bargaining agreements or campus student judiciary regulations will be used.

Students who believe they may be experiencing sexual harassment (whether it is student-student or faculty/staff-student) may be uncertain that specific actions constitute sexual harassment, so College policy allows for two procedural stages. The first stage provides students with advice and counsel and is strictly confidential. The second stage involves a formal investigation, which proceeds only if the student is willing to sign a written complaint (which may be made available to the accused).

The procedures for dealing with sexual harassment are as follows:

First Stage

1. Students are urged to bring questions about procedure or seek informal confidential advice relating to sexual harassment to the Dean of Students (College Union 354; x5706) or the Affirmative Action Officer (Erwin 219; x5616). If an individual

desires to discuss personal thoughts and feelings, wishes to consider ways to deal individually with the incident(s), or explore procedural options, the Dean's or the Affirmative Action Office offers counseling and appropriate referral.

2. Specific complaints of sexual harassment should be made to the Dean of Students (or designee). In some cases, the Dean of Students may discuss concerns with the person complained against without formal charges being filed.

Second Stage

3. If a student requests a formal investigation of the incident(s), a written complaint signed by the student identifying the accused individual(s) and the unwanted behavior should be submitted to the Dean of Students. If the student declines to file a written request, the investigation will not proceed and no copy of the complaint retained. Except as required by the demands of the investigation and enforcement of policy, the matter will be treated confidentially by the College. Failure to cooperate with the investigation, retaliation in any form against the complainant, or breach of confidentiality, will be independent grounds for institutional action.

4. Should disciplinary action be found necessary, the appropriate procedure applicable under present collective bargaining agreements or campus student judiciary regulations will be used.
 (a) In cases of student-student harassment, investigation and charges will be handled through the Student Code of Conduct and the Campus Judicial System. Procedures and due process rights afforded students will be governed by the Student Code of Conduct. Students are encouraged to refer to the Code of Conduct for the specific procedures and guidelines that govern Geneseo student judicial proceedings.
 (b) In faculty/staff-student cases, the Dean will forward a copy of the signed complaint to the appropriate labor relations manager.

The Dean (or designee) determines if the complaint falls under the provisions of the Sexual Harassment Policy and if the facts presented in the case warrant investigation.

The College will take prompt and appropriate remedial action, which may include disciplinary action against a faculty member, student or employee found in violation. The College will also respond to any attempt to retaliate against a student complainant and will provide for third-party evaluation of course performance when appropriate.

5. If the Dean (or designee) determines that the alleged facts presented in the complaint do not warrant investigation, the student will be so informed. The student may provide additional evidence. If the complaint is concluded at that stage, no copy of the complaint is retained.

The use of these procedures is strongly encouraged for any person who believes that he/she has been a victim of sexual harassment. Any complaint should be submitted as soon as possible. For student-student harassment, the deadline for filing a complaint is no later than six months after the event takes place. The Dean of Students may waive the six-month limitation when a late submission is reasonable, as determined by the Dean of Students. For faculty/staff-student harassment complaints should also be made as soon as possible, but in no case more than one year after the alleged harassment has occurred.

Filing a complaint with the University does not preclude a grievant from filing with outside enforcement agencies, such as the EEOC, the State Division of Human Rights, or the Office for Civil Rights of the United States Department of Education.

For further information, contact the Dean of Students' Office at 245-5706.

Hazing Policy

Hazing is defined as any action taken or situation created, intentionally, whether on or off private premises, to produce mental or physical discomfort, embarrassment, harassment or ridicule. Such activities and situations may include paddling in any form, creation of excessive fatigue; physical or psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside the confines of a house, apartment, or residence hall room; wearing, publicly, apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; late work (or other) sessions which interfere with scholastic activities; and any other activities which are not consistent with the regulations and policies of SUNY Geneseo, or applicable state law.

Geneseo's Student Code of Conduct states that all members of the college community are required to abide by the statutory Rules of Public Order (Section 6450) of the New York State Education Law which specifically states:

No person, either singly or in concert with others shall...

Take any action, create or participate 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.

New York State Penal Law - HAZING

Section 120.16 Hazing in the first degree.

A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such

other person or a third person and thereby causes such injury.

Hazing in the first degree is a class A misdemeanor.

