

## 2023 Annual Security Report / 2023 Annual Fire Safety Report

September 30, 2024

Welcome to St. Lawrence University!

The philosophy of the St. Lawrence University Safety & Security department is to provide a safe and secure environment for the entire University community. The Safety & Security department offers a wide variety of services to assist students, staff and faculty members in their day to day living. All services are widely publicized. We ask that students, staff, and faculty members familiarize themselves with the on-line student handbook which can be located on the Student Life webpage at <https://www.stlawu.edu/documents/student-handbook>. Safety & Security webpage at <https://www.stlawu.edu/offices/safety-and-security> and all services provided by this department. The first step in a successful Safety & Security program is public awareness and community awareness and participation.

The St. Lawrence University Safety & Security Department will initiate immediate notification to the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, staff or faculty members occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency. Students, staff, faculty, alumni, parents, and guests may access our campus crime statistics at <https://www.stlawu.edu/offices/safety-and-security>.

According to a federal law known as the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, our University is required to disclose “statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is defined as a ‘Campus Security Authority.’”

The Safety & Security Department is required to report “statistics concerning the occurrence on campus of the following criminal offenses reported to local police agencies, or to any official of the institution who has significant responsibility for students, campus activities, the dean of students, residence life and student housing, student center, and student co-curricular activities, director of athletics, team coaches, faculty member, or a faculty advisor to a student group: Murder, Rape, Fondling, Incest and Statutory Rape, Robbery, Aggravated Assault, Burglary, Dating Violence, Domestic Violence, Stalking, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations. We encourage the accurate and prompt reporting of crimes, fires and incidents to Safety & Security, Canton Village Police, Canton Fire Department or the New York State Police.

This Annual Security Report / Annual Fire Safety report is prepared by the Assistant Vice President of Safety & Security and Emergency Management. The information and statistical data included in the report are the collective summary of reported incidents, crimes, and fires as required for reporting by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act. The AVP of Safety & Security submits a written request for

reported crimes and incidents to the Chief of the Canton Village Police and the St. Lawrence County Sheriff annually.

The AVP of Safety & Security submits a written request for reported crimes and incidents to each Campus Security Authority at St. Lawrence University annually. In addition, St. Lawrence University Safety & Security Officers submit incident reports for crimes and incidents; occurring or reported on their patrols, which are included in this report.

The information provided in this annual report is in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act. It is designed to inform, educate, notify and alert the campus community of the current programs, policies, procedures related to crime awareness and reporting at St. Lawrence University. Our Annual Fire Safety Report is included in this document and you may access additional information related to Fire Safety at <https://www.stlawu.edu/offices/environmental-health-and-safety/fire-safety> .

If you have questions about any of the information contained in this annual report, please call our office at (315) 229-5555 or email me directly at [pgagnon@stlawu.edu](mailto:pgagnon@stlawu.edu).

Sincerely,

Patrick W. Gagnon  
Assistant Vice President  
Safety & Security and Emergency Management

# Annual Security/Annual Fire Safety Report

## Table of Contents

• Letter from the Assistant Vice President of Safety & Security and Emergency Management	1-2
• Table of Contents	3
• Description of Safety & Security	4-7
• Emergency Notification/Timely Warning & Emergency Communication Procedures	8-12
• Emergency Safety Plan	12
• Evacuation Procedures	12-13
• Emergency Response Team	13-16
• Declaration of State of Emergency	16
• Emergency Center	17
• Residence Hall Safety	17
• Residence Hall Security and Campus ID Cards	18
• Safety Programs	18-20
• RAVE	20
• Safe Walk Program	20
• Protection of Persons or Property	21
• Athletic Facilities	21
• Bicycles	21-22
• Motor Vehicle and Parking Policy	22
• Lost and Found	22
• Theft	22-23
• Annual Fire Safety Report / Fire Safety Policy	23-30
• Combined Discrimination and Harassment Policies (2 versions)	31-149
• Student Bill of Rights	73-75
• Missing Student Policy	149-150
• Weapons Policy	150
• Drug Free Schools and Communities Act	150-172
• Crime Reporting – Campus Security Authorities	172-173
• Clery Core Campus Map	173-174
• Crime Definitions from the Uniform Crime Reporting Handbook	174-177
• New York Crime Definitions	177-183
• Crime Location Definitions for campus, non-campus building or property and public property	183-185
• Crime Statistics – Crime Report	186-191
• New York State Sex Offender Registry Website	191
• Appendix A	192-193
• Appendix B	194-199
• Appendix C	200-201
• Appendix D	202 & 1-7

## Safety & Security Department

The Safety & Security department is located on the 1<sup>st</sup> floor of the Diana B. Torrey '82 Health and Counseling Center, 76 Park St, Canton, New York. Safety & Security personnel are on duty 7 days per week, 24 hours per day and 365 days a year. **To report a crime or an emergency you can call the Safety & Security office from any campus telephone by dialing 5555, by dialing 315-229-5555 from your cellular phone or you may use Rave Guardian.** Incoming calls (on 315-229-5555 only) are recorded for emergency purposes only and to be consistent with procedures of other private and public safety departments. Calls transferred from the 315-229-5555 line to a private line for Safety & Security administration are not recorded. You may feel certain that confidential discussions with Safety & Security will remain so. **Crimes and emergencies may be reported directly to the Canton Village Police by calling 911 or 315-386-4561.**

### To report crimes, fires or emergencies:

- CALL Safety & Security:
  - From campus phones, dial 5555, from cell phones, dial 315-229-5555
- CALL New York State Police
  - From campus phones, dial 8 then 315-379-0012 or 911.
  - From cell phones, 315-379-0012
- Call New York State Police Sexual Assault Hotline
  - From campus phones, dial 8 then 844-845-7269, from cell phones, 844-845-7269
- CALL Canton Village Police
  - From campus phones dial 8 then 315-386-4561 or 911
  - From cell phones, dial 315-386-4561
- CALL Canton Fire & Rescue – dial 911

### To report crimes/incidents confidentially ON campus: (Confidential Resources)

- CALL Safety & Security and request contact with any of the following on campus resources:
  - Medical staff
  - Mental health counselors
  - Chaplains
  - Athletic Trainers
  - Advocates

### To report crimes/incidents confidentially OFF campus: (Confidential Resources)

- Canton-Potsdam Hospital at 315-265-3300
- Renewal House for Victims of Family Violence (For Students/Staff)
  - 3 Chapel Street, Canton, NY, M-F 8:00am-5:00pm, 315-379-9845
  - Reachout of St. Lawrence County (For Students/Staff) 315-265-2422
  - Employee Assistance Program (For Staff) 1-800-327-2255
  - New York State Office of Victim Services 1-800-247-8035
    - <https://ovs.ny.gov>

Once a crime or emergency has been reported, our first commitment will be to the **victim's or survivor's safety**. We will provide or contact any one or all of the following resources/services: medical treatment, advocate from our Advocate Program, counselor from our Counseling Center,

Community Outreach Programs (Renewal House), or law enforcement. We encourage and can facilitate prompt and accurate reporting of all crimes to local law enforcement.

Our Safety & Security Officers submit to a detailed background check, complete the NYS Security Guard Course(s) and are licensed as security guards with the State of New York. Their training includes but is not limited to: effective communication, NYS Security Guard Course, Clery Act, Title IX, investigations, CPR/AED and first aid, defensive tactics, bomb recognition, fire safety, domestic violence, sexual assaults, stalking, cultural diversity, and drug recognition. They attend an annual Security Officer/Campus Security Officer Training Academy hosted by St. Lawrence University. Our officers are Safety & Security officers and, therefore, are **not** sworn police officers and do not have authority/power to arrest. They can make immediate contact with local law enforcement officials as needed. In addition, the Village of Canton Police Department conducts patrols of our campus roadways and perimeter.

The Safety & Security Department has a long-standing working relationship with the Village of Canton Police Department, St. Lawrence County Sheriff's Department, Troop B of the New York State Police, and the Canton Fire and Rescue Department. St. Lawrence University has a written "Memorandum of Understanding" with the Village of Canton Police Department. The Safety & Security Department reports to the Vice President and Dean of Student Life and is responsible for providing both emergency and non-emergency response on campus. Services provided by the Safety & Security Department include, but are not limited to:

- Campus policy, civil and criminal investigations
- Vehicle and traffic enforcement
- Medical emergency responses
- Fire safety responses, fire drills, and system testing
- Safe Walks
- Access control system responses, checks and inspections
- On campus non-emergency medical transports
- Residence hall patrols and perimeter security checks
- Academic/administrative building patrols and perimeter security checks

The Safety & Security department consists of seven full-time security officers, two part time security officers, three full-time dispatchers, one per diem dispatcher and a strong representation of student staff members that serve on the Student Safety Team and the First Response Team (SLUEMS). The department administration consists of an Assistant Vice President, an assistant director, three patrol sergeants (included in the seven full time security officer staff), an administrative assistant, a technical services coordinator, and a transportation coordinator. Safety & Security is charged with the responsibility of enforcing all University rules and regulations as well as to responding to violations of state and federal laws. During their patrol of university owned property and properties recognized by the University, officers constantly monitor for criminal activity and evaluate campus safety & security. They routinely identify and report such problems as fire safety violations, defective locks, unsecured windows, lighting in need of repair, environmental safety and submit work orders through Facilities Operations. In addition, they immediately address problems considered to be a life safety threat or hazard and request maintenance assistance as needed.

The Safety & Security department is always available to make presentations to student groups, clubs, organizations, staff and faculty members. The administrative team presents “Campus Safety 101” at freshman orientations and at new employee orientations. These presentations include but are not limited to Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Title IX, Higher Education Opportunity Act, VAWA, Campus SAVE Act, NYS Enough is Enough, personal safety, crime prevention, fire safety, safe walks, department structure, crime reporting procedures and services provided by our department.

### **Advisory Committee on Campus Security / University Safety Committee**

The president appoints an advisory committee on campus security. The committee consists of a minimum of six members, at least half of whom shall be female; one-third of the committee shall be appointed from a list of students that contains at least twice the number to be appointed which is provided by the largest student governance organization on such campus, one-third thereof shall be appointed from a list of faculty members that contains twice the number to be appointed which is provided by the largest faculty organization on such campus, and one-third of whom shall be selected by the president or chief administrative officer.

The committee reviews current campus security policies and procedures and makes recommendations for their improvement. The committee specifically reviews current policies and procedures for: educating the campus community, including security personnel and those persons who advise or supervise students, about sexual assault, domestic violence, stalking and bias related and hate crimes.

The committee reviews programs educating the campus community about personal safety and crime prevention; reporting sexual assaults, domestic violence and stalking incidents and assisting victims during investigations; reporting sexual assaults, domestic violence, stalking incidents and hate crimes and assisting victims during investigations; referring complaints to appropriate authorities; counseling victims; and responding to inquiries from concerned persons.

The committee reviews safety related concerns from the campus community and makes recommendations for remediation.

The committee provides a report, in writing, to the president on its findings and recommendations at least once each academic year, and such report shall be available upon request.

### **Procedure to Determine a Continuing Threat**

Senior administrators, including the Vice President and Dean of Student Life, Vice President of University Communications, the Associate Dean of Student Life, the Assistant Vice President for Security and Safety, and the Director of Health Services are consulted in the determination of a threat. The administrators consider the nature of the complaint, the time between the incident and the complaint, the disciplinary history of the accused, and any mental health information that we are allowed to have (such as threats to self and others). The University’s decisions about whether to interim suspend a student (or to remove an employee from his/her job if the respondent is an employee) are made on a case-by-case basis. We attempt to assess the likelihood of the accused committing a similar act while our investigation and adjudication process is occurring. Relevant considerations include the nature of the alleged incident (i.e. was the alleged incident forceful or non-

forceful; did the alleged incident appear to be planned or intentional; was a weapon involved; were intoxicants allegedly used in a deliberate way to incapacitate the alleged victim; is this part of a pattern of conduct as may more likely be the case in domestic and dating violence and stalking cases, etc.)

**As stated in the University's Combined Discrimination and Harassment Policy:**

**Emergency Removal of Student Respondent**

The University may need to undertake an emergency removal of a student in order to protect the safety of its community, which may include contacting local law enforcement to address imminent safety concerns. Emergency removal is not a substitute for reaching a determination as to a student respondent's responsibility for the sexual misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of the allegations of sexual misconduct.

Prior to removing a student respondent through the emergency removal process, the University will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual misconduct justifies removal, then a student respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed. An emergency removal cannot be based on the threat to *mental* health or safety to a Complainant or anyone else. The threat must be to the *physical* health or safety of the Complainant or other individual.

In the event a determination is made that a student respondent is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision. If a student respondent disagrees with the decision to be removed from campus, he/she may appeal the decision. The student respondent must provide written notice to the Title IX Coordinator within 10 days of receiving the notice of removal. The burden of proof is on the student respondent to show that the removal decision was incorrect.

Employee respondents are not subject to this process. When the accused is not a student but is a member of the University community, he or she is subject to interim suspension in accordance with the University's employment policies and practices (including applicable collective bargaining agreements).

The Vice President and Dean of Student Life or the Vice President's designee may suspend a student from the University or take other appropriate action whenever the student's alleged actions constitute a danger or hazard to members of the University community or to the University. Such actions may include a threat of danger or injury to others, a threat of disruption of the educational or living environment. Before a suspension can exceed seven (7) calendar days, the student (to be) suspended shall be given the opportunity to speak directly to the Vice President and Dean.

## Emergency Notification Procedures

Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An “immediate” threat as used here includes an imminent or impending threat, such as an active shooter, approaching forest fire, or a fire currently raging in one of our buildings.

The AVP of Safety & Security communicates with the Vice President of Student Life, Vice President of University Communications, on duty security personnel, and the Canton Village Police official as available, for confirmation of the emergency or immediate threat to the health and safety of the University community. The AVP of Safety & Security may independently confirm the emergency or immediate threat to the health and safety of the University community in the absence of time or availability of others for consultation.

St. Lawrence University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The Safety & Security Department or a designee will issue emergency notifications notices for the St. Lawrence University Community to notify members of the community about serious incidents or crimes against people that occur on campus or within our Clery geography, where it is determined that the incident may pose an ongoing threat to members of the St. Lawrence University Community. These notifications will be distributed if the incident is reported either to Safety & Security directly or indirectly through a campus security authority, responsible employee or Canton Village Police Department.

The notification will withhold as confidential, the names and other identifying information of victims. The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

As timing and details of the emergency permit, the AVP of Safety & Security or designee will draft text containing the proposed Campus Safety Alert and forward it to Vice President of Student Life, Vice President of University Communications, and/or University Communications. The context will be reviewed and revised as needed. Once approved, the message will then be broadcasted through RAVE Alert Emergency Notification System (SLUALERT) text messaging system and campus email containing the Campus Safety Alert to the University Community. Updates to the St. Lawrence University Community about any particular case resulting in a Campus Safety Alert also may be distributed electronically via RAVE Alert Emergency Notification System, campus email and/or posted on the University’s web site.

Campus Safety Alerts may also be posted in campus buildings, when deemed necessary. When a Campus Safety Alert is posted in campus buildings, it shall be printed on bright colored paper and be posted in the lobby/entrance area of the affected building(s) for seven (7) days.



If the emergency poses danger to the campus-wide community, we'll activate these communications:

- Posted on St. Lawrence University web page and Facebook pages and SLU Twitter
- Sent through the campus email system
- Sent through broadcast text message to cell phones – SLUALERT
- Sent through the campus voice mail system
- Public Address Systems on Safety & Security patrol vehicles

If St. Lawrence University experiences a limited emergency related to weather, crime, accident or other cause, these guidelines direct our communication:

- Those directly involved with an emergency will receive personal, direct information as immediately as possible.
- The campus community is informed promptly and updated regularly through these methods, depending on the nature of the emergency.
- Email to campus email addresses
- Posting on the University's main Web page [www.stlawu.edu](http://www.stlawu.edu), directed to the Emergency Alert web page for details.

Emergency Phone Numbers:

- Campus Safety & Security: 315-229-5555
- Canton Village Police: 315-386-4561
- Canton Fire and Rescue Department: dial 911
- Campus Information for Students/ Staff/Faculty: 315-229-5585
- St. Lawrence County Sheriff Department: 315-379-2222
- New York State Police: 315-379-0012
- Public Information: 315-229-5585

Campus Alerts / Emergency Notifications are retained on the Safety & Security webpage at:

<https://www.stlawu.edu/offices/safety-and-security>

The department also maintains a daily crime log which is updated each business day and contains all crimes reported to Safety & Security. The crime log is available upon request during business hours and also available on the Safety & Security webpage at: <https://www.stlawu.edu/offices/safety-and-security>

## Timely Warning Procedures

Under the Clery Act every institution is required to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. The intent of a timely warning regarding a criminal incident(s) is to enable people to protect themselves. This means that a warning will be issued as soon as pertinent information is available.

St. Lawrence University will issue a timely warning for all Clery Act crimes that occur on our Clery Act geography that are reported to campus security authorities or local police agencies; and are considered by the institution to represent a serious or continuing threat to students and employees.

The Safety & Security Department or a designee will issue timely warning notices for the St. Lawrence University Community to notify members of the community about serious incidents or crimes against people that occur on campus or within our Clery geography, where it is determined that the incident may pose an ongoing threat to members of the St. Lawrence University Community. These notifications will be distributed if the incident is reported either to Safety & Security directly or indirectly through a campus security authority, community member or the Canton Village Police Department.

The notification will withhold as confidential, the names and other identifying information of victims. The description of subjects in a case will only be included in the notification if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

The AVP of Safety & Security or designee will draft text containing the proposed Campus Safety Alert and forward it to Vice President of Student Life, Vice President of University Communications, and/or University Communications. The context will be reviewed and revised as needed. Once approved, the message will then be broadcasted either through our RAVE Alert Emergency Notification System with (SLUALERT) text messaging or campus email; or broadcast through both RAVE Alert Emergency Notification System (SLUALERT) and campus email; containing the Campus Safety Alert to the University Community. Updates to the St. Lawrence University Community about any particular case resulting in a Campus Safety Alert also may be distributed electronically via RAVE Alert Emergency Notification System (SLUALERT), campus email and/or posted on the University's web site.

Campus Safety Alerts may also be posted in campus buildings, when deemed necessary. When a Campus Safety Alert is posted in campus buildings, it shall be printed on bright colored paper and be posted in the lobby/entrance area of the affected building(s) for seven (7) days.

If the emergency poses danger to the campus-wide community, we'll activate these communications:

- Posted on St. Lawrence University web page and Facebook pages and SLU Twitter
- Sent through the campus email system
- Sent through broadcast text message to cell phones – (SLUALERT)
- Sent through the campus voice mail system
- Public Address Systems on Safety & Security patrol vehicles

If St. Lawrence University experiences a limited emergency related to weather, crime, accident or other cause, these guidelines direct our communication:

- Those directly involved with an emergency will receive personal, direct information as immediately as possible.
- The campus community is informed promptly and updated regularly through these methods, depending on the nature of the emergency.
- Email to campus email addresses
- Posting on the University's main Web page [www.stlawu.edu](http://www.stlawu.edu), directed to the Emergency Alert web page for details.

#### Emergency Phone Numbers:

- Campus Safety & Security: 315-229-5555
- Canton Village Police: 315-386-4561
- Canton Fire and Rescue Department: dial 911
- Campus Information for Students/ Staff/Faculty: 315-229-5585
- St. Lawrence County Sheriff Department: 315-379-2222
- New York State Police: 315-379-0012
- Public Information: 315-229-5585

Campus Safety Advisories may also be distributed by campus email and/or RAVE Alert Emergency Notification System (SLUALERT) for crimes, incidents or unsafe conditions (ex. a pattern of larcenies, vandalism cases, weather, etc.) that do not rise to the level of causing a serious or continuing threat to the St. Lawrence University Community. In addition, they may be distributed for other safety concerns.

The department also maintains a daily crime log which is updated each business day and contains all crimes reported to Safety & Security. The crime log is available upon request during business hours and available on the Safety & Security webpage at: <https://www.stlawu.edu/offices/safety-and-security>

Campus Alerts / Timely Warnings are retained on the Safety & Security webpage at <https://www.stlawu.edu/offices/safety-and-security> or University Communications at <https://www.stlawu.edu/offices/university-communications>

## Emergency Messages and Their Meanings

If you receive a text message or email with an emergency message:

**Active shooter:** A person believed to be armed and firing a weapon.

**Active situation:** A dangerous situation that our Safety & Security staff is dealing with right now.

**Evacuation:** Leave the building immediately and gather in a designated space so authorities can account for your safety.

**Shelter-in-place:** Stay where you are. If possible, get to a small, interior room with no or few windows and stay there, away from doors or windows, until further notice.

**Perpetrator:** A person committing a crime.

**Lockdown:** An emergency protocol aimed at keeping people safe by protecting them inside a facility. If you are in a room, staying in place may be safest. Stay in place if authorities advise it. If you are in a hallway area or outside, go inside as quickly as possible and stay there until further notice.

**Suspect:** A person who is suspected of committing a crime.

## **WEATHER**

**Advisory:** Bad weather could occur; take care when outdoors or while driving.

**Watch:** Risk of bad weather has increased, but still uncertain. Watches indicate that conditions are favorable for storms to develop.

**Warning:** Bad weather event is imminent or is already occurring. Take action immediately.

**Severe thunderstorm:** A thunderstorm with damaging winds and/or large hail.

## **Emergency Safety Plan**

In the event of an emergency, University officials will provide timely information for students, parents, faculty, staff, and other members of the campus community. It will be updated regularly as new information becomes available.

### **General Instructions**

**If you hear a fire alarm,** evacuate, meet at a central location and take accounting of fellow residents, classmates or co-workers. Remain outside until Safety & Security, local fire department staff or police signal all-clear.

**If you hear a siren on campus,** stay inside, close and lock your door (if possible), close curtains, stay low and stay close to a wall until further notice from Safety & Security, local Fire Department staff or Police.

## **Evacuation Procedures**

### **Building Evacuation Procedure**

1. All building evacuations will occur when a building alarm (fire alarm) sounds and/or upon notification by Safety & Security
2. When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same.
3. Assist persons in exiting the building, especially persons with a physical challenge. If elevators exist in a building, they are reserved for persons with physical challenges. **DO NOT USE THE ELEVATORS IN CASES OF FIRE OR EARTHQUAKE.**

4. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel. Know your area assembly points.

5. DO NOT return to an evacuated building unless told to do so by Safety & Security staff.

### **Campus Evacuation Procedure**

1. Evacuation of all or part of the campus grounds will be announced by Safety & Security.
2. All persons (students and staff) are to vacate immediately the area of campus in question and relocate to another part of the campus grounds as directed.

### **Relocation of Persons with Disabilities**

**In the event of an emergency, individuals who use wheelchairs and other individuals with disabilities should observe the following procedures:**

- Move towards the marked exit.
- As a first choice, use the building elevator, BUT NEVER IN THE CASE OF A FIRE OR EARTHQUAKE.
- If there is an earthquake – or if there is an obstruction in the pathway – request assistance from others in the area.
- If assistance is not immediately available, stay in the exit corridor or the stairway landing. Continue to call for help until rescued. Individuals who cannot speak loudly should carry a whistle or have other means for attracting the attention of others.
- Rescue personnel, Public Safety, Emergency Response Teams, Fire and Police Departments will first check all exit corridors and exit stairwells for trapped persons.
- If you use a wheelchair, or have any other mobility impairments, please file a class schedule with Safety & Security.
- NOTE: It is suggested that the individuals who use wheelchairs or have mobility impairment prepare for an emergency ahead of time by instructing faculty/staff or classmates on how to assist him/her in an emergency.

### **Emergency Response Team**

The Emergency Response Team meets each semester and once over the summer term as a committee and schedules safety drills and safety exercises. In addition to each drill and exercise, the committee convenes for assessment and evaluation of relevant emergency plans. Drills are conducted three (3) times during an academic year, to include summer session. Prior to each drill and exercise, a campus email announcement and emergency text message is sent to the campus community. Every fall semester, the Safety & Security Department plans and executes a Campus Organizational Fair to include a residential room burn demonstration with the Canton Fire Department. If a major emergency--such as an earthquake, fire, or hazardous material accident--occurs, a pre-designated Emergency Response Team will coordinate the University's response. All efforts are designed to

protect students, faculty and staff. The University is prepared to respond 24 hours a day, seven days a week.

### **Emergency Response Team and Action Offices**

The Emergency Resource Team will gather, in person or electronically as possible, to provide updated information and assistance to one another, and to coordinate responses to emergencies involving more than one individual or natural disasters.

Emergency Director	President or designee
Emergency Coordinator	AVP of Safety & Security and Emergency Mgt.
Damage Control	AVP, Chief of Facilities Officer
Campus and Public Information	Vice President for University Communications
Support Functions	VP, Library and Information Technology (Computing, telephone)
Insurance and Archivist	Executive Director of Finance

The following would be involved in most collective emergency situations and disasters. These procedures are generic and may be adapted to the circumstances of any particular emergency. For Protocols established for Individual Emergencies, see Appendix.

**If an office is cited as involved, its staff should assume the responsibilities outlined below.** In most cases, the complete list of responsibilities will not be repeated for each emergency. The master list should be a key reference.

#### **Safety and Security**

1. First contact
2. Assumes initial on-site command and control
3. Assesses seriousness of situation, requests appropriate assistance from outside agencies
4. Contacts Emergency Resource Team members and others (such as the Vice President and Dean of Student Life) depending on the nature of the emergency
5. Maintains emergency communications with emergency staffers
6. Maintains access route for emergency vehicles and personnel
7. Coordinates evacuation of students and personnel
8. Develops and maintains emergency operations center, if necessary

#### **Facilities Operations**

1. Coordinates emergency control and restoration of services, utilities, buildings etc.
2. Assists in rescue, clearance and demolition
3. Procures emergency water supply
4. Provides damage assessment
5. Assists with emergency transportation to evacuation site

6. Constructs temporary facilities, if necessary
7. Maintains emergency supplies inventory

### **Vice President of University Communications**

1. After contact from Security, determines nature and extent of communications to University personnel. Will consider: seriousness of emergency, appropriate audience(s) for information, appropriate or possible vehicles of communication, and legal constraints
2. Helps prepare internal written and verbal communications.

### **Vice President of Communications (and University Communications team)**

1. Posts emergency communications to University Website.
2. Manages all social media postings and communications.
3. Updates and responds to all media inquiries.
4. Coordinates communication as necessary with alumni, parents, prospective students and other appropriate audiences in consultation with Community and Employee Relations, Advancement, Laurentian Engagement and Admissions.

### **Information Technology Leadership Team**

1. Coordinates emergency control and restoration, if necessary, of computing and telephone resources.
2. Establishes alternative infrastructure resources as possible and if necessary
3. Protects integrity of database files.

### **Executive Director of Finance**

1. Contacts University Attorney
2. Coordinates insurance claims
3. Documents activities, actions and expenses

### **General Response Procedures**

**\*While these procedures may not be appropriate in every emergency situation, they provide guidelines to follow and may be modified according to circumstances.**

1. Assure Human Safety
  - a. Assess seriousness of emergency
  - b. Call Safety and Security at 315-229-5555 to request assistance and transport to hospital or health services. Call all appropriate
  - c. Before Security arrives, assure safety of people in building if possible. Coordinate evacuation if situation is life threatening.
  - d. Health Services if injuries occur or potential for injuries exists
2. Minimize Damage to Facilities
  - a. Under supervision of Security, contact Facilities Operations
  - b. Under supervision of Security, remove valuable records and equipment, if appropriate

3. Coordinate Communications
  - a. After notification by Security, Vice President for University Communications prepares internal and external statements
  - b. University Communications contacts external media to alert to emergency situation as appropriate
  - c. Vice President for University Communications coordinates notice to family and friends (parents, teachers, roommate(s), campus employer(s)) with appropriate campus office. For students: VP and Dean of Student Life; for employees: Human Resources.
  - d. Debriefing
4. Minimize Legal and Financial Risks
  - a. Vice President of University Communications contacts University Attorney and establishes procedures to archive all activities and expenditures associated with the Emergency.

## Declaration of State of Emergency

The authority to declare a campus state of emergency rests with the President or his/her designee as follows:

During the period of any campus major emergency, the Safety & Security Office shall place into immediate effect the appropriate procedures necessary in order to meet the emergency, safeguard persons and property, and maintain educational facilities. When in consultation with the Senior Staff members, the AVP of Security considers a situation to be either a major emergency or a disaster, the AVP of Security advises the President to declare a campus state of emergency.

A campus state of emergency means

- Only registered students (if classes are in session), faculty, and staff are authorized to be on campus. Visitors and guests will be asked to leave, as safety permits.
- The President may dismiss employees or may declare the campus closed in advance of the normal opening of the workday. Wage compensation will be adjusted according to contractual agreements.
- Only faculty or staff members with emergency resource duties will be allowed to enter the immediate disaster site, if such a site exists.
- Employees with emergency resource duties will be asked to report to campus, or remain on campus, to fulfill responsibilities. Accommodations and meals will be provided to emergency personnel if necessary.



## Emergency Center

The Safety & Security Department is located in the Torrey Health and Counseling Center which is equipped to serve as a centrally located campus emergency center.

### Card Access Control System

The security of and access to all of our residential buildings is controlled by our card access system. This includes all residence halls and theme houses. In addition, some of our administrative buildings, academic buildings and athletic complexes are also controlled by our card access system. The Safety & Security Department issues all access control cards with the respective access for all St. Lawrence University community members. Cards reported as lost, stolen or defective can be replaced at Safety & Security upon request or report.

The Access Control System is monitored 24 hours a day – 7 days a week by the Safety & Security Department. The system will display alarms when a door is propped open; the components are tampered with; forced entry occurs; and if unauthorized person(s) attempt to access with an invalid access card. When an alarm is displayed on the terminal monitor, the dispatcher will acknowledge the alarm and report the incident to the officers on patrol. The officers on patrol will respond to the location of the alarm and investigate the cause.

## Residence Hall Safety

Every night, professional Safety & Security Officers and the Student Safety Team perform foot patrols in and around the residence halls as well as other campus buildings. Safety & Security Officers and the Student Safety Team work closely with the residence hall staff to prevent problems before they occur.

- a) Letting someone else use your access card and/or propping doors open compromises the safety of other students in the residence hall. These actions are violations of University policy, which may result in a fine or judicial board action.
- b) Keep doors and windows to your room locked at all times.
- c) Never sleep in an unlocked room.
- d) Don't put your name and address on your key ring.
- e) Don't study in poorly lighted or secluded areas of a building.
- f) Should you receive a harassing phone call or calls with no one on the line, hang up and immediately notify the Safety & Security department.
- g) If you find that your room has been entered, don't go inside. Notify Safety & Security immediately. If you are inside do not touch anything until an officer arrives as you may disturb valuable evidence.
- h) If your lock or combo is not operating properly contact your Community Assistant. Avoid having large amounts of cash or other valuables in your room.
- i) **NEVER GIVE YOUR COMBINATION TO ANYONE!**
- j) Check with your family insurance agent to determine if your property is covered under their homeowner's insurance. If not, you should strongly consider purchasing insurance.

## Residence Hall Security and Campus ID Card

Students will receive their Campus ID Card when they arrive on campus for Orientation. Your card is the official St. Lawrence University identification card as required by University policy. While on campus, you should carry it at all times for identification purposes and to present to University officials upon request. Information on the front of the Campus ID Card includes name, photograph, identification number and date of expiration. Developed with the goal of improving access to various campus services for the safety and convenience of the University community, this one-card system provides individual access to University residence halls.

The access control system is monitored “24/7” by the Safety & Security Office; if a door is propped or forced open, an alarm alerts them and a Safety & Security Officer is dispatched to that location.

## Safety Programs

- The AVP of Safety & Security presents a presentation titled “Campus Safety 101” to students, staff and faculty. During Orientation, this presentation is required for freshman. The Canton Fire Chief, Canton Police Chief, Health & Counseling Director, SLU EMS leadership team, Advocate Team and New York State Police – Campus Sexual Assault Victims Unit representative; are a part of the presentation, representing their departments and services.
  - Safety & Security Department and Programs overview – Presented at Orientations and ongoing as requested. Includes: Clery Act, Department Overview, Reporting of Crimes and Emergencies, Personal Safety, Sexual Assault, Dating/Domestic Violence, Bystander Intervention, and Stalking
  - Our Advocates Program provides informational programs and maintains a web page for students titled, “Education and Outreach.”
- The Assistant Director of Safety & Security presents “ALICE” training to include awareness of campus and law enforcement response to active shooter incidents to students, staff and faculty as requested.
- Safety & Security Officers present RAD courses to students, staff and faculty.
- The Student Activities Department in collaboration with student organizations; provides the following campus wide programs for students, staff and faculty regarding: Personal Safety, Sexual Assault, Dating/Domestic Violence, Bystander Intervention, Stalking and Self Defense Training – Each semester and ongoing as requested.
  - “Stand By Me Players” (Bystander Intervention Program)
  - “Can I Kiss You?”
  - “Speak About it” (Consent and Sexual Health Program)
  - Make a T-shirt for the Clothesline project!
  - AWARE Training Sign Ups
  - Advocates Program Training and Events
  - PURPLE WEEK: A Domestic Violence Awareness Week organized by the Advocates program includes a week of programming which varies each year but has included: Survivor Yoga, Take back the night and other awareness campaigns.
  - TEAL WEEK: Sexual Assault Awareness week organized by the advocates program includes a week of programming in the Spring which varies each year but has included: Take Back the Night: Speak Out, Brave Miss World Showing and other film showings, Self- Defense Class

- Title IX/VAWA/NYS Enough is Enough, Clery CSA Training and Campus SAVE Act Legislation Trainings
  - Online training for all first-year students as mandated
    - All FYs and transfers during “on-boarding”
  - All athletes before competition
  - All student leaders before serving as leaders
  - Online training for all students
  - In-person and online training for investigators and adjudicators
  - In-person and online training for mandatory reporters and employees
- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act Training
  - The AVP of Safety & Security provides training for all Campus Security Authorities.
  - The AVP of Safety & Security presents a program titled “Campus Safety 101” to students, staff and faculty at orientations and upon request. During Orientation, this presentation is required for freshman. At Orientation, the Canton Fire Chief, Health & Counseling Director, SLU EMS leadership team, Advocate Team and New York State Police – Campus Sexual Assault Victims Unit representative; are a part of the presentation, representing their departments and services.

### ***What You Can Do...***

Community involvement is essential to the prevention of crime on campus. Disinterest and complacency are the prime contributors to the success of criminals. The burden of crime prevention rests not only with the Safety & Security department but with each member of the St. Lawrence University community. Safety & Security officers cannot be everywhere at once and therefore we depend on you to recognize and report suspicious and criminal activity. The extent of your cooperation greatly influences the Safety & Security Officers’ effectiveness in preserving a safe campus environment.

### **Doing your part means:**

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

Many times solving a crime depends on how accurately and promptly the incident is reported. Therefore, when reporting an incident it is important that you be able to provide as much of the following information as possible:

Nature of the incident.

1. When the incident occurred
2. Where the incident occurred
3. Who was involved (names, gender, race, age, height, glasses, clothing, etc.)
4. Direction and mode of travel

5. Vehicles involved, type and description
6. Description of stolen property

## Rave Guardian – Cell Phone app

As part of St. Lawrence University’s ongoing commitment to your well-being, St. Lawrence’s Safety and Security team has launched Rave Guardian, a free mobile app that turns your smartphone into a personal safety device. This safety tool is an all-purpose campus resource that enhances your personal safety whether you are on or off campus. This app is available to current St. Lawrence students, faculty, and staff.

### Key Feature: Guardians

With Rave Guardian, you can create a profile of information about yourself and invite “Guardians,” such as family, friends and even St. Lawrence’s Safety and Security team, to be part of your safety network. When needed, you can request one or more of your Guardians to virtually walk “with” you on or off campus.

### Key Feature: Easy Emergency Communication

The app has a safety feature that directly connects you with St. Lawrence’s Safety and Security team (or 9-1-1 if you are off campus) in an emergency, as well as the ability to submit an anonymous tip to Safety and Security if you see something suspicious.

### Other features include:

- **Inbox:** Receive timely campus notifications and updates
- **Safety Timer:** This virtual campus safety escort turns your cell phone into a “safe walk” tool that keeps your safety network informed about your location and when you safely arrive at your destination.
- **Content Directory:** Important resources, documents, maps, etc.
- **Text Safety and Security:** Two-way communications with an optional anonymous mode
- **Call Directory:** Numbers for campus emergencies and local resources
- **Emergency Call:** One-click emergency dial

## Safe Walk Program

- Safety & Security provides safe walks from any University affiliated or owned property to another University affiliated or owned property.
- Safe Walks consist of a personal escort by a Safety & Security Officer or Student Safety Team Member.
- To request a safe walk at any time of the day or night, simply **call 5555** from a campus phone or **315-229-5555** from an outside line or cellular phone or utilize the Rave Guardian app.

## Protection of Persons or Property

### **General:**

- a) Be aware and recognize your vulnerability.
- b) Report all suspicious persons, vehicles and activities to the Safety & Security department immediately by calling **315-229-5555** or **the Rave Guardian app**.
- c) Use the “buddy system” when at parties or in an uncommon location. Never walk ALONE!
- d) Watch out for your neighbor. If you see someone being victimized, notify Safety & Security immediately.

### **Walking:**

- a) Avoid walking alone after dark. Utilize the Safe Walk Program by calling x5555 or (315) 229-5555 anytime of the day or night or by utilizing the Rave Guardian app.
- b) Walk in well-lighted, regularly traveled walks or pathways. Avoid shortcuts and keep away from shrubbery, heavy bushes, alleyways and dark areas.
- c) Don't hitchhike or accept rides from strangers.
- d) Report lights that are out and any other hazardous conditions to the Safety & Security department.
- e) When walking to your vehicle...keep your keys in your hand.
- f) If you think or feel as though you are being followed, cross the street and if needed keep crossing back and forth. If you are pursued, draw attention to yourself by yelling and run to a lighted building or residence hall. Don't be afraid, if need be break a window or pull a fire alarm to draw attention to your situation. In this type of situation yelling “FIRE” may be more effective than yelling help.

## Athletic Facilities

Use the “buddy system.” Work out or use the pool with a friend and make arrangements to go to and from the gym together.

- a) Immediately report all incidents of indecent exposure and voyeurism to the Safety & Security Department.
- b) Avoid bringing cash, wallets, or other valuables to the gym. Keep your locker locked whenever unattended. This includes when you are briefly in the shower. Most thefts in athletic facilities take place in the locker rooms and from unlocked lockers.

## Bicycles

Students, staff and faculty members are strongly urged to register their bicycles with the Safety & Security Department. There is no cost for registering bicycles and it greatly increases the chance for recovery in cases of theft. The Safety & Security Department has bicycle locks for purchase, if needed.

### **Always lock your bike!**

1. Bicycles should be locked around the frame and through both wheels to a bike rack.

2. Invest in a good bike lock or a strong padlock and chain.
3. Whenever possible keep your bike inside at areas designated by Residence Life.
4. Find out if your bike is covered under your parents' insurance policy. If not, it is advisable to insure it.
5. Don't be an accident victim. Follow the same rules of the road as you would if you were driving a car.

Bicycles must not be left in hallways or stairwells or rooms since the personal safety of others may be jeopardized. When school is not in session, secure your bike in your room or take it home with you.

During the fall, an announcement is made about where various bicycle storage areas on campus. Any bicycles stored or locked in hallways and stairwells are moved to approved storage areas. If bikes are moved by University personnel, the owner may be subject to a \$25 fine and is responsible for any damages to chains or locks.

## Motor Vehicle and Parking Policy

The central philosophy guiding our parking policy is our commitment to a walking campus. All of us — students, faculty, staff and visitors — should be confident of the freedom to walk from place to place without interference from cars, motorcycles and other vehicles. We also believe that a walking campus is consistent with our commitment to the environment. Therefore, we have established procedures for registering and parking vehicles on campus to assure the safety of students, faculty, staff and visiting drivers and pedestrians on campus. A parking permit gives us all the information we need to help you use University parking areas safely and conveniently. We work to maintain emergency access to all buildings and areas on campus. Your cooperation with the regulations will improve the sense of community we share, as well as reduce traffic and parking violations. Failure to abide by this policy could result in fines, “booting,” towing, revocation of parking privileges and/or disciplinary action. All registered vehicles must properly display a St. Lawrence University decal and/or permit and be parked only in designated areas determined by decal/permit status. Students will be billed an annual non-refundable \$175.00 decal fee. All motor vehicles must be registered with the Safety & Security Department. We strongly encourage bicycle registration as well.

## Lost and Found

Keys or valuable items found unattended on campus should be turned over to the Safety & Security Department. Such items are subject to a search for the purpose of discovering ownership. Unclaimed items will be donated to an appropriate charity or otherwise disposed of after one semester has passed. Items found in the residence halls should be turned over to the residential coordinator who will then give the items to Safety & Security.

## Theft

Theft, or a suspicion of theft, should be reported immediately to the community assistant, residential coordinator or house manager, and the Safety & Security Office. The victim of a theft has the right to report the theft to the local police or refer the matter to the Student Judiciary Board. Where theft against the institution is involved, the University agent with responsibility for the area in which the theft occurred chooses the appropriate course of action. Any student found guilty of theft will be considered for immediate suspension from the University.

**The University is not liable for personal property lost, stolen, or damaged.** It is advised that you protect your belongings with insurance through your family's homeowner or other insurance policy. It is further recommended that you keep doors locked, avoid keeping large sums of money and other valuables in your room, and report any suspicious persons or behavior to residence staff and Safety & Security.

## Annual Fire Safety Report

### Fire Safety Policy

**All FIRES must be reported to the Safety & Security Department at (315) 229-5555 immediately. Even if the fire has been extinguished, it must be reported.**

Familiarize yourself with the location of building exits, alarms, and extinguishers. Report discharged fire extinguishers to Safety & Security immediately.

#### **IF YOU DISCOVER SMOKE OR FIRE:**

- a. Sound the fire alarm.
- b. Go to the nearest exit and leave the building.
- c. Call the Safety & Security Department at 5555, (315) 229-5555; or utilize the Rave Guardian app.
- d. If you are in your room when an alarm sounds, feel the door and handle to see if it's hot. If it's hot don't open the door. Call the Safety & Security Department at 5555 or (315) 229-5555 and/or open your window and call for help. If the door is not hot exit the building immediately.
- e. If an exit is blocked, try another exit or return to your room, close the door, open a window and yell for help.
- f. If you are in a smoke-filled area, keep low to the floor to escape the smoke.
- g. Know all the exits and fire escape plans in your building.

Throughout the academic year Residence Life Staff will conduct fire safety inspections of every University-owned residential room on campus to ensure the safety of the entire building. Facilities Operations regularly tests building alarms and inspects fire safety equipment throughout the campus.

Each student room is equipped with a smoke detector. The student is responsible for reporting a malfunctioning smoke detector to the residential coordinator, house manager, or Safety & Security immediately. The detectors are checked by residential staff and custodians at least 4 times during the year—before fall opening, at Thanksgiving break, at winter break, and at spring break. The University is equipped with fire sprinklers in some buildings and all systems are inspected quarterly in accordance with the Fire Code of New York State. As buildings are renovated or remodeled sprinkler systems are added per NYS Fire Code. All buildings are in compliance with NYS Building and Fire Codes.

Certain obvious fire hazards are prohibited in residence hall rooms. Among them are bongos, hookahs, candles and incense, cords under rugs, fireworks, flammable gas and liquids, halogen lamps, hookahs, hot plates, immersion coils, internal combustion engines, kerosene heaters, oil lamps, pipes or other smoking devices (including vape pipes and other devices), space heaters, vaporizers, and water pipes. The following room decoration policy is in effect:

- 1) Tapestries will be limited to two per room, to be hung on walls only. Fireproofing treatment is recommended.

- 2) Posters should not cover more than 50% of wall space.