Section 120.17 Hazing in the second degree.

A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.

Hazing in the second degree is a violation.

Violations of the College's hazing policy, the Rules of Public Order, or state law will not be tolerated. Individuals and recognized organizations who violate any of the above policies, rules, regulations or laws are subject to college disciplinary, as well as legal, action; organizations are subject to college disciplinary action, and risk losing such things as college privileges and/or recognition.

Student Records Policy

Students at this College have the right to expect that information accumulated for the purpose of facilitating their education will not be used for any other purpose without their consent.

The College records policy, revised for detailed conformity with the Family Educational Rights and Privacy Act of 1974, permits current or former students to inspect College educational records pertaining to them as individuals, and except as defined below, to obtain copies for a fee. Students are also accorded a right to question the content of a record and to receive a formal hearing if unsatisfied with the response to such a question.

Written consent from a student is required before personally identifiable information can be released from the individual educational record in all cases except those specifically exempted by law.

Inspection of Records

A student may obtain an appointment to inspect any of the following education records by writing to the responsible individual. The written request should identify as precisely as possible the record or records the student wishes to inspect. An appointment must be made for the student within 45 days of the request unless very unusual circumstances interfere.

1. Undergraduate, general
(offices of dean of students, discipline, dean of the college, admissions, and health records)
Dr. Leonard Sancilio Jr.
MacVittie Union 354
Dean of Students
2. Graduate, general
Dr. Susan Bailey
Erwin 106
Interim Dean of the College
3. Access Opportunity
Mr. Isom Fearn
Blake C - 104
Director, Access Opportunity Program
4. International student
Dr. William Caren
Erwin 221
Associate Vice President for Enrollment Services
5. Financial aid
Mr. Archie Cureton
Erwin 104
Director of Financial Aid
6. Academic transcript
Ms. Denise Sullivan
Erwin 102
College Registrar
7. Student teaching
Ms. Beth Scott
South Hall 211
Director of Field Experiences
8. Academic advisor's file
Dr. Susan Bailey
Erwin 106
Interim Dean of the College
9. Financial standing
Mr. Gary Root
Erwin 217
Assistant Vice President for Administration

The student may not see communications from parents or from individuals who have been told by the student that they may correspond with the College in confidence.

Limitation of Right of Access

SUNY Geneseo reserves the right to refuse to permit a student to inspect the following records:

1. The financial statement of the student's parents.
2. Letters and statements of recommendation for which the student has waived his or her right of access, or which were maintained before January 1, 1975.
3. Records connected with an application to attend Geneseo or a component unit of Geneseo if that application was denied.
4. Those records which are excluded from the FERPA definition of education records.

Obtaining Copies

Copies of most records will be furnished to students for a minimum copying charge of \$1.00 for each request to a particular responsible official. Where more than ten pages are copied, the charge will be \$2.00. All computer file copies are \$1.00. In the case of official transcripts, the first copy is free and each subsequent copy is \$5.00. Postage charges will be added when applicable. Checks will be made payable to SUNY Geneseo. In most cases, copies of correspondence will not be made without permission from the writer.

SUNY Geneseo reserves the right to deny copies of records, including transcripts, not required to be made available by FERPA in any of the following situations:

1. The student lives within commuting distance of State University.
2. The student has an unpaid financial obligation to the University.
3. There is an unresolved disciplinary action or other administrative matter against the student.
4. The education record requested is an exam or set of standardized test questions.

Consent and Disclosure

The College will not release information from education records without the student's written consent, except as follows:

Personally identifiable information may be given:

1. To school officials who have a legitimate educational interest in the records. (NOTE: A college or university is required to specify the criteria for determining who are school officials and criteria for determining legitimate educational interests.) The following are examples:

A school official is:

- A person employed by the University in an administrative, supervisory, academic or research, or support staff position, including health or medical staff.
- A person elected to the College Council or Board of Trustees.
- A person employed by or under contract to the University to perform a special task, such as the attorney or auditor.
- A person who is employed by the State University Law Enforcement Unit.
- A student serving on an official committee, such as a disciplinary or grievance committee, or who is assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or contract agreement.
 - Performing a task related to a student's education.
 - Performing a task related to the discipline of a student.
 - Providing a service or benefit related to the student or student's family, such as health care, counseling, job placement, or financial aid.
2. To officials of another school which reports that the student has applied for transfer. Records will be forwarded upon receipt of request.
 3. To Federal or State officials for general program purposes or according to law.
 4. To persons assisting in the determination of financial aid eligibility or the amount or conditions of aid, and in the enforcement of such conditions.
 5. To research organization for group data studies wherein confidentiality is protected.
 6. To representatives of accreditation agencies for program evaluation.
 7. To the parents of dependent students as defined by the Internal Revenue code.
 8. To officers of a court who have issued a subpoena, in which case the student will be notified in advance if possible.
 9. To appropriate parties in a health emergency.
 10. To state and local officials or authorities if specifically required by a state law that was adopted before November 19, 1974.
 11. To individuals requesting directory information so designated by Geneseo.
 12. To the (alleged) victim of a crime of violence, the College will release the results of any disciplinary proceeding conducted by the College against an (alleged) perpetrator of that crime of violence.
 13. To federal law enforcement officials investigating acts of terrorism (in accordance with the USA PATRIOT Act of 2001).

There is certain directory information which the College may release without the student's permission: the student's name, address, electronic mail (E-MAIL) address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, photographs and the most recent previous educational agency or institution attended by the student. However, a student may prevent the release of such information by writing the Dean of Students before the first Friday of each semester. A disclosure hold in place at the time of a student's departure (graduation, withdrawal, etc.) will remain in effect unless the student by written request seeks its removal. (This information is published in the "Student Billing Information.") Also, the College may refuse to release such information if a request seems improper, e.g., for commercial

exploitation.

The College will maintain in each record a list of off-campus parties who have obtained access to non-directory information other than through the specific written consent of the student. This list will show who received information and what the legitimate interest was, and it may be examined by the student along with the record itself.

Correction of Education Records

A student who believes that a record contains erroneous or misleading information may state an objection in writing to the responsible official and receive an answer within 45 days. If the answer, together with an adjustment of the record promised therein, is not satisfactory, the student may request a formal hearing by writing to the Dean of Students. The Dean will arrange a hearing within a reasonable period of time. (If the action of the Dean is in question, the hearing officer will be the Vice President for Student and Campus Life.)

The hearing officer may decide to amend the record and so notify the student. If the decision is contrary to the student's preference, the student may add a personal statement in contradiction which permanently attaches to the challenged portion of the record.

The student will be notified of the time and place of a formal hearing, will receive a full opportunity to be heard and the right to be assigned or represented by an advisor or attorney, and will receive a timely written decision containing a summary of evidence together with reasons for the conclusion reached.

The opportunity for a hearing does not apply to questions concerning the underlying reasons for the granting of a particular grade. Instead, a hearing to determine the accuracy of any grade will be confined to the issue of whether the recorded grade was the grade intended by the reporting faculty member or College official.

Limited Disclosure

The College will notify recipients of information from education records that they may not redisclose the information without the student's written permission, according to law.

Special Records

1. Placement records are covered by a separate policy made known to students who wish to establish a credential file.
2. Medical records may be inspected by a physician of the student's choice. These records are not made available to anyone inside or outside the College without the student's written permission. In some cases, the record may be shown directly to the student on request.
3. University Police records are maintained apart from education records and used solely for law enforcement purposes. In general these records are not subject to FERPA access provisions. Investigation reports made to other units of the College will be shown to students affected by them.

Posting of Grades

Grades or test scores will be posted using the Geneseo I.D. Students may view their grades on the Web.

Policy Questions or Complaints

Student records policy is the responsibility of the Vice President for Student and Campus Life and, finally, the President. Outside the College, the student has a legal right to file inquiries or complaints with Family Educational Rights and Privacy Act Office, Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

- [First Stage](#)
- [Second Stage](#)
- [Hazing Policy](#)
- [New York State Penal Law - HAZING](#)
- [Student Records Policy](#)
- [Inspection of Records](#)
- [Limitation of Right of Access](#)
- [Obtaining Copies](#)
- [Consent and Disclosure](#)
- [Correction of Education Records](#)
- [Limited Disclosure](#)
- [Special Records](#)
- [Posting of Grades](#)
- [Policy Questions or Complaints](#)