### **New York State Fire Code Enforcement**

On an annual basis, St. Lawrence University is inspected by the New York State Office of Fire Prevention and Control. All University buildings, open spaces, offices, and residence halls, including student rooms, are subject to inspection and, if violations are noted, must be corrected within one day to approximately thirty days based on the severity, which is determined by the fire probability and potential loss severity of the violation. Failure to satisfactorily abate these violations may result in fines from New York State and range from \$50 to \$500 per day based on severity. Violations occurring in student rooms for which the occupants are responsible resulting in fines will be billed to the occupant(s) of that room. In student rooms, there are five reasonable and simple premises to follow:

1. No combustible materials can be stored or located within 18 inches of a sprinkler head or within 24 inches of an unsprinklered ceiling.
2. Rooms **MUST** be maintained in an orderly manner with any combustible material properly stored.
3. Extension cords shall not be a substitute for permanent wiring. Extension cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall only be used with portable appliances. No unapproved extension cords may be used. Approved extension cords shall be used only with portable appliances and must be plugged directly into an approved electrical outlet, power tap, or multi-plug power strip and shall only serve one portable appliance. Multi-plug power strips must be plugged directly into an approved electrical outlet.
4. Exits and aisles must always be kept clear and accessible with fire doors in the closed position.
5. All fire protection equipment, extinguishers, heat and smoke detectors, and sprinkler heads must not be interfered or tampered with and must be in working order.

**Fire Safety is a serious issue. People's lives are at stake and your cooperation is appreciated.**

#### **Please note:**

1. Fireworks are illegal to possess or use in New York State and are prohibited at St. Lawrence University.
2. Any student guilty of starting a fire or intentionally turning in a false alarm may be suspended from St. Lawrence University and be subject to criminal prosecution.
3. Failure to cooperate with University personnel during a building evacuation or fire alarm will result in **a mandatory \$250 fine** and/or disciplinary action.
4. Failure to leave the building during a building evacuation or fire alarm will result in **a mandatory \$250 fine** and/or disciplinary action.
5. Any student guilty of tampering with smoke detectors, fire extinguishers or other fire safety equipment including safety lights or fire sensors is held responsible for endangering the safety of the occupants of the building and subject to a fine and/or disciplinary action. **A mandatory \$250 fine** is assessed in cases of students tampering with smoke sensor detectors, inappropriately discharging fire extinguishers or breaking the seal that indicates that the fire extinguisher has been prepared for use. This fine also applies to the misuse of fire alarm pull stations and stopper II devices. **A mandatory**



**\$250 fine** is assessed to any student inappropriately discharging a sprinkler system and the student may be assessed damages caused by the water.

6. When there is damage in a room from a fire caused by actions that are in violation of University policy, the responsible party will be fined as appropriate, pays for damages caused by the fire as determined by the University, and is referred to the Dean's Panel.

7. A student guilty of possessing candles, incense, oil lamps or other open flame objects in a residence hall room is subject to **a mandatory \$250 fine** and disciplinary action.

8. Smoke detectors in student rooms must always be intact, functioning properly, and left exposed. Do not cover them with posters, tapestries, netting, flags, or other materials. Contact custodians, a residential staff person, or security if there are problems with a smoke detector. Damaging, disassembling, or removing smoke detectors will result in **a mandatory \$250 fine** from the University and disciplinary action.

9. All fires must be reported to security even though someone may have extinguished the flames.

10. Fire lanes must be kept free for emergency vehicles. Vehicles may be towed at owner's expense.

11. If a floor or building loses power, all appliances including computers should be disconnected and then later reconnected. This procedure will avoid appliance surging and blowing fuses.

## Fires - On Campus – Inside Student Housing Facilities

Number of Fires by Residential Building	Street Address	2021	2022	2023
Residential Building				
01 Lincoln Street	01 Lincoln Street	0	0	0
01 University Ave	01 University Ave	0	0	0
03 University Ave	03 University Ave	0	0	0
05 University Ave	05 University Ave	0	0	0
11 Maple Street	11 Maple Street	0	0	0
13 University Ave	13 University Ave	0	0	0
17 College Street	17 College Street	0	0	1
19 Judson Street - <b>Not owned by St. Lawrence</b>	19 Judson Street	0	0	0
21 Romoda Drive	21 Romoda Drive	0	0	0
25 College Street	25 College Street	0	0	0
45 E. Main Street- <b>Not owned by St. Lawrence</b>	45 E. Main Street	0	0	0
48 Park Street	48 Park Street	0	0	0
50 Park Street	50 Park Street	0	0	0
52 Park Street	52 Park Street	0	0	0
53 Park Street	53 Park Street	0	0	0
54 Park Street	54 Park Street	0	0	0
58 Park Street	58 Park Street	0	0	0
62 Park Street	62 Park Street	0	0	0
70 Park Street	70 Park Street	0	0	0
72 Park Street	72 Park Street	0	0	0
78 Park Street	78 Park Street	0	0	0
<b>Chi Omega - Not owned by St. Lawrence</b>	18 Elm Street	0	0	0
Dana Dining Hall	Campus Roadway	0	1	0
Dean Eaton	Campus Roadway	0	0	0
Gaines College	Romoda Drive	0	0	0
Hulett/Jencks Hall	Campus Roadway	0	0	0
Lee Hall	Campus Roadway	0	0	0
Kirk Douglas Hall	Romoda Drive	0	0	0
Priest College	Maple Street	0	0	0
Sustainability House	State Route 68	0	0	0
Rebert Hall	Campus Roadway	0	0	0
Reiff College	Maple Street	0	0	0
Sykes Residence	Park Street	0	0	0
Townhouse Apartments	Campus Roadway	1	0	0
Whitman Hall	Campus Roadway	0	0	0

## **Fires - On Campus – Details**

### **2021 Steiner Townhouses**

Intentional – Students burned furniture in a bonfire outside in the courtyard.

Fire related injuries is 0.

Fire related deaths is 0.

Property Damage Range is \$100-\$999.

### **2022 Dana Dining Hall**

Unintentional – Kitchen rags caught fire in basement dryer.

Fire related injuries is 0.

Fire related deaths is 0.

Property Damage Range is \$0-\$99.

### **2023 17 College Street**

Unintentional – laundry machine belt malfunction caused it to overheat and smoke.

Fire related injuries is 0.

Fire related deaths is 0.

Property Damage Range is \$0-\$99.

## **Kerry Rose Fire Sprinkler Notification Act of 2013**

The Kerry Rose Fire Sprinkler Notification Act of 2013 requires the college to provide a written fire safety notification to each student living in a college-owned or operated housing facility, both on and off campus. St. Lawrence University is committed to providing a healthy and safe educational and working environment for our students, faculty, staff and visitors and provides the following information about our system and the fire safety report in response to the Act.

Please take the time to read the Fire Safety brochure included in the First Year Student Information Package or available from the Office of Safety and Security. The Fire Safety Policy for St. Lawrence University students may be found in the Student Handbook online on the Current Student webpage at <https://www.stlawu.edu/documents/student-handbook> .

**Fire Alarm Systems:** All buildings are equipped with fire alarm systems. All systems are tested and inspected annually by a New York State certified fire alarm installer. All fire alarm systems are monitored 24/7 by a central monitoring station staffed by the Safety and Security Office. Fire alarm pull stations are located near the exits.

All residential buildings with a carbon monoxide (CO) source are equipped with carbon monoxide (CO) detectors.

The University is equipped with fire sprinklers in some buildings and all systems are inspected quarterly in accordance with the Fire Code of New York State. As buildings are renovated or remodeled sprinkler systems are added per NYS Fire Code. All buildings are in compliance with NYS Building and Fire Codes.

The following chart indicates which residence halls have fire sprinkler systems:

<b>Residential Building</b>	<b>Sprinklers</b>	<b>Smoke Detectors</b>	<b>Fire Extinguishers</b>	<b>Central Monitoring By SLU Dispatch</b>	<b>Evacuation Plans &amp; Placards</b>
01 Lincoln Street	NO	YES	YES	YES	YES
01 University Ave	NO	YES	YES	YES	YES
03 University Ave	NO	YES	YES	YES	YES
05 University Ave	NO	YES	YES	YES	YES
11 Maple Street	YES	YES	YES	YES	YES
13 University Ave	NO	YES	YES	YES	YES
17 College Street	NO	YES	YES	YES	YES
19 Judson Street	YES	YES	YES	YES	YES
21 Romoda Drive	YES	YES	YES	YES	YES
25 College Street	NO	YES	YES	YES	YES
45 E. Main Street	NO	YES	YES	YES	YES
48 Park Street	YES	YES	YES	YES	YES
50 Park Street	NO	YES	YES	YES	YES
52 Park Street	NO	YES	YES	YES	YES
53 Park Street	NO	YES	YES	YES	YES
54 Park Street	NO	YES	YES	YES	YES
58 Park Street	NO	YES	YES	YES	YES
62 Park Street	YES	YES	YES	YES	YES
70 Park Street	NO	YES	YES	YES	YES
72 Park Street	NO	YES	YES	YES	YES
78 Park Street	NO	YES	YES	YES	YES
Chi Omega	YES	YES	YES	YES	YES
Dana Dining Hall	YES	YES	YES	YES	YES
Dean Eaton	NO	YES	YES	YES	YES
Gaines College	NO	YES	YES	YES	YES
Hulett Hall	YES	YES	YES	YES	YES
Jencks Hall	YES	YES	YES	YES	YES
Kirk Douglas Hall	YES	YES	YES	YES	YES
Lee Hall	NO	YES	YES	YES	YES
Priest College	NO	YES	YES	YES	YES
Rebert Hall	YES	YES	YES	YES	YES
Reiff College	NO	YES	YES	YES	YES
Sykes Residence	YES	YES	YES	YES	YES
Townhouse Apartments	YES	YES	YES	YES	YES
Whitman Hall	YES	YES	YES	YES	YES

All fire extinguishers on campus are inspected monthly by SLU staff and serviced annually by an outside contractor in accordance with the Fire Code of New York State.

All residence halls are required to have 4 unannounced fire evacuation drills per academic year. All academic and administrative buildings are subject to unannounced drills during normal working hours.

For your safety, whenever the fire alarm sounds, evacuate the building immediately using the nearest exit. Treat all alarms as the real thing – assume nothing! Behavior of any kind, which inadvertently activates a fire alarm, will be subject to disciplinary action. Failure to evacuate an area may also result in disciplinary action. Please report all fires, even if they have been extinguished, immediately to Safety & Security at 315 229-5555 or Ext 5555.

The annual campus fire safety report required by federal law is available from the Office of Safety and Security at <https://www.stlawu.edu/documents/annual-securityfire-safety-report>.

If you have any questions or concerns related to fire safety at St. Lawrence University, please contact the Office of Safety and Security at 315-229-5554.

### **Emergency Evacuation Drills**

Safety & Security Officers will be conducting emergency evacuation drills in residential, academic, and administrative buildings four times (twice per semester) throughout the calendar year to educate building occupants of our emergency plans, practice evacuations and identify potential issues with the building's means of egress or fire safety systems. In addition, drills are conducted during summer camps and programs as each camp begins.

1. Treat each alarm as if it were an actual emergency and leave as quickly as possible.
2. Close all windows and leave the shades/curtains open.
3. Close and lock your door and leave your light on.
4. Dress appropriately (weather-wise, footwear, etc.).
5. Exit by the nearest stairwell and go away from the building so as not to impede the progress of fire equipment or people evacuating from the building. Standing on the opposite side of walkways in front of the buildings is a good rule of thumb.
6. Remain outside the building until the alarm is turned off and the "all clear" is given.

The Safety & Security Department provides Fire Safety training annually at Orientations and upon request. We work collaboratively with the Canton Fire Department and the Office of Fire Prevention & Control at fire drills, campus training sessions, campus safety fairs, and department training sessions.

### **Fire Drills – On Campus – Student Housing Facilities**

We conduct fire drills, four times annually, at all residential buildings, academic buildings, administrative buildings and athletic buildings on campus. During the fire drills the fire alarms systems are activated by a random pull station to test the system status. Evacuation is required by security personnel and results are recorded on a Fire Drill/Alarm Report.

**Number of Fire Drills by Residential Building**

<b>Building</b>	<b>Street Address</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Residential Building				
01 Lincoln Street	01 Lincoln Street	4	4	4
01 University Ave	01 University Ave	4	4	4
03 University Ave	03 University Ave	4	4	4
05 University Ave	05 University Ave	4	4	4
11 Maple Street	11 Maple Street	4	4	4
13 University Ave	13 University Ave	4	4	4
17 College Street	17 College Street	4	4	4
19 Judson Street - <b>Not owned by St. Lawrence</b>	19 Judson Street	4	4	4
21 Romoda Drive	21 Romoda Drive	4	4	4
25 College Street	25 College Street	4	4	4
45 E. Main Street- <b>Not owned by St. Lawrence</b>	45 E. Main Street	4	4	4
48 Park Street	48 Park Street	4	4	4
50 Park Street	50 Park Street	4	4	4
52 Park Street	52 Park Street	4	4	4
53 Park Street	53 Park Street	4	4	4
54 Park Street	54 Park Street	4	4	4
58 Park Street	58 Park Street	4	4	4
62 Park Street	62 Park Street	4	4	4
70 Park Street	70 Park Street	4	4	4
72 Park Street	72 Park Street	4	4	4
78 Park Street	78 Park Street	4	4	4
Chi Omega - <b>Not owned by St. Lawrence</b>	18 Elm Street	4	4	4
Dana Dining Hall	Campus Roadway	4	4	4
Dean Eaton	Campus Roadway	4	4	4
Gaines College	Romoda Drive	4	4	4
Hulett Hall	Campus Roadway	4	4	4
Jencks Hall	Campus Roadway	4	4	4
Kirk Douglas Hall	Romoda Drive	4	4	4
Lee Hall	Campus Roadway	4	4	4
Priest College	Maple Street	4	4	4
Rebert Hall	Campus Roadway	4	4	4
Reiff Hall	Maple Street	4	4	4
Sustainability House	State Route 68	4	4	4
Sykes Residence	Park Street	4	4	4
Townhouse Apartments	Campus Roadway	4	4	4
Whitman Hall	Campus Roadway	4	4	4

# Combined Discrimination and Harassment Policies and Procedures (Effective August 28, 2024)

## Table of Contents

### Combined Discrimination and Harassment Policies

- I. Nondiscrimination Policy
- II. Discriminatory Harassment Policy
- III. Title IX and Sexual Misconduct Policy
- IV. Scope and Jurisdiction of Policies
- V. Title IX Coordinator
- VI. Amnesty for Students
- VII. Transcript Notation Policy for Certain Offenses
- VIII. Obligation of University Employees
- IX. Sanctions
- X. Recordkeeping
- XI. Training
- XII. Clery Act Compliance
- XIII. Coordination with Other Policies
- XIV. Delegation of Authority and University Counsel
- XV. Interpretation/Other Issues
- XVI. Policy Compliance

### Combined Discrimination and Harassment Procedures

- I. Reporting- Discrimination, Harassment, Sexual Misconduct, or Retaliation
  - A. A Report to a Confidential Resource
  - B. A Report to Law Enforcement
  - C. An Online Report
  - D. A Report to a Required Referrer
  - E. A Report to a Mandatory Reporter
- II. Prohibited Conduct
  - A. Discrimination
  - B. Discriminatory Harassment
  - C. Hate Crime
  - D. Title IX Sexual Harassment
  - E. University Category Sexual Misconduct
  - F. Retaliation
- III. Report
- IV. Emergency Removal of a Student Respondent
- V. Supportive Measures
- VI. Review of Supportive Measures
- VII. Informal Resolution

- VIII. Formal Investigation and Adjudication
  - A. Overview
  - B. Title IX Coordinator May Sign a Formal complaint
  - C. Notice
  - D. Formal complaints Involving Multiple Complainants/ Respondents
  - E. Dismissals
  - F. Rights and Expectations of Advisors and Support Persons
- IX. Investigation
  - A. Appointment of Adjudicators
  - B. Draft Investigative Report
  - C. Final Investigative Report
  - D. Pre-Conference Meeting
- X. Conference Procedures
  - A. Overview
  - B. Procedural Matters
  - C. Questioning Procedures
  - D. Determinations
  - E. Notice of Outcome
  - F. Appeals
- XI. Counterclaims
- XII. Communication during Cases
- XIII. Statement of Privacy and Confidentiality
  - A. Privacy
  - B. Confidentiality
- XIV. Complainant is an Active Member of the University Community, and the Respondent is Not an Active Member of the University Community
- XV. Formal complaints by Non-Members of the Community
- XVI. Qualifications and Appointment: Review Board (RB) Adjudicators

## Appendices

APPENDIX A: Definitions

APPENDIX B: Students' Bill of Rights

APPENDIX C: Title IX Cases: Formal Investigation and Adjudication

APPENDIX D: Preservation of Evidence

APPENDIX E: Addendum Related to the Protection of Minors

APPENDIX F: New York State Workplace Sexual Harassment Policy Addendum



## **I. Nondiscrimination Policy**

All members of the St. Lawrence community are valued equally. We are committed to multicultural diversity in our employees, student body and curriculum. Awareness training for students and employees is designed to eliminate all forms of unlawful discrimination. St. Lawrence University complies with all applicable federal and state legislation and regulations prohibiting discrimination (including the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; the Age Discrimination in Employment Act (ADEA); the Age Discrimination Act of 1975; New York State Human Rights Law; and Part 53, Section 607 of the New York State Educational Law), as well as the Drug-Free Workplace Act of 1988. The University does not discriminate against students, employees, or other beneficiaries on the basis of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or any other characteristic protected by applicable local, state, or federal law or regulation, in admission to, or access to, or treatment, or employment in its programs and activities.

## **II. Anti- Harassment Policy**

It is the policy of St. Lawrence University that all our employees and students should be able to enjoy a work and educational environment free from all forms of unlawful discriminatory harassment, including sexual harassment. St. Lawrence University provides for the development of a climate of tolerance and pluralism and prohibits behavior which is demeaning, intimidating or hostile, communicated verbally, physically or with other communication device, including telephonic or electronic means. It is expressly against University policy for any student, employee, or other member of the University community to engage in discriminatory harassment. The University does not tolerate discriminatory harassment of or by any employee, student, visitor, or third party. The University will act to remedy all forms of harassment when reported.

Students and employees are strongly encouraged to report instances of discriminatory harassment to appropriate University officials, as described below. Employees, students, and other members of the University community will be subject to disciplinary action for violation of this Policy, up to and including termination, expulsion, or removal from the campus.

## **III. Title IX and Sexual Misconduct Policy**

Title IX of the Education Amendments of 1972 provides: “No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Pursuant Title IX, the Violence Against Women Act, and New York Education Law Section 129-B, this Policy specifically prohibits sex discrimination, including certain other types of sexual harassment (i.e., sexual assault, dating violence, domestic violence, stalking and sexual

exploitation), collectively referenced for purposes of this Policy as “Sexual Misconduct”. The University will advise Complainants of their Title IX and analogous state law rights and will take steps to prevent Sexual Misconduct and to correct its discriminatory effects, as appropriate. This Policy applies to all University students and employees

#### **IV. Scope and Jurisdiction of Policies**

This Policy applies to all University students, employees, and non-University community members. This policy sets forth expectations for the St. Lawrence University community and applies to the University’s education programs and activities (i.e. in a context over which the University has substantial control over both the Respondent and the context in which conduct occurs), circumstances where the University exercises disciplinary authority, and off campus misconduct that limits or denies a person’s access to the University’s education program or activities.

Non-community members (e.g., alumni, family of students, vendors, etc.) visiting campus or participating in a University program or activity are expected to abide by the behavioral expectations in this Policy.

This Policy is not intended to proscribe, and should not limit free discussion of, the merits of any issue relating to ethnic, racial, religious or other multicultural difference or open inquiry into any material or issue relevant to the academic content of a course. Nothing in this policy or section is meant to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion. St. Lawrence University is an academic institution at which academic freedom is necessary and valued.

#### **V. Title IX Coordinator**

The Title IX Coordinator has the responsibility for providing the campus community comprehensive nondiscrimination prevention education and training, coordinating the University’s efforts related to intake, implementation of supportive measures, informal resolution, investigation, and adjudication.

Formal complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and/or procedures, may be made internally to:

Lindsey Tropper (Cohen)  
Title IX Coordinator and Sexual Wellness Educator  
504 Coordinator  
Student Center Room 302  
315-229-5334  
[ltropper@stlawu.edu](mailto:ltropper@stlawu.edu)

Inquiries may be made externally to  
Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimilie: (202) 453-6012  
TDD #: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

Equal Employment Commission (EEOC) (Employee-employee matters).

## **VI. Amnesty for Students**

The health and safety of every student at St. Lawrence is of utmost importance. St. Lawrence 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 discrimination, harassment, including sexual harassment, 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. St. Lawrence strongly encourages students to report discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault to St. Lawrence officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault to St. Lawrence's officials or law enforcement will not be subject to charges for violating St. Lawrence's student alcohol and/or drug use policies occurring at or near the time of the commission of the discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault.

## **VII. Transcript Notation Policy for Certain Offenses**

As required by New York law, all colleges and universities in New York are required to denote certain conduct outcomes on academic transcripts of students found to have engaged in conduct that constitutes crimes of violence (including but not limited to sexual assault) as defined in the Clery Act. Required transcript notations, as appropriate to the circumstances, are:

- "Expelled after a finding of responsibility for a code of conduct violation"
- "Suspended after a finding of responsibility for a code of conduct violation"
- "Withdrew with conduct charges pending"

Suspension and expulsion transcript notations are applied at the conclusion of the conduct proceedings and appeals processes. If a student withdraws with charges pending, but conduct proceedings are nonetheless completed, any final transcript notation will be based on the

outcome of those proceedings. Pending completion of those proceedings, the transcript will carry the above withdrawal notation. Transcript notations for a student suspended are required by law to remain on the transcript for a period of at least one year following completion of the suspension. Per University policy, a withdrawal notation will remain on a transcript for at least one year following the withdrawal. Per state law, expulsion notations are not subject to removal. Subject to these minimum periods, a student may request to have a suspension/withdrawal transcript notation removed by submitting a petition in writing to the Title IX Coordinator, who will share the request with the Deans of Academic Affairs and Student Life. The Deans will make all decisions about notation removal. A petition will not be considered if filed before the expiration of the minimum one-year period noted above. **The petition shall include:**

- A statement describing the incident and what was learned over the time away from the institution;
- The rationale for removal of the notation;
- Documentation of successful completion of any terms imposed in the underlying conduct proceeding (e.g., completion of required or recommended in/outpatient program, therapy or educational programming, etc.)

Petitions will be reviewed, and a decision will be provided by the Deans in writing, generally within thirty (30) days of submission. The Deans and/or the Title IX Coordinator may request additional information from the student. Decisions regarding the removal of transcript notations are within the discretion of the Deans.

If the Deans decide against removing a notation, the student may submit subsequent petitions seeking removal every five years since the Deans' initial determination. These petitions will be made with the same process as the first petition and include updated information about the student's experience since the earlier petition(s).

#### **Note on Withdrawal Prior to Conduct Case Adjudication**

A student who withdraws from the institution prior to an outcome of a pending conduct case should understand that the investigation and proceeding may continue, with or without their participation. Withdrawal from the institution will not protect a student from completion of disciplinary processes and possible sanctions. The transcript notation, if any, will be based upon the final outcome of any proceeding.

### **VIII. Obligations of University Employees**

All employees will receive training upon hire and annual training thereafter regarding their reporting obligations. No employee is authorized to investigate or resolve reports or formal complaints of discrimination, harassment, sexual misconduct, or retaliation without the express, written direction of the Title IX Coordinator. If any employee has questions about their obligations, they should contact the Title IX Coordinator.

## **A. Mandatory Reporters**

St. Lawrence University designates all non-student employees, who are not otherwise Confidential resources, as mandatory reporters. All Community Assistants (“CAs”) and Graduate Assistants (“GAs”) are also designated as mandatory reporters. Mandatory Reporters are obligated to report to the Title IX Coordinator any incident of discrimination, harassment, sexual misconduct, or retaliation they learn about. Mandatory Reporters must also promptly share all details of behavior under this Policy they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Failure of a Mandatory Reporter, as described above in this section, to report an incident of harassment, discrimination, sexual misconduct or retaliation of which they become aware is a violation of University Policy and can be subject to disciplinary action for failure to comply/failure to report.

If a Mandatory Reporter themselves is the target of harassment, discrimination sexual misconduct, or retaliation under this Policy, they are not required to report their experience, though they are, of course, encouraged to do so.

## **B. Required Referrers**

St. Lawrence University designates all student-employees, who are not CAs and GAs, as Required Referrers. Required Referrers have the responsibility to share with a reporting party the Title IX Coordinator’s contact information and how to make a formal complaint upon learning information regarding discrimination, harassment, sexual misconduct, or retaliation. These employees are encouraged to promptly share all details of behavior under this Policy they observe or have knowledge of, even if not reported to them by a Complainant or third party.

If a Required Referrer is concerned about someone’s imminent health and safety, then they must inform the Title IX Coordinator and contact Safety and Security.

## **C. Confidential Resources**

Confidential Resources are required to provide the complainant with the Title IX Coordinator’s contact information, offer resources, and provide information on how to make a formal complaint.

There are three types of Confidential Employees:

- An employee whose communications are privileged or confidential under Federal or State law. The employee’s confidential status, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or

- An employee of the University whom the University has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, sexual misconduct, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about discrimination, harassment, sexual misconduct, or retaliation in connection with providing those services; or
- An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, sexual misconduct, or retaliation. The employee's confidential status only applies with respect to information received while conducting the study.

Confidential Resources are expected to maintain confidentiality while operating in the scope of their role, unless the Complainant wishes them to share information or in extreme cases of serious threat to self or others, abuse of a minor, elder, or when required to disclose by law or court order. Confidential Resources are required to provide the Complainant with the Title IX Coordinator's contact information, offer resources, and provide information on how to make a formal complaint.

#### **D. All employees**

All University employees who become aware of a student's pregnancy or related condition, unless the employee reasonably believes the Title IX Coordinator has been notified, must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's education program or activity.

### **IX. Sanctions**

A student found to have engaged in discrimination, harassment, sexual misconduct, or retaliation, is subject to a range of sanctions depending on the circumstances of each situation. Those sanctions can be found at <https://www.stlawu.edu/documents/student-handbook>.

Students who violate sanctions imposed under these procedures shall be subject to further disciplinary action up to and including expulsion from the University, which can be imposed directly by the Vice President and Dean of Student Life, provided the student is first given the opportunity to meet with the Vice President and Dean. A student's prior disciplinary record may be considered in determining which sanction is appropriate.

Any University employee found to have engaged in discrimination, harassment, sexual misconduct, or retaliation is subject to a range of discipline, depending on the circumstances of

each case. That discipline can include, but is not limited to, mandatory educational programs, removal of organizational membership, restricted or no contact orders, unpaid leave, and termination. An employee's prior employment record may be considered in determining which sanction is appropriate.

#### **X. Record keeping**

Records generated in connection with reports, investigations, informal resolutions, along with any outcome, are maintained for seven years in confidential files maintained by an appropriate office, which may be the Title IX Coordinator, the Vice President and Dean of Student Life, Human Resources, and/or the Registrar (for records concerning disciplinary outcomes), and only those with a right and need to know are permitted access. All materials used to provide training to the Title IX Coordinator, Investigators, Adjudicators, Informal Resolution Facilitator, Appellate Officers or any person who has the authority to modify or terminate supportive measures will be made available upon request.

#### **XI. Training**

The University trains all individuals involved in the investigation and resolution of formal complaints made pursuant to its Combined Discrimination and Harassment Policies. Training materials are unbiased, do not rely on sex stereotypes, and promote the fair and impartial investigation, adjudication, and resolution of formal complaints.

Training topics include discrimination, harassment, sexual exploitation, sexual assault, stalking, domestic violence and dating violence, what constitutes the scope of the institution's "education program or activity" for purposes of the application of this policy, how to apply the definition of "affirmative consent", how to conduct fair and impartial investigations, training on any technology to be used at a live hearing, the effects of trauma, rights of the Respondent, including the right during investigatory and adjudicatory proceedings to a presumption of "not responsible" until a finding of responsibility is made, issues of relevancy of evidence (including, for investigators, issues of relevance in creating an investigative report), how to disclose and appropriately address conflicts of interest and bias, and the University's grievance process, including conferences, hearings, appeals, and the informal resolution process, as applicable. The training provides participants involved in implementation of this policy with the tools they need to ensure that they serve in their roles in an objective manner and without bias.

#### **XII. Clery Act Compliance**

The University is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, the University will issue a timely warning to the campus. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the victim/Complainant will not be disclosed.

### **XIII. Coordination with Other Policies**

A particular situation may potentially invoke one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process.

This Policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Academic disability accommodations are handled by the Student Accessibility Services office and pursuant to that office's policies. Work-related disability accommodations are handled by the Human Resources Office and pursuant to that office's policies.

### **XIV. Delegation of Authority and University Counsel**

Any University administrator or official whom this Policy empowers to act may request that the Title IX Coordinator delegate that authority to another appropriate University official, or the Title IX Coordinator in their own discretion may delegate that administrator's or official's authority to act to another appropriate person. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a University official named in this Policy from fulfilling their designated role.

The Title IX Coordinator may delegate their responsibilities and/or authorities under this Policy to any Deputy Title IX Coordinator or other appropriate official.

Any University administrator or official involved in implementing this Policy may seek the advice of the University's legal counsel, to be coordinated through the Title IX Coordinator.

### **XV. Interpretation/Other Issues**

Final interpretation of any provision of these policies is vested in the Title IX Coordinator. Issues that are not specifically addressed in these policies may be resolved by the Title IX Coordinator.

### **XVI. Policy Compliance**

Any person with a concern about the University's handling of a particular matter should contact Title IX Coordinator and Sexual Wellness Educator, Lindsey Tropper (Cohen) , 315-229-5334, Student Center 302, [ltropper@stlawu.edu](mailto:ltropper@stlawu.edu)

The University reserves the right to adapt or modify any of the specific procedures provided herein to deal with the unique circumstances presented by the University's various off-campus programs, including specifically its overseas programs



## Procedures Under the Combined Discrimination and Harassment Policies

---

### I. Reporting Discrimination, Harassment, Sexual Misconduct, or Retaliation

The University encourages reporting of discrimination, harassment, sexual misconduct or retaliation. Any University community member who has been the subject of discrimination, harassment, sexual misconduct or retaliation has the right to make a report to Campus Safety, a Mandatory Reporter, local law enforcement, and/or the New York State Police, or to choose not to report. The University prohibits retaliation against a reporting individual. If a report is made under this Policy/Procedure, a reporting individual will receive appropriate assistance and resources from the University. Reports may be made anonymously, but the University's, or anyone else's, ability to respond may necessarily be limited by anonymous reporting.

If you have been subjected to discrimination, harassment, sexual misconduct, or retaliation the following resources/options are available to you to seek help and/or report the conduct:

#### A. A Report to a Confidential Resource

If a Complainant would like the details of an incident kept confidential and not reported to the University then they may consult with one of the following resources. Resources with the designation of "Confidential" have legally recognized levels of confidentiality. Discussions with resources with the designation of "Confidential/Private" are not entitled to the same degree of confidentiality under the law, but they are nonetheless treated as private under university Policy.

- **On- campus Confidential**

- o **Health and Counseling Center:  
315-229-5392**

If you are a student, you may contact the University's Health and Counseling Center. Discussions with the Center's Counselors are treated confidentially (pursuant to the Health and Counseling Center's confidentiality protocols). The Health and Counseling Center can provide assistance and information regarding medical assistance and treatment, resources available through the New York State Office of Victim Services, academic and other campus support options, and campus disciplinary proceedings and law enforcement options. If unsure of where to go, contact the Health and Counseling Center.

- o **Chaplain's Office  
315-229-5062**

All members of the University community may report confidentially to the Chaplain's office.

- **On- campus Confidential/Private Resources**

- o **Student Advocates (and their advisor while serving in that capacity)  
315-229-5466; [www.stlawu.edu/advocates](http://www.stlawu.edu/advocates)**

If you are a student, you may contact a student Advocate, who is not a University Official, but is a student volunteer trained in supporting survivors of sexual misconduct.

- **St. Lawrence University Athletic Trainers**
- **International Student Services Staff**
- **Director of Wellness Education**

Reports of discrimination, harassment, sexual misconduct, or retaliation made to a Confidential or Confidential/Private Resource will NOT be reported to other University officials in any personally identifiable manner, and as a result, if you would like a University response, you should ask these resources to connect you with the Title IX Coordinator or you should contact the Title IX Coordinator directly. Similarly, information shared at public awareness and advocacy events, like Take Back the Night, are not considered notice to the University. The University will nonetheless use any information learned at these events to monitor patterns of behavior, but outside an imminent and serious threat to health or safety of an individual or the community, information learned at these events will not result in a response from the University.

#### - **Off Campus Resources**

Confidential reports of discrimination, harassment, sexual misconduct, or retaliation can be made by students and employees to off- campus resources, including

- **Canton-Potsdam Hospital**  
315-265-3300
- **Renewal House**  
3 Chapel Street  
M-F 8:00am-5:00pm  
315-379-9845

The St. Lawrence Valley Renewal House is an empowering resource for survivors and families of domestic violence and sexual assault. The Renewal House has a 24/7 hotline as well as resources in their center. Office hours are 8am-5pm. The Renewal House's services are free and confidential for victims of domestic violence and sexual assault. Renewal House can assist with providing information about preserving evidence, testing for sexually transmitted infections, and sexual assault forensic examinations. Renewal House can also assist with initiating legal proceedings in family court and civil court, including obtaining an Order or Protection, and understanding an Order of Protection

- **Reachout of St. Lawrence County**  
315-265-2422
- **Employee Assistance Program (Employees only)**  
1-800-327-2255
- **New York State Office of Victim Services**  
1-800-247-8035  
<https://ovs.ny.gov>

While there should be no charge for a sexual assault forensic examination, commonly referred to as “rape kits”, there may be a charge for medical or counseling services off campus, and in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds.

**For more information on “rape kits” and preservation of evidence, please see Appendix D.**

## **B. A Report to Law Enforcement**

If an incident involves criminal conduct, the victim may make a complaint to law enforcement. A victim of a crime, including a crime arising from discrimination, harassment, or sexual misconduct under this Policy, will be notified that the victim may, but is not required to, report the incident to local law enforcement and pursue criminal charges. The criminal process and the University’s disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint, or University formal complaint, or both.

In criminal cases, including non-consensual sex offenses, the preservation of evidence is critical and must be done properly and promptly. The Canton Police Department can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner.

Reporting to criminal authorities may result in some delay in any internal University investigation, so as not to interfere with evidence gathering by law enforcement, but University procedures will resume as soon as possible. In addition, the University will cooperate with any criminal proceedings as permitted by law.

- **Canton Police Department**  
**315-386-4561 or 911**
- **New York State Police Hotline 1-844-845-7269**

Reporting individuals should understand that not all discrimination, harassment, or sexual misconduct under this Policy may be a crime and that the standard law enforcement employs in processing complaints is different than the University's standard under this Policy. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the St. Lawrence County (or other relevant) District Attorney.

### **Orders of Protection**

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a University community member or other person. In appropriate circumstances, an order of protection may be available that restricts the person's right to enter University property, and the University will abide by a lawfully issued order of protection. Campus Safety, or other University officials, will provide reasonable assistance to a University campus community member, in connection with prohibited conduct under this Policy, in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. This assistance includes providing that person with:

- a copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a University representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and
- assistance from Campus Safety in contacting local law enforcement to effect an arrest for violating such an order.

### **C. An Online Report**

A report online, using the reporting form, "online bias incident report form" found at [https://stlawu-advocate.symplicity.com/public\\_report](https://stlawu-advocate.symplicity.com/public_report), and the "Sexual Misconduct Reporting Form" found at [https://stlawu.qualtrics.com/jfe/form/SV\\_9pHOlUrXeqVFbtI](https://stlawu.qualtrics.com/jfe/form/SV_9pHOlUrXeqVFbtI) can be used . Anonymous reports are accepted, though anonymous reports may limit the University's ability to investigate. If it is not an anonymous report, the reporting person can expect to be contacted by the Title IX Coordinator within 72 hours.

### **D. A Report to a Required Referrer**

St. Lawrence University designates all student-employees, who are not Community Assistants ("CAs") or Graduate Assistants ("GAs") as Required Referrers. These personnel have the responsibility to share with a reporting party the Title IX Coordinator's contact information and how to make a formal complaint. They can also facilitate a formal complaint made to the

Title IX Coordinator. However, disclosure to these individuals is not notice to the University of discrimination, harassment, sexual misconduct, or retaliation. If a Required Referrer is concerned for a person's health and safety, then they are obligated to share the information with the Title IX Coordinator. Reporting obligations for University employees, including "Required Referrers", are fully defined on page 7-8 of these procedures.

#### **E. A Report to a Mandatory Reporter**

St. Lawrence University designates all non-student employees who are not otherwise Confidential resources as Mandatory Reporters. All CAs and GAs are also designated as mandatory reporters. A Mandatory Reporter will promptly share the information about the incident with the Title IX Coordinator, and the Title IX Coordinator will reach out to the reporting person with more information and an offer to meet to discuss possible options, including supportive measures, informal resolution, and Formal Investigation and Adjudication, which are discussed fully beginning on page 24. The options for reporting are not mutually exclusive. For instance, a person can receive supportive measures and pursue a Formal Investigation and Adjudication.

### **II. Prohibited Conduct**

This section addresses the different forms of prohibited behavior that would constitute discrimination, harassment, sexual misconduct, or retaliation.

#### **A. Discrimination**

Discrimination can take two primary forms:

##### **1) Disparate Treatment Discrimination:**

Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived protected characteristic and that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in the University's program or activity.

Examples of discrimination include, but are not limited to, using racial, ethnic or religious slurs; name-calling that demeans on the basis of age, disability, physically harming or threatening another due to racial or religious animosity; displaying vulgar pictures or ethnically offensive symbols or writings; using gestures that mimic or mock a person's race, disability, race or age; denying a student a research opportunity because of the student's race, gender or other protected characteristic; giving a student a lower grade than deserved because of the student's race, gender or other protected characteristic; denying an employee a raise or a promotion because of the employee's age, race, gender or other protected characteristic.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this Policy. The determination is based on a “reasonable person” standard and considering the totality of the circumstances. The University considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community. In all instances, a key factor is whether the complained-of behavior occurred because of a protected characteristic. If it did not, the behavior is not regulated by this Policy/Procedures.

## 2) **Disparate Impact Discrimination:**

Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual’s participation in the University’s program or activity.

## **B. Discriminatory Harassment**

Is unwelcome conduct on the basis of actual or perceived protected characteristic(s), that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person’s ability to participate in or benefit from the University’s education program or activity

## **C. Hate Crimes**

**A hate crime** is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. A hate crime is defined under New York State law, Penal Law Section 485.05 – Hate Crimes, as follows:

A person commits a hate crime when they commit a specified offense and either:

- 1) 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
- 2) 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.

Note: All hate crimes are bias incidents, but not all bias incidents are hate crimes. Even when bias incidents do not rise to the level of a hate crime, discrimination, or discriminatory harassment, the bias incident response team will still follow up. While such conduct would not result in discipline under this Policy, the conduct may still be addressed through educational conversations, mediation, restorative justice practices, etc.

D. **Title IX Sexual Harassment:** means conduct on the basis of sex, including gender, gender identity, sexual orientation, gender expression, and sex stereotypes that satisfies one of the following:

**1) Quid pro quo harassment:** An employee of the University, conditions an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;

**2) Hostile environment harassment:** Unwelcome conduct, determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the University's education program or activity (i.e., creates a hostile environment).

**3) Sexual Assault:**

- 1) **Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim
- 2) **Fondling**—The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh or buttocks) of another person for the purpose of sexual gratification, without the affirmative consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- 3) **Incest**—Sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by New York law.
- 4) **Statutory Rape**—Sexual intercourse, with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

**4) Dating Violence:** "Dating violence" means violence, on the basis of sex, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this Policy, verbal and/or emotional abuse will also be considered by the University to violate this Policy. For purposes of this Policy, the "intimate" relationship may be characterized as a series of sexual encounters, dating, "hooking up", or similar

interactions. Examples of abusive actions range from physical acts like hitting, shoving, or restraining to threats designed to control the victim's behavior.

**5) Domestic Violence:** "Domestic violence" means violence, on the basis of sex, committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, 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.

**6) Stalking:** Engaging in a course of conduct, on the basis of sex, directed at the victim that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. The term Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. The term Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **E. University Category Sexual Misconduct**

### **1) University Category Sexual Misconduct (Sexual Harassment):**

Unwelcome verbal, written, graphic, and/or physical conduct; that is severe or pervasive and objectively offensive; on the basis of sex/gender, that unreasonably interferes with, limits, or effectively denies and individual's educational or employment access, benefits, or opportunities is sexual harassment.

### **2) University Category Sexual Misconduct (Sexual Exploitation):**

Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy.

Examples of sexual exploitation include, but are not limited to:

- Prostitution
- Acts of incest
- Observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) without the affirmative consent of all involved;



- Taking intimate pictures of another, but then distributing the pictures to others without the photographed person's affirmative consent;
- Engaging in voyeurism,
- Engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection;
- Exposing one's genitals in non-consensual circumstances.
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) (i.e. drink spiking) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity.

Furthermore, sexual harassment, sexual assault, dating violence, domestic violence, and stalking that fall outside Title IX jurisdiction (i.e. because the Complainant was not in the United States at the time of the alleged conduct; because the Complainant was not participating in or seeking to participate in the University's education program or activity at the time of the formal complaint; or because the conduct did not occur in the context of the University's education program or activity) may fall under a University Category Sexual Misconduct jurisdiction and these procedures apply.

#### **F. Retaliation**

means intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with any right or privilege secured by law or Policy, or because the person has engaged in protective activity, including reporting information, making a formal complaint, testifying, assisting, or participating or refusing to participate in an investigation, proceeding, conference, or hearing, including in an informal resolution.

Acts of retaliation should be reported immediately to the Title IX Coordinator, and the University will respond quickly and strongly to anyone engaging in retaliatory behavior.

Examples of retaliation include, but are not limited to: threats, intimidation, pressuring, social aggression, damage to property, abuse, violence, the sharing of private information in a manner intended to harm or embarrass another individual or in a manner that would recklessly do so regardless of intention, or maliciously interfering with an individual's academic or professional career or reputation. Retaliation can occur through various modes, including in-person and electronic communication.

A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good faith; a person may provide inaccurate information believing it is accurate, which is still good faith. If a person who makes a statement knowing that it is false, the person has acted without good faith (i.e. has acted in bad faith).

The exercise of rights protected under the First Amendment does not constitute retaliation.

### **III. Report**

Upon receipt of a report or a formal complaint, the Title IX Coordinator will conduct two outreach attempts to a potential Complainant. If a Complainant chooses to meet with the Title IX Coordinator, the Title IX Coordinator will discuss whether the impacted person wishes to explore supportive measures, an informal resolution, or a Formal Investigation and Adjudication.

If a Complainant does not respond and there is not a concern of threat to self or others, the Complainant will be free to not respond to the offer to meet. In that outreach, the Title IX Coordinator will provide details about the person's rights in the process, reporting options which include supportive measures, an informal resolution, or Formal Investigation and Adjudication, confidential reporting options, and the right to be protected from retaliation.

### **IV. Emergency Removal of Student Respondent**

The University may need to undertake an emergency removal of a student in order to protect the safety of its community, which may include contacting local law enforcement to address immediate safety concerns. Emergency removal is not a substitute for reaching a determination as to a student respondent's responsibility for the alleged harassment, discrimination, sexual misconduct or retaliation allegations; rather, emergency removal is for the purpose of addressing immediate threats posed to any person's physical health or safety, which may arise out of the allegations. An emergency removal does not assume that the removed student is responsible for the alleged violations.

Prior to removing a student respondent through the emergency removal process, the University will undertake an individualized safety and risk analysis assessment. If it is determined that there is an immediate threat to the physical health or safety of any student or other individual, then a student

respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed.

In the event a determination is made that a student respondent poses an immediate threat to the physical health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision. If a student respondent disagrees with the decision to be removed from campus, they may appeal the decision. The student respondent must provide a written request to the Title IX Coordinator within five (5) days of receiving the notice of removal. When this request is not provided in a timely manner, objections to the emergency removal are deemed waived. The burden of proof is on the student respondent to show that the removal decision was incorrect. This appeal is solely to determine whether the emergency removal is appropriate. This is not the process to hear the merits of the allegation(s). Violations of an emergency removal will result in discipline, which may result in expulsion.

Employee respondents are not subject to this process. When the accused is not a student but is a member of the University community, they may be subject to administrative leave in accordance with the University's employment policies and practices (including applicable collective bargaining agreements). When the accused is a student-employee, they may also be put on administrative leave from their employment responsibilities. Absent a need for emergency removal, the administrative leave will not result in the removal of the student from campus.

## **V. Supportive Measures**

In appropriate cases, the Title IX Coordinator may secure individualized supportive measures on behalf of a Complainant or a Respondent. Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the University's educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties. Supportive measures may include, but are not limited to, no-contact orders; changes in academic, extracurricular, residential, transportation, dining or working arrangements; access to academic, counseling and other support; counseling services; safe walks and escorts; and other relief as appropriate. The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various University departments and offices that may be involved. Supportive measures may be secured and coordinated, at the direction of the Title IX Coordinator, through the Associate Dean for Student Life, Associate Dean for Faculty Affairs, or the Director of Human Resources, as appropriate. Supportive measures will be offered free of charge, and the University will maintain the confidentiality of supportive measures and will not disclose information about any supportive measure to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure.

Supportive measures may include, as appropriate, but are not limited to:

- Changes in academics such as the extension of deadlines or other course-related adjustments
- Changes to housing, transportation and campus working situations if those changes are requested by a party and reasonably available
- Class schedule modifications, withdrawals, or leaves of absence
- Changes in class registration process
- Education to the institutional community or community subgroup(s)
- Allowing withdrawal from or retaking of classes without penalty
- Prohibiting attendance at group or organizational functions overseen by the University
- Mutual “No Contact” orders and, in limited circumstances, one-way no contact orders.
- Access to safe walks and campus escorts or other reasonable security or monitoring measures
- Facilitated access to counseling services
- Facilitated access to the Employee Assistance Program
- Interim removal of a student from the University, which will only be taken pursuant to the Emergency Removal provisions above.

**Violations of no contact orders (“NCO”) or other restrictions will be referred to the appropriate student or employee conduct process for enforcement. While a no contact order or other restrictions implemented as supportive measures are non-disciplinary and non-punitive, a violation of such an order/restriction could result in discipline, including consequences up to and including termination, suspension, or expulsion.**

**In determining whether a NCO violation has occurred, multiple factors will be considered including, but not limited to:**

- **Size and layout of the space where the alleged NCO violation took place**
- **Any attempted contact or communication by the subject of the NCO**
- **Duration of time before the student/employee vacated the space**
- **Obligation of the subject of the NCO to be present in the space (i.e. place of work, athletic competition, internship location, etc.)**
- **Whether a reasonable person would have seen the subject of the NCO**
- **Other relevant factors**

## **VI. Review of Supportive Measures**

When a no contact order or any other supportive measure is issued, both the person against whom it is issued and the other party, will, upon request, be afforded a prompt review, of whether the need for and terms of the supportive measure are reasonable under the circumstances to the extent it directly affects them. Similarly, if a party’s request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is reasonable under the circumstances and may submit evidence in support of that request.

This request for review of supportive measures may include a request for potential modification of the no contact order or other supportive measure.

A request for a review must be made in writing to the Title IX Coordinator within five (5) days, providing the basis for the request and submitting any evidence in support of the request. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent the supportive measures under review affect that party.

The review will be conducted by an impartial employee, other than the employee who made the challenged decision, who has authority to modify or reverse the decision if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in the Title IX regulations. The Title IX Coordinator will advise the parties of the result of the review. This determination is not subject to further review, unless circumstances have changed materially

## **VII. Informal Resolution**

**The intent of the Informal Resolution is to provide the parties with an opportunity to understand each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.** Informal Resolution will be pursued only where Complainant(s), Respondent(s), and the University agree in writing to utilize the process. **No party should feel intimidated, coerced, or threatened to participate in an Informal Resolution Process. Supportive measures are available to both parties during the Informal Resolution process.**

The University makes a good faith effort to conclude all informal resolutions within 5-30 days. Delays due to ongoing law enforcement investigations will not exceed ten (10) days unless the law enforcement agency specifically requests and justifies a longer delay. The University will make a good-faith effort to complete its process as promptly as circumstances permit and will communicate regularly with the parties to update them on progress and timing of the informal resolution.

The University reserves the right not to offer Informal Resolution in cases where the University determines Informal Resolution to be inappropriate based on the allegations, such as an allegation by a student against an employee, or other circumstances. The Title IX Coordinator may consider a variety of factors to determine if an informal resolution agreement is appropriate such as: the likelihood of potential resolution, the nature and severity of the alleged misconduct, future risk of harm to others, the parties' motivation to participate, civility of the parties, disciplinary history of the Respondent, whether emergency removal is needed, emotional investment/capability of the parties, and goals of the parties.

To initiate the Informal Resolution, the Complainant must file a Formal complaint. If both parties consent in writing to participate in the Informal Resolution process, the University will assign a facilitator, who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be free from conflicts of interest and bias. **The facilitator will schedule one or more meetings with the parties. The parties will not be required to meet in person unless**

**they each wish to do so, and the facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. The Informal Resolution process should proceed with due promptness. The University imposes no specified timeframe for the process, but the facilitator or either party may choose to terminate the Informal Resolution Process, if insufficient progress is being made.**

Before the initiation of an informal resolution both parties will be provided notice that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume the University's Formal Investigation and Adjudication Procedures;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the Formal Investigation and Adjudication process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
  - What information the University will maintain, and whether and how it could disclose such information for use in its Formal Investigation and Adjudication process.

The ultimate determination of whether informal resolution is available or successful is made by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate the resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

**A resolution is reached only if both parties agree. The facilitator's role is to conduct the informal resolution process in a way that is impartial and does not favor one party over the other. The facilitator will not impose an outcome, although the facilitator may assist the parties in suggesting resolutions that appear to meet the parties' needs. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations to find common ground and a resolution of the allegations that is satisfactory to both parties.**

**For the Informal Resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the Informal Resolution process will be kept confidential by the facilitator. In addition, the facilitator will not be available as a witness in any Formal Investigation and Adjudication that may occur should either party terminate the Informal Resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties. If a resolution is not reached and a Formal Investigation and Adjudication proceeds, the parties may not disclose information shared by the other party**

**during the Informal Resolution process , unless that information is learned outside the Informal Resolution process through the investigation or otherwise.**

If a resolution is reached, the Title IX Coordinator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. After a written resolution has been finalized, the University will keep a record of the parties' written consent to the Informal Resolution process and the written resolution. Any written resolution involving discipline or other action taken against a Respondent will be dealt with in the same manner as any other disciplinary action is taken.

The informal resolution process is also not available in a formal complaint involving more than two parties unless 1) all parties consent to use the informal resolution process, 2) there is an understanding among all parties about what happens when a party stops the informal resolution process and initiates the Formal Investigation and Adjudication process, and 3) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution.

The Title IX Coordinator will maintain records of any informal resolution that is reached, and failure to abide by the resolution agreement may result in responsive/disciplinary actions (e.g. referral to a Formal Investigation and Adjudication).

## **VIII. Formal Investigation and Adjudication**

**For Title IX Formal Investigation and Adjudication Procedures, please see Appendix C. For all other discrimination, harassment, sexual misconduct, and retaliation cases, the below procedures apply.**

### **A. Overview**

If a report of harassment, discrimination, sexual misconduct, or retaliation is made to any Mandatory Reporter, including the Title IX office, the Title IX Coordinator will contact the Complainant to inform them of their options to pursue Supportive Measures only, an Informal Resolution, or their right to pursue a Formal Investigation and Adjudication. **A Formal complaint is necessary to initiate the University's Informal Resolution or Formal Investigation and Adjudication process. A Formal complaint must be submitted in writing and request that the University investigate the allegation(s).** If a Formal complaint is filed, the University will undertake an adequate, reliable, fair, prompt, and impartial investigation.

### **B. Title IX Coordinator May Sign a Formal complaint**

If a Complainant does not wish to move forward with a Formal complaint, they have the right to decide not to file a formal complaint and **request** that the University maintain this report as confidential (to the extent permitted by law) and/or to request that it not conduct an investigation or that action not be taken against an alleged perpetrator. The University will do its best to honor that request, but in some circumstances, the University may be compelled to move forward with a Formal Investigation and Adjudication without the consent or

cooperation of the reporting individual. In making such a determination the University must consider its obligation to provide a safe, non-discriminatory environment for all students and employees. The University has designated the Title IX Coordinator as the individual who will evaluate any requests for confidentiality. The Title IX Coordinator will consider a range of factors, including:

- The Complainant's request not to proceed with initiation of the formal complaint;
- The Complainant's reasonable safety concerns regarding initiation of a formal complaint;
- The risk that additional acts of discrimination would occur if a formal complaint is not initiated;
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the University;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether discrimination occurred;
- Whether the University could end the alleged discrimination and prevent its recurrence without initiating Formal Investigation and Adjudication procedures;
- The risk that the alleged perpetrator will commit additional acts of violence;
- Whether there have been other discrimination formal complaints about the same alleged perpetrator;
  
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence and/or repeat behavior;
  
- Whether the incident represents an escalation of past discrimination by the accused;
  
- Whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- Whether there is an increased risk of additional acts of violence;
  
- Whether the discrimination was committed by multiple perpetrators;
  
- Whether the discrimination was perpetrated with a weapon or force;
- Whether the victim is a minor;



- Whether the University possesses other means to obtain relevant evidence of the discrimination (e.g., security cameras or personnel, physical evidence);
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group; and
- The overall safety of the campus community (including the reporting individual).

If the University determines that it cannot maintain a Complainant's confidentiality, it will inform the Complainant prior to filing a formal complaint and initiating the Formal Investigation and Adjudication process starting with an investigation and will, to the extent possible, maintain information as private and only share information as needed so that the University may respond and act under this Policy. If a Complainant does not wish to file a formal complaint and initiate a Formal Investigation and Adjudication, the Complainant will, nevertheless, be entitled to receive supportive measures.

A student's Bill of Rights and an additional statement of Rights in Cases Involving Sexual Assault, Domestic Violence, Dating Violence or Stalking are attached to this Policy as Appendix B.

### **C. Notice**

If Formal Investigation and Adjudication is selected, the Title IX Coordinator will promptly provide a written Notice of Investigation and Allegations ("NOIA") to both parties detailing the commencement of the investigation. The NOIA outlines for both parties their rights in the process and facilitates identifying an advisor. (In the Complainant's case, they may already have identified an advisor.) The Complainant will be provided advance notice of when the NOIA will be delivered. The NOIA will include: a meaningful summary of the allegations, the identity of the parties involved (if known), the specific policy violation alleged, the time, date, and location of the incident(s) (if known), a description of the investigation and adjudication procedures, a statement of all potential sanctions, a statement that the University presumes the Respondent is not responsible until there is a finding of Responsibility at the conclusion of the Formal Investigation and Adjudication, a statement that the burden is on the University, not on either party, to gather sufficient evidence to reach a fair and impartial decision, a statement about the University's retaliation policy, a statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, information on the need to identify an Advisor, a statement about confidentiality, a statement about the University's policy that prohibits knowingly making false statements, including knowingly submitting false information in the process, the name of the assigned investigator(s), and information on how to pose an objection.

This information will be provided in sufficient detail and with sufficient time to prepare a response before any initial interview. If, in the course of the investigation, the University

decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator will provide notice of the additional allegations to the parties. The Complainant and Respondent will be provided with notice of the name of the appointed investigator(s) (who may be one or more external investigators as determined necessary by the Title IX Coordinator) and an opportunity of not more than two (2) days after the notice to raise an objection to the investigator(s), based on any alleged conflict of interest known to the party. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator. Investigators will also be provided the identities of the parties and provided an opportunity to recuse themselves.

The University will make a good faith effort to conclude the Formal Investigation and Adjudication process according to the following timeframes. Evaluation stage (i.e. the University's decision whether to dismiss or investigate a formal complaint) between 5-10 days; NOIA and investigation stage, estimated between 30-60 days; adjudication stage (including pre conferencing and determination writing, estimated between 30-60 days; and appeal, where applicable, estimated between 20-30 days. Certain factors such as but not limited to the complexity of the matter, the number of witnesses involved, academic break periods, concurrent law enforcement activity and professional or personal obligations of all parties involved, or other circumstances reasonably necessitating delay, may extend the duration of the investigation, and the parties will be advised of the reason(s) for any extension. Delays due to ongoing law enforcement investigations will not exceed ten (10) days unless the law enforcement agency specifically requests and justifies a longer delay. The University will make a good-faith effort to complete its Formal Investigation and Adjudication process as promptly as circumstances permit and will communicate regularly with the parties to update them on progress and timing of the investigation.

#### **D. Formal complaints involving Parties with Multiple Statuses and/ or Multiple Complainants/Respondents**

In cases where there are multiple Complainants and/or multiple Respondents, the University reserves the right to handle the cases individually or jointly to the extent permitted by law. Further, in cases where there are allegations of a violation of this Policy and collateral allegations of other policy violations (e.g., an allegation of non-consensual sexual contact and minor property damage), the University reserves the right to have allegation(s) of violations of this Policy and the collateral allegation(s) investigated and adjudicated pursuant to this Policy. In cases where the individual has more than one status with the University (such as a student who is also employed with the University, or any employee who takes courses at the University), the University will determine in its discretion which status is primary; in such a situation, sanctions imposed may include sanctions related to each status.

#### **E. Dismissals**

The Title IX Coordinator may determine at any point in the process that facts have emerged that support the dismissal of a formal complaint. A decision to dismiss a formal complaint is appealable by the Complainant. Notice of dismissal will be in writing. A Respondent will usually also be informed of such a dismissal and offered an opportunity to appeal as well, unless the dismissal occurred before the Respondent was aware of the formal complaint. The Title IX Coordinator has discretion to dismiss on the following grounds:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University's education program or activity and is not employed by the University;
- The Complainant voluntarily withdraws any or all of the allegations in the formal complaint, the Title IX Coordinator declines to initiate a formal complaint, and the University determines, that without the Complainant's withdrawn allegations, the conduct that remains alleged in the formal complaint, if any, would not constitute a violation under this Policy, even if proven;
- The University determines the conduct alleged in the formal complaint, even if proven, would not constitute a violation under this Policy.

While there is no time limitation on making a Formal complaint, if a Respondent is no longer under the University's jurisdiction, the University's ability to investigate, respond and/or provide remedies may be limited.

#### **F. Rights and Expectations of Advisors and Support Persons\* for definitions of advisor**

**and support persons, please see Appendix A**

- Either party may use an advisor who may attend with the party any meeting, interview, or conference the party is required or eligible to attend. The advisor's role is to consult with and support the party, and the advisor may not do so in any way which disrupts or distracts from the investigation.
- The advisor is not permitted to speak or otherwise make any direct statements to the investigator(s) (or others) during meetings with the investigator(s) (or with others). If the Complainant or the Respondent wishes to provide information, they must speak on their own behalf and not through their advisor.
- If a party requests that email communication be made through their advisor, the University will comply with that request at the discretion of the Title IX Coordinator. A party will still be cc'ed on all communication and substantive decisions must be communicated to or from the party directly. The Title IX Coordinator maintains discretion to determine what is considered a substantive decision. For example, something that may be considered non-substantive would be the scheduling of an interview.

- An advisor who does not abide by this role may be precluded from further participation in investigatory meetings and/or conference. In such a circumstance, the party will be allowed reasonable time to identify another advisor.
- While a party is free to choose a witness to also serve as their advisor, issues of potential bias will be explored by the Adjudicators.
- For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative (if requested by the party)
- In addition to an advisor, the University may permit parties to have a support person, upon request to the Title IX Coordinator.
- All advisors and support persons will be required to sign Non-Disclosure Agreements (NDAs). The University may restrict the role of an advisor or support person who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.
- If a party requires assistance identifying an advisor at any point in the process, the Title IX Coordinator will identify and offer, without fee or charge to that party, an advisor, which the party may use. In appointing a University advisor, the University cannot require a confidential employee to serve as an advisor.
- The University generally expects an advisor or support person to adjust their schedules to attend University meetings/interviews/conference when planned, but the University may change scheduled meetings/interviews/conference to accommodate an advisor/support person's inability to attend, if doing so does not cause an unreasonable delay. If an advisor or support person is unavailable for weeks or more, the University can decline rescheduling and require a party to identify a new advisor or support person. While meetings or interviews may be rescheduled with little notice, a change in conference date will not be accepted within 72 hours of the conference date, outside extraordinary circumstances.
- *Witnesses are not permitted to bring an advisor or other person to these proceedings, absent an approved disability accommodation.*

## **IX. Investigation**

The investigation will be fair and impartial and will usually involve interviews of witnesses and review of relevant documentation and other information. The Complainant and the Respondent will be given an equal opportunity to separately present information in the context of the investigation and may request the interview of specific witnesses. The investigator(s) retain(s) discretion to determine how to conduct the investigation and what information is necessary and relevant, subject to the direction of the Title IX Coordinator. No audio or video recording of any kind is permitted during investigation meetings, unless the investigator(s) elect(s) to audio and/or video record interviews, in which case, all parties involved in the meeting will be made aware that audio and/or video recording is occurring and will be provided a transcript of such recording.

### **A. Appointment of Adjudicators**

The parties will be provided with the names of the Adjudicators, and all objections to an Adjudicator must be raised in writing within five (5) days, detailing the rationale for the objection. An Adjudicator may only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial review or determination of the complaint. Adjudicators will also be provided the identities of the parties and an opportunity to recuse themselves. Such recusal shall occur in a timely manner so as not to impede the process.

## **B. Draft Investigative Report**

The investigator(s), via the Title IX Coordinator, will provide a Draft Investigative Report to the Adjudicators and the parties simultaneously.

The Draft Investigative Report will be made available via an electronic file platform, or upon request, provided in hard copy, subject to redaction permitted and/or required by law. This Draft Investigative Report will be made equally available to the Complainant and Respondent, and all evidence will be made available, unless it is otherwise impermissible, regardless of whether the information will be relied on in reaching a determination.

During a time period of at least seven (7) days, the Complainant and Respondent will have the opportunity to provide follow-up questions and/or a response to the Draft Investigative Report, if any. The Title IX Coordinator will share the parties' desired follow-up questions with the Adjudicators, who will then approve, deny, or revise each question. If a question is deemed not relevant, duplicative, or rephrased, a rationale for its omission or change will be provided, in writing. Additionally, the Adjudicators will have at least two (2) days to submit their own relevant questions after receiving the parties' submissions. The investigators, as applicable, will then hold individual meetings with the parties and/or witnesses to ask the follow-up questions compiled by the parties and the Adjudicators.

All party questions must be posed during this phase and cannot be posed later, unless authorized by the Adjudicators.

Within five (5) days of the final individual meeting, the investigator(s) will incorporate any new, relevant evidence and information obtained through the parties' review of the Draft Investigative Report, interviews including transcripts, and follow-up individual meetings including transcripts, into the Final Investigative Report.

## **C. Final Investigative Report**

This Final Investigative Report is then shared with the parties and the Adjudicators simultaneously, via the Title IX Coordinator. Upon receiving this Final Investigative Report, the parties and the Adjudicators will be provided at least five (5) days to provide any follow-up questions or response. If no follow-up questions are provided, the Adjudicators will move directly to deliberation. Generally, if follow-up questions are provided then follow-up inquires, or "a conference" will be held. The Title IX Coordinator has the discretion to determine that the follow-up questions could be addressed via another round of individual meetings. Factors the Title IX Coordinator will use to inform this decision

include, but are not limited to, the ability of the Adjudicators to assess the credibility of parties and witnesses absent a conference, the straightforwardness of the question(s), and the number of questions posed. Where the Title IX Coordinator determines additional individual meetings would be appropriate, the decision will be made within three (3) days. The parties may also submit a separate personal impact statement during this five (5) day time period. Impact statements will only be shared with and considered by the Adjudicators if the Respondent is found responsible for one or multiple charges.

#### **D. Pre-Conference Meeting**

Pre-conference meeting The Adjudicators may convene a pre-conference meeting(s) with the parties and/or their Advisors at least three (3) days prior to the conference, so that the Adjudicators can rule on the relevance of follow-up questions ahead of time or to provide recommendations for more appropriate phrasing. This pre-conference meeting can also be used to discuss decorum during the conference, logistics, and other procedural questions. The pre-conference meeting(s) will not be recorded. The pre-conference meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Adjudicators will work with the parties to establish the format. The Title IX Coordinator will be copied on written exchanges or present at these meetings to be available for procedural questions.

### **X. Conference Procedures**

#### **A. Overview**

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the conference, the names of the Adjudicators, and how to challenge participation by any Adjudicator for bias or conflict of interest. If a party requires and has not yet informed the Title IX Coordinator that they require disability accommodations, language assistance, and/or interpretation services at the conference, they must do so at least five (5) days before the conference. Participants in the conference will include the Adjudicators, the Complainant and the Respondent, their respective advisors, and witnesses (solely during their own testimony). Conferences are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator, such as for purposes of an accommodation for a disability. Witnesses will be present at the conference for the duration of their testimony. If a Complainant or Respondent chooses to only appear for their own testimony, if any, they are permitted to do so. If they wish for their advisor to ask questions of the other party or witnesses, the advisor may remain at the conference without their advisee and ask questions on their behalf, so long as they have the party's written consent. Conferences will be held virtually, with technology enabling the Adjudicators and the parties to simultaneously see and hear any party or witness providing information or answering questions. The parties are only permitted to bring their advisor to the virtual conference. Either party may request an in-person conference. In order for such a request to be granted, both parties, the Adjudicators, and the Title IX Coordinator must agree. If there is no such agreement then the conference will be held virtually, as described in this paragraph. The Title IX Coordinator may

postpone the conference for good cause. Good cause, as determined by the Title IX Coordinator may include, but is not limited to, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

## **B. Procedural Matters**

*One Adjudicator will be appointed Chair and be in charge of organizing the presentation of information to be considered at the conference. In cases involving students only, the Adjudicators will be referred to as the Review Board; in case involving employees only (not including the termination for cause of a tenured faculty member), the Adjudicators are Senior Staff; in cases involving termination for cause of a tenured faculty members only, the Adjudicators will be two members of the Professional Standards Committee (PSC) and one faculty member with Title IX experience/experience with discrimination and harassment matters (i.e., service on the Review Board or an investigator). Generally, the conference will proceed in the following order:*

- 1. Initial Relevance Determinations, as determined at the pre-conference, are put on the Record*
- 2. Questions for the Complainant by the Adjudicators, including advisor submitted questions, if any*
- 3. Opportunity for Respondent's advisor to send Adjudicators follow-up questions, if desired.*
- 4. Follow-up questions posed to the Complainant by the Adjudicators, where relevant and not otherwise impermissible, if any*
- 5. Questions for the Respondent by the Adjudicators, including advisor submitted questions, if any*
- 6. Opportunity for Complainant's advisor to send Adjudicators follow-up questions, if desired.*
- 7. Follow-up questions posed to the Respondent by the Adjudicators, where relevant and not otherwise impermissible, if any*
- 8. Questions for each witness by the Adjudicators, including advisor submitted questions, if any*
- 9. Opportunity for both advisors to send Adjudicators follow-up questions, if desired.*
- 10. Follow-up questions posed to the witness by the Adjudicators, where relevant and not otherwise impermissible, if any*

*All questions advisors pose must be sent to the Adjudicators, and they may never be asked of a*

*party or witness directly. Moreover, a Complainant or Respondent may never pose questions directly. It is also important to clarify that only follow-up questions based on the responses provided at the conference will be permitted, unless authorized by the Adjudicator.*

*Formal rules of evidence will not apply. Except as otherwise expressly prohibited by these procedures, any information that the Chair determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report, as described above, will be made available at the conference to give each party equal opportunity to refer to such evidence during the conference, including for purposes of questioning.*

*Absent extraordinary circumstances as determined by the Chair, no party may seek to introduce at the conference any evidence not previously made available in accordance with the preceding sentence, other than the investigative report itself, individual meetings, and any responses to the investigative report submitted by*

*the parties, as described above. If new evidence is submitted that meets this extraordinary circumstances threshold, the Chair will either pause the conference and send the case back to the investigation stage to assess the new evidence, or if both parties consent, have the new evidence, exhibit, witness, etc. brought directly to the conference following the same questioning procedures as outlined in this section.*

*The Chair will address any concerns regarding the consideration of information prior to and/or during the conference and may exclude irrelevant information. Subject to the terms of these procedures, the Chair will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence, or information will be accepted or considered, to call breaks or temporary adjournments of the conference, to call for a recess of the conference for the purpose of consulting with the other Adjudicators and/or the Title IX Coordinator, to alter the order of the proceedings from that described above, and/or to recall parties or witnesses for additional questions, as the Chair deems necessary or appropriate. The Chair may impose additional ground rules, as the Chair may deem necessary or appropriate for the orderly and efficient conduct of the conference, which will apply equally to both parties.*

### **C. Questioning Procedures**

*Neither the investigation nor conference will consider 1) incidents not relevant to the possible violation(s), unless they evidence a pattern; 2) in sexual misconduct cases, questions, and evidence about the Complainant's or Respondent's sexual predisposition or prior sexual behavior unless such questions and evidence (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual conduct with respect to the Respondent that are offered to prove consent; 3) evidence that is protected under a privilege as recognized by federal, or state law or evidence provided to a confidential employee, unless the person whom the privilege and confidentiality is owed has voluntarily waived the privilege or confidentiality.*

*Questions that are harassing, abusive, or duplicative will also be deemed not relevant. Within these boundaries, the investigation and the conference can consider character evidence, generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.*

*Only relevant questions may be requested by a party's advisor. If the Chair deems that a question is not relevant, they will explain the decision to exclude the question or rephrase it. The advisor who submitted the question may request that the Chair reconsider any decision to exclude a question, and the Chair, after soliciting the other party's advisor's opinion, will render a final determination. Such decisions by the Chair are final and not subject to further objection or reconsideration during the conference.*

*If a party or witness whose presence is requested by a party declines to participate in the conference or does not answer permissible questions, the Adjudicators may nevertheless rely on statements of that party or witness, during the conference or otherwise, in reaching a determination regarding responsibility, but may also determine what significance to afford those statements in view of the lack of live questioning during the conference (for example, the Adjudicators may determine whether the statements are sufficiently reliable in the absence of live questioning at the conference). The Adjudicators will not, however, draw an inference as to responsibility based solely on a party's or witness's absence from the conference or refusal to respond to such questions.*

*Conferences, but not deliberations, are recorded by the University for the purpose of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted. The*



Adjudicators, the parties, their advisors, and appropriate administrators of the University will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No person will be given or allowed to make a copy of the recording without the permission of the Title IX Coordinator.

#### **D. Determinations**

*Following conclusion of the conference or following review of the final investigative report, where a conference is not necessary, the Adjudicators will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Adjudicators will use “preponderance of the evidence” as the standard of proof to determine whether each alleged violation of the Policy occurred. “Preponderance of the evidence” means that the Adjudicators must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged. The Formal Investigation and Adjudication Process involves an objective evaluation of all available relevant evidence, including inculpatory and exculpatory, and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual’s status or participation as a Complainant, Respondent, or witness. If there are any findings of a Policy violation, the Review Board will be provided any submitted impact statements for review prior to determining sanctions. The impact statements will also be exchanged between the Parties at that time.*

*In addition to the impact statement(s), if any, factors considered when determining sanctions may include:*

- *the nature and severity of, and circumstances surrounding, the violation(s);*
- *the Respondent’s previous disciplinary history;*
- *the need for sanctions to bring an end to the conduct and/or to prevent the future recurrence of similar conduct;*
- *the need to remedy the effects of the conduct on the Complainant and/or the community;*
- *the impact of potential sanctions on the Respondent;*
- *sanctions imposed by the University in other matters involving comparable conduct; and*
- *any other lawful factors deemed relevant by the Adjudicators.*

#### **E. Notice of Outcome**

*The Adjudicators will issue a written determination, including the following information:*

- *A description of the charges that were adjudicated;*
- *Information about the policies and procedures that the University used to evaluate the allegations;*
- *A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and conferences held;*
- *Findings of fact supporting the determination;*
- *Conclusions regarding the application of the Policy to the facts;*
- *A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University’s educational programs or activities will be provided to the Complainant; and*

- *The procedures and permissible bases for the Complainant and Respondent to appeal.*

*The Title IX Coordinator will provide the written determination to the parties simultaneously. In addition to sanctions implemented, if any, the Title IX Coordinator will also implement remedies, as appropriate, that are intended to stop the discrimination, harassment, sexual misconduct, or retaliation, remedy the effects, and prevent recurrence.*

## **F. Appeals**

Either party may submit a written appeal of the Adjudicators' decision or of an earlier decision to dismiss the formal complaint or any specific allegations in the formal complaint. Any sanction imposed as the result of deliberations and/or conference will only be implemented after the appeal time has concluded or a final decision has been made on the appeal. An appeal must be submitted to the Title IX Coordinator within five (5) days of receipt of the Adjudicator determination or dismissal (as applicable) and must identify all information a party wishes to have considered on appeal. Any appeal statement will be shared with the other party, who will have two (2) days to submit a response to the Title IX Coordinator. The appeal and any response will be considered by two members of Senior Staff. Generally, in cases involving students, the Vice President and Dean of Academic Affairs and the Vice President and Dean of Student Life will be the appellate officers. In the event the Vice Presidents cannot agree, the Title IX Coordinator will appoint a third member to the appeals panel.

The parties have the right to petition that an Appellate Officer be removed, and the objection must be raised in writing to the Title IX Coordinator within five (5) days, detailing the rationale for the objection. An Appellate Officer may only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial review and might compromise the integrity of the appeal process. Appellate Officers will also be provided the identities of the parties and an opportunity to recuse themselves.

The appeal process does not readjudicate the factual determination but ensures that rights are protected, and appropriate procedures are followed. Grounds for an appeal are limited to the following:

- Procedural irregularity that would change the outcome; and/or
- New evidence that would change the outcome and that was not reasonably available when the determination regarding responsibility or dismissal was made; and/or
- The Title IX Coordinator, investigator(s), or any Adjudicator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

A decision responding to the written appeal will be issued to the parties and the Title IX Coordinator. If an appeal is granted, it should generally be remanded to the investigators or the conference stage

for reconsideration. When an appeal results in no change to the finding, that decision is final. When an appeal results in a new finding, that finding can be appealed one final time on the grounds listed above and in accordance with these procedures.

#### **XI. Counterclaims**

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the Resolution Process. Investigation of such claims may take place after resolution of the underlying initial formal complaint, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying formal complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a policy violation.

#### **XII. Communications during Cases**

Complainants and Respondents are expected to regularly check their email (or supply an alternative email address) throughout any Formal Investigation and Adjudication or informal resolution. University email is the primary way in which parties will receive communications from the Title IX Coordinator.

#### **XIII. Statement of Privacy and Confidentiality**

St. Lawrence University is committed to protecting the privacy of all individuals involved in a report or formal complaint under this Policy. Under this policy, confidentiality and privacy have distinct meanings.

Even when legal confidentiality is not available, St. Lawrence University officials and employees who cannot guarantee confidentiality will maintain parties' privacy to the greatest extent possible. The information provided to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

**Privacy:** Privacy generally means that information related to a report of discrimination, harassment, sexual misconduct, or retaliation will be shared with a limited circle of individuals who "need to know" in order to assist with assessment, investigation, or resolution of a report and related issues. While unable to offer confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. These individuals will maintain privacy to the greatest extent possible.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals including medical providers, mental health providers, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by the law. These individuals are prohibited from breaking confidentiality unless: 1) given permission to do so by the person who

disclosed the information, 2) there is an imminent threat of harm to self or others, 3) the conduct involves suspected abuse of a minor under the age of 18; or 4) as otherwise required or permitted by law or court order. While not confidential by virtue of privilege, St. Lawrence University has also designated Student Advocates and a number of employees as confidential who can protect the anonymity of Complainants.

The University may contact parents/guardians of students to inform them of situations in which there is significant health or safety risks but will usually consult with the student first before doing so.

#### **XIV. Complainant Is an Active Member of the University Community and the Respondent Is Not an Active Member of the University Community**

When the Respondent is not a member of the University community, that person has no inherent rights of access to or membership in the University community. The Title IX Coordinator has discretion to implement a temporary or permanent no contact order and temporary or permanent ban from campus. The University also reserves the right to implement a temporary or permanent no contact order and/or temporary or permanent ban from campus under its access to University property policies and practices, entirely separate from this procedure and the Combined Discrimination and Harassment Policies.

The Respondent has the right to appeal these decisions after one year, and the appeal will be heard by the Vice President and Dean of Student Life when the Complainant is a student and heard by the Senior Staff administrator overseeing the area of the Complainant when the Complainant is an employee.

The Title IX Coordinator also has the discretion to follow the Combined Discrimination and Harassment Procedures, described above, in cases involving discrimination, harassment, sexual misconduct, or retaliation.

Regardless of which procedures are followed, the University will offer supportive measures to its student(s) or employee(s) involved in any such cases.

#### **XV. Formal complaints by Non-Members of the Community**

When a non-member of the University Community believes they are experiencing or have experienced harassment, discrimination, sexual misconduct or retaliation they should report concerns to the Assistant Vice President for Security and Safety or the Title IX Coordinator. The University may use their Combined Discrimination and Harassment Procedures, described above, where a substantial University interest is implicated. University interests include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- Any situation in which it is determined that the Respondent poses an imminent threat to the health or safety of any student, employee, or other individual.

- Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder
- Any situation that substantially interferes with the educational interests or mission of the University.

## **XVI. Qualifications and Appointment –Review Board (RB) Adjudicators**

The RB consists of up to fifteen non-student members of the St. Lawrence University community (plus the Title IX Coordinator), who must be trained annually in accordance with state and federal law before serving on any case. The Title IX Coordinator may also designate individuals external to the University to serve as RB members in particular cases, provided they have received training in accordance with state and federal law. Only those individuals who have undergone training directed by the Title IX Coordinator are eligible to serve as a RB member in any case. Generally, three members of the Board will serve as the RB for each case to be adjudicated by a RB. The Vice President and Dean of Student Life, the Associate Dean of Student Life, and the Title IX Coordinator collaborate in identifying employee members serving on the RB. The recommendations for faculty membership are forwarded to the Vice President and Dean of Academic Affairs and on to Faculty Council for approval. The role of the Title IX Coordinator is to ensure that all administrative and procedural requirements are met, to collect information, and to perform other administrative duties and otherwise assist the Board as needed. The Title IX Coordinator attends meetings of the RB but is not a voting member of the Board. During deliberations, the RB may consult with the Title IX Coordinator about process questions, but otherwise, the Title IX Coordinator does not attend deliberations. Review Board members are usually appointed by the President to serve.

Updated September 2024

These policies procedures may be amended by the University at any time. Unless otherwise provided in the amendment, amendments to these procedures will become effective upon approval.

**Title IX Coordinator and Sexual Wellness Educator Lindsey Tropper (Cohen) Student Center Room 302). 315-229-5334, [ltropper@stlawu.edu](mailto:ltropper@stlawu.edu).**

**Assistant Vice President for Safety and Security Patrick Gagnon  
Torrey Health Center, 76 Park Street, rear entrance, 315-229-5555, [pgagnon@stlawu.edu](mailto:pgagnon@stlawu.edu)**

### **APPENDIX A: Definitions**

**Adjudicators:** The decision about whether there has been a violation of University Policy will be made by a three-member Review Board in all Title IX cases. In non-Title IX cases the adjudicators are a three-member Review Board in student cases, two members of Senior staff for employee only cases, and two PSC members and one faculty member with significant Title IX experience or discrimination and harassment complaint experience (e.g. serving on the Review Board or as an investigator) for termination for cause of a tenured faculty member cases. In the event that a panel cannot be convened due to limited availability or potential conflicts, a single Adjudicator will fulfil the role of a panel.

**Advisor:** An advisor is an individual chosen by a party to provide support and guidance throughout the process.

In Title IX cases or where a case involves stalking, dating or domestic violence, or sexual assault, an advisor of choice is permitted, who may be, but is not required to be an attorney. In all other cases, an advisor must be an active member of the university community. If either party does not have an advisor, the University will work with the party to identify one. In most cases the advisor's role is limited to observing, consulting with, and providing quiet support to the party throughout the proceedings.

**Affirmative Consent:** New York State law provides, and the University adopts, the following definition of affirmative consent:

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

Consent is free and informed permission. Consent given verbally is evidenced by affirmative agreement to engage in specific sexual activity. Consent through action is active participation in the specific sexual activity. 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 to some sexual activity (e.g., kissing, fondling) cannot be presumed consent for other sexual activity (e.g., intercourse). Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.

Certain conditions prevent a person from being able to consent. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. 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.

In considering whether an individual is incapacitated due to drug or alcohol use, the University will look at a number of factors, including but not limited to the type/amount of alcohol and/or drugs used, as well as such outward signs as slurred or incoherent speech, impaired motor skills (e.g. walking, texting), vomiting, loss of consciousness, etc.

Consent cannot be given when it is the result of coercion or force. Coercion is a threat, undue pressure, or intimidation to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.

The University expects that any sexual activity (including sexual contact) will be based on mutual, affirmative consent to the specific sexual activity. Sexual activity in the absence of affirmative consent (i.e., “non-consensual sexual activity”) is prohibited. Sexual relationships between students and employees are strongly discouraged.

**Complainant:** means an individual who is alleged to be the victim of conduct that would constitute sexual harassment, discrimination, sexual misconduct, or retaliation. In some cases, the Title IX Coordinator may file a formal complaint and thereby initiate a Formal Investigation and Adjudication, pursuant to the University’s policy. In that instance, the Title IX Coordinator is not the “Complainant”; the Complainant remains the person who allegedly experienced the discrimination, harassment, sexual misconduct, or retaliation.

**Formal complaint:** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment, discrimination, sexual misconduct or retaliation against a respondent and requesting that the recipient investigate the allegation.

**Confidential Employee:** There are three types of Confidential Employees

- An employee whose communications are privileged or confidential under Federal or State law. The employee’s confidential status, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or
- An employee of the University whom the University has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, sexual misconduct, or retaliation. If the employee also has a duty not associated with providing those services, the employee’s confidential status is only with respect to information received about discrimination, harassment, sexual misconduct, or retaliation in connection with providing those services; or
- An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, sexual misconduct or retaliation. The employee’s confidential status only applies with respect to information received while conducting the study.

**Day:** All references to “day” refer to calendar days.

**No-Contact Order:** A directive from the University that the people involved in a case either temporarily or permanently have no deliberate interaction with one another, nor may anyone on their behalf.

**Pregnancy or Related Conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom

**Preponderance of Evidence:** The standard of proof used by the Adjudicators to determine whether an alleged violation of the Combine Discrimination and Harassment Policy took place. This standard evaluates whether it is “more likely than not” that the Respondent engaged in the conduct charged.

**Relevant:** means related to the allegations under investigation. Questions are relevant when they seek evidence that may aid in showing whether the conduct occurred, and evidence is relevant when it may aid Adjudicators in determining whether the alleged conduct occurred, or in determining the credibility of Parties or witnesses.

**Respondent:** Means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, discrimination, sexual misconduct, or retaliation for engaging in protected activity under the Policy. The term “accused” may be used in this policy to refer to the Respondent prior to the time that a formal complaint has been made.

**Responsible:** The term used when the Adjudicators determine there is a preponderance of evidence to support a finding of a violation of the Combined Discrimination and Harassment Policies.

**Sexual Misconduct:** Sexual misconduct is an umbrella term used to refer to any form of sex/gender-based harassment, sexual exploitation, sexual assault, dating violence, domestic violence, stalking, prohibited by this policy.

**Student:** A person who has gained admission.

**Supportive Measures:** Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the University’s educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties. If a Complainant does not wish to file a formal complaint and initiate a Formal Investigation and Adjudication, the Complainant will, nevertheless, be entitled to receive supportive measures.

**Support Person:** Individuals may choose a support person to be present at any meetings they are required to attend, so long as they do not conflict with the University’s Family Education Rights and Privacy Act (FERPA) obligations. The support person may not speak for or represent the persons. The University will not communicate directly with support people. Generally, support persons will not be granted access to the investigation file and will be required to sign non-disclosure agreements.

**Title IX Coordinator:** is the official designated by the University to ensure compliance with the Combined Discrimination and Harassment Policies, including Title IX. References to the “Title IX Coordinator” throughout this Policy and the corresponding Procedures may also encompass a designee of the Title IX Coordinator. Even when designees are assigned, the Title IX Coordinator will maintain ultimate oversight over all responsibilities.

**Witness:** Someone who may have seen an incident or who may have had real-time interactions with either the person making the charge, or the person charged, interactions (discussion, text or email messages and more) that will help the University understand the narrative as accurately as possible



APPENDIX B:  
STUDENTS' BILL OF RIGHTS  
IN CASES INVOLVING SEXUAL ASSAULT,  
DOMESTIC/DATING VIOLENCE AND STALKING

Pursuant to New York Law, all students have the right to:

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

RIGHTS IN CASES INVOLVING  
SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE AND STALKING

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

1. Notify Campus Safety, Local Law Enforcement or the New York State Police.
2. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
  - options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by

the University from retaliation for reporting an incident; and to receive assistance and resources from the University, as set out in the St. Lawrence University Combined Discrimination and Harassment Policy, which can be found at <https://www.stlawu.edu/title-ix> .

- where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
  - that the criminal justice process utilizes different standards of proof and evidence than the University's misconduct procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
  - whether the person they are reporting to is authorized to offer the confidentiality or privacy; and
  - Any other reporting options.
3. If they are a student, to contact the University's Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws/University policies and can be assisted in obtaining services for reporting individuals; or to contact non-University confidential resources, including:
- **Canton-Potsdam Hospital**  
315-265-3300
  - **Renewal House**  
  
3 Chapel Street  
  
M-F 8:00am-5:00pm  
  
315-379-9845
  - **Reachout of St. Lawrence County**  
  
315-265-2422
  - **Employee Assistance Program**  
  
1-800-327-2255
  - **New York State Office of Victim Services**  
  
1-800-247-8035  
  
<https://ovs.ny.gov>
4. Disclose confidentially the incident and obtain services from the state or local government;
5. Disclose the incident to the University's Mandatory Reporters who can offer privacy or, appropriate cases determined by the Title IX Coordinator, confidentiality, subject to the University's Combined

Discrimination and Harassment Policy (which can be found at <https://www.stlawu.edu/title-ix>), and can assist in obtaining resources for reporting individuals;

6. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality. Private information can be shared to implement and fulfill the University's obligations under the law and its Combined Discrimination and Harassment Policy and related Procedures;
7. Disclose, if the accused is a University employee of the institution, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources; and
8. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies (e.g., Renewal House), who can provide direct assistance with court proceedings.
9. Withdraw a formal complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.

Information about available resources, including intervention, mental health counseling and medical services that might be available to anyone reporting an incident can be found at <https://www.stlawu.edu/title-ix>). In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from the Health and Counseling Center, if a student, or from Canton-Potsdam Hospital or Planned Parenthood, if an employee. Certain resources are also available to victims of crimes through the New York State Office of Victim Services, <https://ovs.ny.gov/>

Updated August 8, 2016, pursuant to New York State "Enough is Enough" legislation and subsequent guidance from the New York State Department of Education. This Policy may be amended by the University at any time. Unless otherwise provided in the amendment, amendments to this Policy will become effective upon approval.

## **APPENDIX C: Title IX Cases: Formal Investigation and Adjudication**

### **Overview**

If a report of harassment, discrimination, sexual misconduct, or retaliation is made to any Mandatory Reporter, including the Title IX office, the Title IX Coordinator will contact the Complainant to inform them of their options to pursue Supportive Measures only, an Informal Resolution, or a Formal Investigation and Adjudication under this Policy. **A Formal complaint is necessary to initiate the University's Informal Resolution or Formal Investigation and**

**Adjudication process. A Formal complaint must be submitted in writing and request that the University investigate the allegation(s).** If a Formal complaint is filed, the University will undertake an adequate, reliable, fair, prompt, and impartial investigation.

#### **A. Title IX Coordinator May Sign a Formal complaint**

If a Complainant does not wish to move forward with a Formal complaint, they have the right to decide not to file a formal complaint and **request** that the University maintain this report as confidential (to the extent permitted by law) and/or to request that it not conduct an investigation or that action not be taken against an alleged perpetrator. The University will do its best to honor that request, but in some circumstances, the University may be compelled to move forward with a Formal Investigation and Adjudication without the consent or cooperation of the reporting individual. In making such a determination the University must consider its obligation to provide a safe, non-discriminatory environment for all students and employees. The University has designated the Title IX Coordinator as the individual who will evaluate any requests for confidentiality. The Title IX Coordinator will consider a range of factors, including:

- The Complainant's request not to proceed with initiation of the formal complaint;
- The Complainant's reasonable safety concerns regarding initiation of a formal complaint;
- The risk that additional acts of discrimination would occur if a formal complaint is not initiated;
- The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the University;
- The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether discrimination occurred;
- Whether the University could end the alleged discrimination and prevent its recurrence without initiating its Formal Investigation and Adjudication procedures;
- The risk that the alleged perpetrator will commit additional acts of violence;
- Whether there have been other discrimination formal complaints about the same alleged perpetrator;
  
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence and/or repeat behavior;

- Whether the incident represents an escalation of past discrimination by the accused;
- Whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- Whether there is an increased risk of additional acts of violence;
- Whether the discrimination was committed by multiple perpetrators;
- Whether the discrimination was perpetrated with a weapon or force;
- Whether the victim is a minor;
- Whether the University possesses other means to obtain relevant evidence of the discrimination (e.g., security cameras or personnel, physical evidence);
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group; and
- The overall safety of the campus community (including the reporting individual).

If the University determines that it cannot maintain a Complainant's confidentiality, it will inform the Complainant prior to filing a formal complaint and initiating the Formal complaint Investigation process starting with an investigation and will, to the extent possible, maintain information as private and only share information as needed so that the University may respond and act under this Policy. If a Complainant does not wish to file a formal complaint and initiate a Formal Investigation and Adjudication, the Complainant will, nevertheless, be entitled to receive supportive measures.

A student's Bill of Rights and an additional statement of Rights in Cases Involving Sexual Assault, Domestic Violence, Dating Violence or Stalking are attached to this Policy as Appendix B.

## **B. Notice**

If Formal Investigation and Adjudication is selected, the Title IX Coordinator will promptly provide a written Notice of Investigation and Allegations ("NOIA") to both parties detailing the commencement of the investigation. The NOIA outlines for both parties their rights in the process and facilitates identifying an advisor. (In the Complainant's case, they may already have identified an advisor.) The Complainant will be provided advance notice of when the NOIA will be delivered. The NOIA will include: a meaningful summary of the allegations, the identity of the parties involved (if known), the specific policy violation alleged, the time, date, and location of the incident(s) (if known), a description of the investigation and adjudication procedures, a statement of all potential sanctions, statement that the University presumes the Respondent is not responsible until there is a finding of Responsibility at the conclusion of

the grievance process, a statement that the burden is on the University, not on either party, to gather sufficient evidence to reach a fair and impartial decision, a statement about the University's retaliation policy, a statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, information on the need to identify an Advisor a statement about confidentiality, a statement about the University's policy that prohibits knowingly making false statements, including knowingly submitting false information in the process, the name of the assigned investigator(s), and information on how to pose an objection.

This information will be provided in sufficient detail and with sufficient time to prepare a response before any initial interview. If, in the course of the investigation, the University decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator will provide notice of the additional allegations to the parties. The Complainant and Respondent will be provided with notice of the name of the appointed investigator(s) (who may be one or more external investigators as determined necessary by the Title IX Coordinator) and an opportunity of not more than two (2) days after the notice to raise an objection to the investigator(s), based on any alleged conflict of interest known to the party. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator. Investigators will also be provided the identities of the parties and provided an opportunity to recuse themselves.

The University will make a good faith effort to conclude the Formal Investigation and Adjudication process according to the following timeframes. Evaluation stage (i.e. the University's decision whether to dismiss or investigate a formal complaint) between 5-10 days; NOIA and investigation stage, including review of the draft investigative report, estimated between 30-60 days; adjudication stage, including pre-hearing meeting, review of the final investigative report and determination writing, estimated between 30-60 days; and appeal, where applicable, estimated between 20-30 days. Certain factors such as but not limited to the complexity of the matter, the number of witnesses involved, academic break periods, concurrent law enforcement activity and professional or personal obligations of all parties involved, or other circumstances reasonably necessitating delay, may extend the duration of the investigation, and the parties will be advised of the reason(s) for any extension. Delays due to ongoing law enforcement investigations will not exceed ten (10) days unless the law enforcement agency specifically requests and justifies a longer delay. The University will make a good-faith effort to complete its Formal Investigation and Adjudication process as promptly as circumstances permit and will communicate regularly with the parties to update them on progress and timing of the investigation.

### **C. Formal complaints involving Parties with Multiple Statuses and/ or Multiple Complainants/Respondents**

In cases where there are multiple Complainants and/or multiple Respondents, the University reserves the right to handle the cases individually or jointly to the extent permitted by

law. Further, in cases where there are allegations of a violation of this Policy and collateral allegations of other policy violations (e.g., an allegation of non-consensual sexual contact and minor property damage), the University reserves the right to have allegation(s) of violations of this Policy and the collateral allegation(s) investigated and adjudicated pursuant to this Policy. In cases where the individual has more than one status with the University (such as a student who is also employed with the University, or any employee who takes courses at the University), the University will determine in its discretion which status is primary; in such a situation, sanctions imposed may include sanctions related to each status.

#### **D. Dismissals**

The Title IX Coordinator may determine at any point in the process that facts have emerged that support the dismissal of a formal complaint. A decision to dismiss a formal complaint is appealable by the Complainant. Notice of dismissal will be in writing. A Respondent will usually also be informed of such a dismissal and offered an opportunity to appeal as well, unless the dismissal occurred before the Respondent was aware of the formal complaint. The Title IX Coordinator **must** dismiss a Formal complaint or any of the allegations therein if during the investigation or hearing it is determined that:

- The conduct alleged in the Formal complaint would not constitute Sexual Harassment (discrimination, harassment, sexual misconduct, or retaliation) as defined above;
- The conduct did not occur in an educational program or activity controlled by the University including buildings or property controlled by recognized student organizations, and/or the University does not have control over the Respondent;
- The conduct did not occur against a person in the United States;
- At the time of filing a Formal complaint, a Complainant is not participating in or attempting to participate in the University's education program or activity, and based on the available information, the Title IX Coordinator has determined they do not need to sign a Formal complaint on behalf of the University.

The University may dismiss a Formal complaint or any allegations therein, if at any point during the investigation or hearing :

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal complaint or any allegations therein;
- The Respondent is no longer enrolled in or employed by the University;
- Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the Formal complaint or allegations therein;

While there is no time limitation on making a Formal complaint, if a Respondent is no longer under the University's jurisdiction, the University's ability to investigate, respond and/or provide remedies may be limited.

**E. Rights and Expectations of Advisors and Support Persons\* for definitions of advisor and support persons, please see Appendix A**

- Either party may use an advisor who may attend with the party any meeting, interview, or hearing the party is required or eligible to attend. The advisor's role is to consult with and support the party, and the advisor may not do so in any way which disrupts or distracts from the investigation.
- The advisor is not permitted to speak or otherwise make any direct statements to the investigator(s) (or others) during meetings with the investigator(s) (or with others). If the Complainant or the Respondent wishes to provide information, they must speak on their own behalf and not through their advisor.
- If a party requests that email communication be made through their advisor, the University will comply with that request at the discretion of the Title IX Coordinator. A party will still be cc'ed on all communication and substantive decisions must be communicated to or from the party directly. The Title IX Coordinator maintains discretion to determine what is considered a substantive decision. For example, something that may be considered non-substantive would be the scheduling of an interview.
- An advisor who does not abide by this role may be precluded from further participation in investigatory meetings and/or hearing. In such a circumstance, the party will be allowed reasonable time to identify another advisor.
- If a party does not have an advisor present at the hearing, the University will provide, without charge to that party, an advisor of the University's choice for the limited purpose of conducting questioning on behalf of that party as provided in the Policy.
- During the hearing, except with respect to cross-examination, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the RB during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet nondisruptive manner or in writing.
- During the hearing, the advisor may consult with the advisee verbally outside the hearing or during breaks, when such breaks are granted by the Chair of the RB. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, nonintimidating and non-abusive manner.
- While a party is free to choose a witness to also serve as their advisor, issues of potential bias will be explored by the Review Board.
- For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative (if requested by the party)
- In addition to an advisor, the University may permit parties to have a support person, upon request to the Title IX Coordinator.
- All advisors and support persons will be required to sign Non-Disclosure Agreements (NDAs). The University may restrict the role of an advisor or support person who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.



- If a party requires assistance identifying an advisor at any point in the process, the Title IX Coordinator will identify and offer, without fee or charge to that party, an advisor, which the party may use. In appointing a University advisor, the University cannot require a confidential employee to serve as an advisor.
- The University generally expects an advisor or support person to adjust their schedules to attend University meetings/interviews/hearings when planned, but the University may change scheduled meetings/interviews/hearings to accommodate an advisor/support person's inability to attend, if doing so does not cause an unreasonable delay. If an advisor or support person is unavailable for weeks or more, the University can decline rescheduling and require a party to identify a new advisor or support person. While meetings or interviews may be rescheduled with little notice, a change in hearing date will not be accepted within 72 hours of the hearing date, outside extraordinary circumstances.
- *Witnesses are not permitted to bring an advisor or other person to these proceedings, absent an approved disability accommodation.*

## **Investigation**

The investigation will be fair and impartial and will usually involve interviews of witnesses and review of relevant documentation and other information. The Complainant and the Respondent will be given an equal opportunity to separately present information in the context of the investigation and may request the interview of specific witnesses. The investigator(s) retain(s) discretion to determine how to conduct the investigation and what information is necessary and relevant, subject to the direction of the Title IX Coordinator. No audio or video recording of any kind is permitted during investigation meetings, unless the investigator(s) elect(s) to audio and/or video record interviews, in which case, all parties involved in the meeting will be made aware that audio and/or video recording is occurring and will be provided a transcript of such recording.

### **A. Appointment of Review Board Members**

The parties will be provided with the names of the Review Board members, and all objections to a Review Board member must be raised in writing within five (5) days, detailing the rationale for the objection. A Review Board member may only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial review or determination of the complaint. Review Board members will also be provided the identities of the parties and an opportunity to recuse themselves. Such recusal shall occur in a timely manner so as not to impede the process.

### **B. Draft Investigative Report**

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence directly related to the allegations gathered in the investigation, regardless of whether the information will be relied on in reaching a determination. Prior to the conclusion of the investigative

report, the Complainant and Respondent, and each party's advisor of choice, if any, the report will be made available via an electronic file platform, or upon request, provided in hard copy, subject to redaction permitted and/or required by law. The Complainant and Respondent will be provided at least ten (10) days to submit a written response, which the investigator(s) will consider prior to completion of the investigative report. The investigator(s) will determine if additional investigation is necessary and, if so, will complete any additional investigation steps.

### **C. Final Investigative Report**

At the conclusion of the investigation, the investigator(s) will complete a written investigative report that fairly summarizes the relevant evidence. The investigator(s) need not include information in the investigative report that the investigator(s) determine(s) not relevant or otherwise excludable. The investigator(s) will submit the investigative report to the Title IX Coordinator.

At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's advisor if any, will receive the final investigative report via an electronic file platform, or upon request, provided in hard copy, subject to redaction permitted and/or required by law.

### **D. Pre-hearing Procedures**

The Review Board members may convene a pre-hearing meeting(s) with the parties and/or their Advisors at least three (3) days prior to the hearing, so that the Review Board members can rule on the relevance of questions ahead of time or to provide recommendations for more appropriate phrasing. This pre-hearing meeting can also be used to discuss decorum during the hearing, logistics, and other procedural questions.

The pre-hearing meeting(s) will not be recorded. The pre-hearing meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Review Board will work with the parties to establish the format. The Title IX Coordinator will be copied on written exchanges or present at these meetings to be available for procedural questions.

## **Hearing Procedures**

### **A. Overview**

*The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the names of the Review Board members, and how to challenge participation by any Review Board Member for bias or conflict of interest. If a party requires and has not yet informed the Title IX Coordinator that they require disability accommodations, language assistance, and/or interpretation services at the hearing, they must do so at least five (5) days before the hearing.*

Participants in the hearing will include the members of the Review Board (RB), the Complainant and the Respondent, their respective advisors, and witnesses (solely during their own testimony). Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator for purposes such as accommodation of a disability. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s). *Witnesses will be present at the hearing for the duration of their testimony. If a Complainant or Respondent chooses to only appear for their own testimony, if any, they are permitted to do so. If they wish for their advisor to ask questions of the other party or witnesses, the advisor may remain at the hearing without their advisee and ask questions on their behalf, so long as they have the party's written consent.*

*Hearings will be held virtually, with technology enabling the Review Board and the parties to simultaneously see and hear any party or witness providing information or answering questions. The parties are only permitted to bring their advisor to the virtual hearing. Either party may request an in-person hearing. In order for such a request to be granted, both parties, the Review Board, and the Title IX Coordinator must agree. If there is no such agreement then the hearing will be held virtually, as described in this paragraph.*

The Title IX Coordinator may postpone the hearing for good cause as determined by the Title IX Coordinator. Good cause, as determined by the Title IX Coordinator may include, but is not limited to, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

## **B. Procedural Matters**

One Review Board member will be appointed the Chair and be in charge of organizing the presentation of information to be considered at the hearing. Generally, the hearing will proceed in the following order:

- 1. Opportunity for Opening Statement by the Complainant*
- 2. Opportunity for Opening Statement by the Respondent*
- 3. Questions for the Complainant by the RB, and, if desired, on behalf of the Respondent's advisor, followed by an opportunity for a clarifying statement*
- 4. Questions for the Respondent by the RB, and, if desired, on behalf of the Complainant's advisor, followed by an opportunity for a clarifying statement*
- 5. Questions for each witness by the RB, and, if desired, on behalf of the Complainant and Respondent*
- 6. Opportunity for Closing Statement by Complainant*
- 7. Opportunity for Closing Statement by Respondent*

*All cross-examination questions must be posed by advisors, and they may never be asked directly by Complainant or Respondent.*

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by these procedures, any information that the Chair of the RB determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report as described above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning.

Absent extraordinary circumstances as determined by the Chair of the RB, no party may seek to introduce at the hearing any evidence not previously made available in accordance with the preceding sentence, other than the investigative report itself and any responses to the investigative report submitted by the parties as described above. *If new evidence is submitted that meets this extraordinary circumstances threshold, the Chair will either pause the hearing and send the case back to the investigation stage to assess the new evidence, or if both parties consent, have the new evidence, exhibit, witness, etc. brought directly to the hearing following the same questioning procedures as outlined in this section.*

The Chair of the RB will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant information. Subject to the terms of these procedures, the Chair will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence or information will be accepted or considered, to call breaks or temporary adjournments of the hearing, *to call for a recess of the hearing for the purpose of consulting with the other Review Board members and/or the Title IX Coordinator*, to alter the order of the proceedings from that described above, and/or to recall parties or witnesses for additional questions as the Chair deems necessary or appropriate. The Chair may impose additional ground rules as the Chair may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

### **C. Questioning Procedures**

*Neither the investigation nor hearing will consider 1) incidents not relevant to the possible violation(s), unless they evidence a pattern; 2) in sexual misconduct cases, questions, and evidence about the Complainant's or Respondent's sexual predisposition or prior sexual behavior unless such questions and evidence (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual conduct with respect to the Respondent that are offered to prove consent; 3) evidence that is protected under a privilege as recognized by federal, or state law or evidence provided to a confidential employee, unless the person whom the privilege and confidentiality is owed has voluntarily waived the privilege or confidentiality.*

*Questions that are harassing, abusive, or duplicative will also be deemed not relevant. Within these boundaries, the investigation and the hearing can consider character evidence, generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct. The RB will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility;*

Before the party or witness answers a question posed by an advisor, the Chair of the RB will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. *If the Chair deems that a question is not relevant, they will explain the decision to exclude the question or rephrase it. The advisor who posed the question may request that the Chair reconsider any decision to exclude a question, and the Chair, after soliciting the other party's advisor's opinion, will render a final determination. Such decisions by the Chair are final and not subject to further objection or reconsideration during the hearing.*

If a party or witness whose presence is requested by a party declines to participate in the hearing or does not answer permissible questions, the Review Board may nevertheless rely on statements of that party or witness, during the hearing or otherwise, in reaching a determination regarding responsibility, but may also determine what significance to afford those statements in view of the lack of cross-examination during the hearing (for example, the Review Board may determine whether the statements are sufficiently reliable in the absence of cross-examination at the hearing). The Review Board will not, however, draw an inference as to responsibility based solely on a party's or witness's absence from the hearing or refusal to respond to such questions.

Hearings, but not deliberations, are recorded by the University for the purpose of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted. The Review Board, the parties, their advisors, and appropriate administrators of the University will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No person will be given or allowed to make a copy of the recording without the permission of the Title IX Coordinator.

#### **D. Determinations**

*Following conclusion of the hearing, the Review Board will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Review Board will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Review Board must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged. The Formal Investigation and Adjudication Process involves an objective evaluation of all available relevant evidence, including inculpatory and exculpatory, and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness. If there are any findings of a Policy violation, the Review Board will be provided any submitted impact statements for*

review prior to determining sanctions. The impact statements will also be exchanged between the Parties at that time.

*In addition to the impact statement(s), if any, factors considered when determining sanctions may include:*

- *the nature and severity of, and circumstances surrounding, the violation(s);*
- *the Respondent's previous disciplinary history;*
- *the need for sanctions to bring an end to the conduct and/or to prevent the future recurrence of similar conduct;*
- *the need to remedy the effects of the conduct on the Complainant and/or the community;*
- *the impact of potential sanctions on the Respondent;*
- *sanctions imposed by the University in other matters involving comparable conduct; and*
- *any other lawful factors deemed relevant by the Adjudicators.*

#### **E. Notice of Outcome**

*The Review Board will issue a written determination, including the following information:*

- *A description of the charges that were adjudicated;*
- *Information about the policies and procedures that the University used to evaluate the allegations;*
- *A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;*
- *Findings of fact supporting the determination;*
- *Conclusions regarding the application of the Policy to the facts;*
- *A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's educational programs or activities will be provided to the Complainant; and*
- *The procedures and permissible bases for the Complainant and Respondent to appeal.*

*The Title IX Coordinator will provide the written determination to the parties simultaneously. In addition to sanctions implemented, if any, the Title IX Coordinator will also implement remedies, as appropriate, that are intended to stop the discrimination, harassment, sexual misconduct, or retaliation, remedy the effects, and prevent recurrence.*

#### **F. Appeal**

Either party may submit a written appeal of the Review Board's decision or of an earlier decision to dismiss the formal complaint or any specific allegations in the formal complaint. Any sanction imposed as the result of deliberations and/or hearing will only be implemented after the appeal time has concluded or a final decision has been made on the appeal. An appeal must be submitted to the Title IX Coordinator within five (5) days of receipt of the Review Board's determination or dismissal (as applicable) and must identify all information a party wishes to have considered on appeal. Any appeal statement will be shared with the other party, who will have two (2) days to submit a response to the Title IX Coordinator. The appeal and any response will be considered by two members of Senior Staff. Generally, in cases involving students, the Vice President and Dean of Academic Affairs and the Vice President and Dean of Student Life will be the appellate officers. In the event the Vice Presidents cannot agree, the Title IX Coordinator will appoint a third member to the appeals panel.

The parties have the right to petition that an Appellate Officer be removed, and the objection must be raised in writing to the Title IX Coordinator within five (5) days, detailing the rationale for the objection. An Appellate Officer may only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial review and might compromise the integrity of the appeal process. Appellate Officers will also be provided the identities of the parties and an opportunity to recuse themselves.

The appeal process does not readjudicate the factual determination but ensures that rights are protected, and appropriate procedures are followed. Grounds for an appeal are limited to the following:

- Procedural irregularity that would change the outcome; and/or
- New evidence that would change the outcome and that was not reasonably available when the determination regarding responsibility or dismissal was made; and/or
- The Title IX Coordinator, investigator(s), or any Adjudicator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

A decision responding to the written appeal will be issued to the parties and the Title IX Coordinator. If an appeal is granted, it should generally be remanded to the investigators or the hearing stage for reconsideration. When an appeal results in no change to the finding, that decision is final. When an appeal results in a new finding, that finding can be appealed one final time on the grounds listed above and in accordance with these procedures.

## **APPENDIX D: Preservation of Evidence**

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. A Complainant may want to consider taking the following actions, even if they ultimately choose not to pursue criminal charges or a University process.

### All Harassment, Discrimination, Sexual Misconduct, or Retaliation

- Save and document any requests for no further communication.
- Screenshot and/or save Snapchat, Insta Stories, or similar disappearing forms of communication, if able. Even if you have not retained copies of all these communications, the sooner a person can document, the more helpful such evidence would be if criminal charges or a university process is pursued.
- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

### Sexual Assault Forensic Medical Assistance

- Transportation provided to receive an exam and/or treatment. Due to legal requirements, such as chain of custody, these exams are unable to be completed in our Health and Counseling Center.
- Seek forensic medical assistance (i.e. SANE exam or “rape kit”.) These can be completed within 120 hours of an incident, though sooner is better for evidence collection.
  - o During such an exam, a person is asked for their consent at every step
  - o A person can stop the process and withdraw consent at any time
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, as it may remove evidence. Still even if a person does, evidence can still be collected.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement). If clothes are not changed. A change of clothes is recommended as clothes may be collected as evidence.
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence. Provision of prophylactic medications can be time sensitive.
- A SANE exam will only be processed if charges are filed with the police (or survivor has it tested privately). The kit will be stored for 20 years in New York State (other states and jurisdictions vary)
  - o If a person chooses to have it processed, evidence will be tested within 100 days



- If a person chooses not to have it processed, they will be informed if during those 20 years (or another number of years) the kit is moved, and they will be notified before the 20-year storage period ends.

#### **APPENDIX E: Addendum Related to the Protection of Minors**

The St. Lawrence University Combined Discrimination and Harassment Policies apply to all University students, employees, and non-University community members (where the alleged conduct arises out of University programs or activities). In any case where a known or suspected victim of Sexual Misconduct is a minor (defined in accordance with applicable law), the following policies and procedures will supplement and, in any case of conflict, supersede the standard policy:

- The institution will comply with all state mandated reporting laws relating to minors.
- To the extent consistent with state law, all employees, and volunteers affiliated with the institution are **required** to report internally to the University's Title IX Coordinator any knowledge of or reasonable suspicion about sexual abuse perpetrated against a minor while on campus or in connection with any University-sponsored program or activity, regardless of where it occurs.
- Individuals who fail to comply with the internal reporting requirement will face discipline, up to and including termination.
- All internal reports of alleged sexual abuse of a minor will be reviewed and investigated, even if the allegations are denied by the alleged perpetrator or victim.
- When the institution receives an internal report of sexual abuse of a minor, the institution will promptly report the sexual abuse to:
  - All authorities designated under state law, such as municipal or local (i.e., non-campus) police and child protective services or a similar agency
  - The minor's parents or guardians
  - The institution's insurance carriers
- All internal reports of sexual abuse by one perpetrator against multiple minors will also be reported promptly to the University President, Risk Manager, and Board of Trustees.

#### **APPENDIX F : New York State Workplace Sexual Harassment Policy Addendum**

In compliance with New York State law, St. Lawrence University provides for the following notifications concerning workplace sexual harassment in this Workplace Sexual Harassment Policy Addendum. The following Workplace Sexual Harassment Policy Addendum does not replace -- and is instead in addition to the Combined Discrimination and Harassment Policies and can be accessed on the University's website at the following link: <https://www.stlawu.edu/human-resources/combined-discrimination-and-harassment-policies>). This Workplace Sexual Harassment Policy Addendum applies only to alleged sexual harassment in the workplace where the recipients of the unwelcome conduct are employees, vendors, or contractors and the New York Human Rights Law employment workplace sexual harassment statutory provisions apply.

Sexual harassment is a form of sex discrimination and is unlawful under state and federal law. Sexual harassment is considered a form of employee misconduct, and sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Sexual harassment is prohibited under the University's Title IX and Sexual Misconduct Policy, and the procedures for reporting, investigating and adjudicating formal complaints of sexual harassment are contained in the Combined Discrimination and Harassment Policy and the policy's Investigation and Adjudication Procedures.

This Workplace Sexual Harassment Policy Addendum addressing sexual harassment applies to all employees, including students employed by the University to the extent the allegations pertain to workplace sexual harassment. It also applies to individuals who are not employees of the University but are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the University's workplace, such as interns and temporary employees.

### **Examples of Sexual Harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
  - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
  - o Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
  - o Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
  - o This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
  - o Subtle or obvious pressure for unwelcome sexual activities; or
  - o Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:

- Remarks regarding an employee’s gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
    - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
    - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one’s home during a virtual meeting.
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity, or gender expression, such as:
    - Interfering with, destroying, or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
    - Sabotaging an individual’s work;
    - Bullying, yelling, or name-calling;
    - Intentional misuse of an individual’s preferred pronouns; or
    - Creating different expectations for individuals based on their perceived identities:
      - Dress codes that place more emphasis on women’s attire;
      - Leaving parents/caregivers out of meetings.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by St. Lawrence University, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a formal complaint with a governmental agency, you may also seek the legal advice of an attorney.

### **New York State Division of Human Rights:**

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A formal complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in the New York State Supreme Court.

Formal complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a formal complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL formal complaint in state court.

Complaining internally to St. Lawrence University does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a formal complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your formal complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov](http://dhr.ny.gov)/formal complaint for more information about filing a formal complaint with DHR. The website has a digital formal complaint process that can be completed on your computer or mobile device from start to finish. The website has a formal complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment formal complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

### **The United States Equal Employment Opportunity Commission:**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a formal complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a formal complaint with the EEOC. The EEOC will investigate the formal complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where formal complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative formal complaint with the New York State Division of Human Rights, DHR will automatically file the formal complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file formal complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

As noted above, this Workplace Sexual Harassment Policy Addendum supplements the Title IX and Sexual Misconduct Policy (which is set forth in the Combined Discrimination and Harassment Policies). Among other applicable provisions, the provisions in the Combined Discrimination and Harassment Policies concerning Coordination with Other Policies, Designation of Authority and University Counsel, and Interpretation /Other Issues specifically will apply when reconciling any issues that may arise when both this Workplace Sexual Harassment Policy Addendum and the Title IX and Sexual Misconduct Policy are applicable.

**From:** St. Lawrence University Faculty / Staff <[FACSTAFF@LISTSERV.STLAWU.EDU](mailto:FACSTAFF@LISTSERV.STLAWU.EDU)> On Behalf Of Lindsey Cohen  
**Sent:** Tuesday, September 10, 2024 12:51 PM  
**To:** [FACSTAFF@LISTSERV.STLAWU.EDU](mailto:FACSTAFF@LISTSERV.STLAWU.EDU)  
**Subject:** [FACSTAFF] Title IX Update

Good afternoon,

As many of you are aware, St. Lawrence University has been working diligently since April to implement revised federal Title IX regulations, which went into effect August 1, 2024. We now write to share that an injunction filed in the matter of State of Kansas, *et. al.*, v. Department of Education, *et. al.*, (Civil Action No. 24-4041-JWB) is now impacting the implementation of the Title IX regulations. The injunction requires the University to implement portions (not all) of its policies in compliance with the 2020 Title IX regulations, rather than the revised 2024 regulations. For now, many of the changes that had been made to the Title IX and other Combined Discrimination and Harassment policy/procedures will therefore remain in place. Key differences between the prior Policy/Procedure (2024) and the current one (2020) include: Revised and updated definitions of offenses, including sexual harassment; reimplementing of the live hearing requirement for Title IX cases; and informal resolution that requires a formal complaint.

St. Lawrence University is compliant with these 2020 regulations and will continue to train our employees to ensure continued compliance. While all these changes create complications for our community with respect to Title IX compliance, these circumstances are out of our control. We must comply with both the regulations and the courts. What remains constant, however, is our commitment to you, the members of our community, and maintaining a welcoming and safe environment for all. We are closely monitoring the legal landscape and will continue to provide Title IX protections to our community that are consistent with law, as it evolves. We will provide additional community updates in the future, as we know more. If you have additional questions or wish to discuss further, please contact the Title IX Coordinator, Lindsey Tropper (Cohen).

Take care,

Lindsey

Lindsey Tropper J.D., M.H.S.  
Title IX Coordinator/Sexual Wellness Educator  
302 Student Center  
St. Lawrence University  
23 Romoda Drive  
Canton, NY 13617  
Office: 315-229-5334

**Combined Discrimination and Harassment Policies and Procedures  
(Effective August 1, 2024)**

Table of Contents

Combined Discrimination and Harassment Policies

- I. Nondiscrimination Policy
- II. Discriminatory Harassment Policy
- III. Title IX and Sexual Misconduct Policy
- IV. Scope and Jurisdiction of Policies
- V. Title IX Coordinator
- VI. Amnesty for Students
- VII. Transcript Notation Policy for Certain Offenses
- VIII. Obligation of University Employees
- IX. Sanctions
- X. Recordkeeping
- XI. Training
- XII. Clery Act Compliance
- XIII. Coordination with Other Policies
- XIV. Delegation of Authority and University Counsel
- XV. Interpretation/Other Issues
- XVI. Policy Compliance

Combined Discrimination and Harassment Procedures

- I. Reporting- Discrimination, Harassment, Sexual Misconduct, or Retaliation
  - A. A Report to a Confidential Resource
  - B. A Report to Law Enforcement
  - C. An Online Report
  - D. A Report to a Required Referrer
  - E. A Report to a Mandatory Reporter
- II. Prohibited Conduct
  - A. Discrimination
  - B. Discriminatory Harassment
  - C. Hate Crime
  - D. Sex-Based Harassment (under Title IX and Title VII)
- III. Report
- IV. Emergency Removal of a Student Respondent
- V. Supportive Measures
- VI. Review of Supportive Measures
- VII. Informal Resolution
- VIII. Complaint Investigation
  - A. Overview

- B. Title IX Coordinator May Sign a Complaint
- C. Notice
- D. Complaints Involving Multiple Complainants/ Respondents
- E. Dismissals
- F. Rights and Expectations of Advisors and Support Persons
- IX. Investigation
  - A. Appointment of Adjudicators
  - B. Draft Investigative Report
  - C. Final Investigative Report
  - D. Pre-Conference Meeting
- X. Conference Procedures
  - A. Overview
  - B. Procedural Matters
  - C. Questioning Procedures
  - D. Determinations
  - E. Notice of Outcome
  - F. Appeals
- XI. Counterclaims
- XII. Communication during Cases
- XIII. Statement of Privacy and Confidentiality
  - A. Privacy
  - B. Confidentiality
- XIV. Complainant is an Active Member of the University Community, and the Respondent is Not an Active Member of the University Community
- XV. Complaints by Non-Members of the Community
- XVI. Qualifications and Appointment: Review Board (RB) Adjudicators

## Appendices

APPENDIX A: Definitions

APPENDIX B: Students' Bill of Rights

APPENDIX C: Preservation of Evidence

APPENDIX D: Addendum Related to the Protection of Minors

APPENDIX E: New York State Workplace Sexual Harassment Policy Addendum



## **I. Nondiscrimination Policy**

All members of the St. Lawrence community are valued equally. We are committed to multicultural diversity in our employees, student body and curriculum. Awareness training for students and employees is designed to eliminate all forms of unlawful discrimination. St. Lawrence University complies with all applicable federal and state legislation and regulations prohibiting discrimination (including the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; the Age Discrimination in Employment Act (ADEA); the Age Discrimination Act of 1975; New York State Human Rights Law; and Part 53, Section 607 of the New York State Educational Law), as well as the Drug-Free Workplace Act of 1988. The University does not discriminate against students, employees, or other beneficiaries on the basis of *race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, criminal conviction, or any other characteristic* protected by applicable local, state, or federal law or regulation, in admission to, or access to, or treatment, or employment in its programs and activities.

## **II. Anti- Harassment Policy**

It is the policy of St. Lawrence University that all our employees and students should be able to enjoy a work and educational environment free from all forms of unlawful discriminatory harassment, including sexual harassment. St. Lawrence University provides for the development of a climate of tolerance and pluralism and prohibits behavior which is demeaning, intimidating or hostile, communicated verbally, physically or with other communication device, including telephonic or electronic means. It is expressly against University policy for any student, employee, or other member of the University community to engage in discriminatory harassment. The University does not tolerate discriminatory harassment of or by any employee, student, visitor, or third party. The University will act to remedy all forms of harassment when reported.

Students and employees are strongly encouraged to report instances of discriminatory harassment to appropriate University officials, as described below. Employees, students, and other members of the University community will be subject to disciplinary action for violation of this Policy, up to and including termination, expulsion, or removal from the campus.

## **III. Title IX and Sexual Misconduct Policy**

Title IX of the Education Amendments of 1972 provides: “No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Pursuant Title IX, the Violence Against Women Act, and New York Education Law Section 129-B, this Policy specifically prohibits sex discrimination, including certain other types of sex-based conduct (i.e., sexual assault, dating violence, domestic violence, stalking and sexual exploitation), collectively referenced for purposes of this Policy as “Sexual Misconduct”. The University will advise Complainants of their Title IX and analogous state law rights and will take steps to prevent Sexual

Misconduct and to correct its discriminatory effects, as appropriate. This Policy applies to all University students and employees

#### **IV. Scope and Jurisdiction of Policies**

This Policy applies to all University students, employees, and non-University community

members. This policy sets forth expectations for the St. Lawrence University community and applies to the University's education programs and activities (i.e. in a context over which the University has substantial control over both the Respondent and the context in which conduct occurs), circumstances where the University exercises disciplinary authority, and off campus misconduct that limits or denies a person's access to the University's education program or activities.

Non-community members (e.g., alumni, family of students, vendors, etc.) visiting campus or participating in a University program or activity are expected to abide by the behavioral expectations in this Policy.

This Policy is not intended to proscribe, and should not limit free discussion of, the merits of any issue relating to ethnic, racial, religious or other multicultural difference or open inquiry into any material or issue relevant to the academic content of a course. Nothing in this policy or section is meant to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion. St. Lawrence University is an academic institution at which academic freedom is necessary and valued.

#### **V. Title IX Coordinator**

The Title IX Coordinator has the responsibility for providing the campus community comprehensive nondiscrimination prevention education and training, coordinating the University's efforts related to intake, implementation of supportive measures, informal resolution, investigation, and adjudication.

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and/or procedures, may be made internally to:

Lindsey Cohen

Title IX Coordinator and Sexual Wellness Educator  
504 Coordinator

Student Center Room 302  
315-229-5334

[lcohen@stlawu.edu](mailto:lcohen@stlawu.edu)

Inquiries may be made externally to  
Office for Civil Rights (OCR)

U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100

Customer Service Hotline #: (800) 421-3481

Facsimilie: (202) 453-6012

TDD #: (877) 521-2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

Equal Employment Commission (EEOC) (Employee-employee matters).

## **VI. Amnesty for Students**

The health and safety of every student at St. Lawrence is of utmost importance. St. Lawrence 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 discrimination, harassment, including sexual harassment, 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. St. Lawrence strongly encourages students to report discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault to St. Lawrence officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault to St. Lawrence's officials or law enforcement will not be subject to charges for violating St. Lawrence's student alcohol and/or drug use policies occurring at or near the time of the commission of the discrimination, harassment, including sexual harassment, domestic violence, dating violence, stalking, or sexual assault.

## **VII. Transcript Notation Policy for Certain Offenses**

As required by New York law, all colleges and universities in New York are required to denote certain conduct outcomes on academic transcripts of students found to have engaged in conduct that constitutes crimes of violence (including but not limited to sexual assault) as defined in the Clery Act. Required transcript notations, as appropriate to the circumstances, are:

- "Expelled after a finding of responsibility for a code of conduct violation"
- "Suspended after a finding of responsibility for a code of conduct violation"
- "Withdrew with conduct charges pending"

Suspension and expulsion transcript notations are applied at the conclusion of the conduct proceedings and appeals processes. If a student withdraws with charges pending, but conduct proceedings are nonetheless completed, any final transcript notation will be based on the outcome of those proceedings. Pending completion of those proceedings, the transcript will carry the above

withdrawal notation. Transcript notations for a student suspended are required by law to remain on the transcript for a period of at least one year following completion of the suspension. Per University policy, a withdrawal notation will remain on a transcript for at least one year following the withdrawal. Per state law, expulsion notations are not subject to removal. Subject to these minimum periods, a student may request to have a suspension/withdrawal transcript notation removed by submitting a petition in writing to the Title IX Coordinator, who will share the request with the Deans of Academic Affairs and Student Life. The Deans will make all decisions about notation removal. A petition will not be considered if filed before the expiration of the minimum one-year period noted above. **The petition shall include:**

- A statement describing the incident and what was learned over the time away from the institution;
- The rationale for removal of the notation;
- Documentation of successful completion of any terms imposed in the underlying conduct proceeding (e.g., completion of required or recommended in/outpatient program, therapy or educational programming, etc.)

Petitions will be reviewed, and a decision will be provided by the Deans in writing, generally within thirty (30) days of submission. The Deans and/or the Title IX Coordinator may request additional information from the student. Decisions regarding the removal of transcript notations are within the discretion of the Deans.

If the Deans decide against removing a notation, the student may submit subsequent petitions seeking removal every five years since the Deans' initial determination. These petitions will be made with the same process as the first petition and include updated information about the student's experience since the earlier petition(s).

#### **Note on Withdrawal Prior to Conduct Case Adjudication**

A student who withdraws from the institution prior to an outcome of a pending conduct case should understand that the investigation and proceeding may continue, with or without their participation. Withdrawal from the institution will not protect a student from completion of disciplinary processes and possible sanctions. The transcript notation, if any, will be based upon the final outcome of any proceeding.

#### **VIII. Obligations of University Employees**

All employees will receive training upon hire and annual training thereafter regarding their reporting obligations. No employee is authorized to investigate or resolve reports or complaints of discrimination, harassment, sexual misconduct, or retaliation without the express, written direction of the Title IX Coordinator. If any employee has questions about their obligations, they should contact the Title IX Coordinator.

## **A. Mandatory Reporters**

St. Lawrence University designates all non-student employees, who are not otherwise Confidential resources, as mandatory reporters. All Community Assistants (“CAs”) and Graduate Assistants (“GAs”) are also designated as mandatory reporters. Mandatory Reporters are obligated to report to the Title IX Coordinator any incident of discrimination, harassment, sexual misconduct, or retaliation they learn about. Mandatory Reporters must also promptly share all details of behavior under this Policy they observe or have knowledge of, even if not reported to them by a Complainant or third party.

Failure of a Mandatory Reporter, as described above in this section, to report an incident of harassment, discrimination, sexual misconduct or retaliation of which they become aware is a violation of University Policy and can be subject to disciplinary action for failure to comply/failure to report.

If a Mandatory Reporter themselves is the target of harassment, discrimination sexual misconduct, or retaliation under this Policy, they are not required to report their experience, though they are, of course, encouraged to do so.

## **B. Required Referrers**

St. Lawrence University designates all student-employees, who are not CAs and GAs, as Required Referrers. Required Referrers have the responsibility to share with a reporting party the Title IX Coordinator’s contact information and how to make a complaint upon learning information regarding discrimination, harassment, sexual misconduct, or retaliation. These employees are encouraged to promptly share all details of behavior under this Policy they observe or have knowledge of, even if not reported to them by a Complainant or third party.

If a Required Referrer is concerned about someone’s imminent health and safety, then they must inform the Title IX Coordinator and contact Safety and Security.

## **C. Confidential Resources**

Confidential Resources are required to provide the complainant with the Title IX Coordinator’s contact information, offer resources, and provide information on how to make a complaint.

There are three types of Confidential Employees:

- An employee whose communications are privileged or confidential under Federal or State law. The employee’s confidential status, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies; or

- An employee of the University whom the University has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, sexual misconduct, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about discrimination, harassment, sexual misconduct, or retaliation in connection with providing those services; or
- An employee who is conducting an Institutional Review Board-approved human- subjects research study designed to gather information about discrimination, harassment, sexual misconduct, or retaliation. The employee's confidential status only applies with respect to information received while conducting the study. Confidential Resources are expected to maintain confidentiality while operating in the scope of their role, unless the Complainant wishes them to share information or in extreme cases of serious threat to self or others, abuse of a minor, elder, or when required to disclose by law or court order. Confidential Resources are required to provide the Complainant with the Title IX Coordinator's contact information, offer resources, and provide information on how to make a complaint.

#### **D. All employees**

All University employees who become aware of a student's pregnancy or related condition, unless the employee reasonably believes the Title IX Coordinator has been notified, must promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the University's education program or activity.

#### **IX. Sanctions**

A student found to have engaged in discrimination, harassment, sexual misconduct, or retaliation, is subject to a range of sanctions depending on the circumstances of each situation. Those sanctions can be found at <https://www.stlawu.edu/documents/student-handbook>.

Students who violate sanctions imposed under these procedures shall be subject to further disciplinary action up to and including expulsion from the University, which can be imposed directly by the Vice President and Dean of Student Life, provided the student is first given the opportunity to meet with the Vice President and Dean. A student's prior disciplinary record may be considered in determining which sanction is appropriate.

Any University employee found to have engaged in discrimination, harassment, sexual misconduct, or retaliation is subject to a range of discipline, depending on the circumstances of each case. That

discipline can include, but is not limited to, mandatory educational programs, removal of organizational membership, restricted or no contact orders, unpaid leave, and termination. An employee's prior employment record may be considered in determining which sanction is appropriate.

#### **X. Record keeping**

Records generated in connection with reports, investigations, informal resolutions, along with any outcome, are maintained for seven years in confidential files maintained by an appropriate office, which may be the Title IX Coordinator, the Vice President and Dean of Student Life, Human Resources, and/or the Registrar (for records concerning disciplinary outcomes), and only those with a right and need to know are permitted access. All materials used to provide training to the Title IX Coordinator, Investigators, Adjudicators, Informal Resolution Facilitator, Appellate Officers or any person who has the authority to modify or terminate supportive measures will be made available upon request.

#### **XI. Training**

The University trains all individuals involved in the investigation and resolution of complaints made pursuant to its Combined Discrimination and Harassment Policies. Training materials are unbiased, do not rely on sex stereotypes, and promote the fair and impartial investigation, adjudication, and resolution of complaints.

Training topics include discrimination, harassment, sexual exploitation, sexual assault, stalking, domestic violence and dating violence, what constitutes the scope of the institution's "education program or activity" for purposes of the application of this policy, how to apply the definition of "affirmative consent", how to conduct fair and impartial investigations, the effects of trauma, rights of the Respondent, including the right during investigatory and adjudicatory proceedings to a presumption of "not responsible" until a finding of responsibility is made, issues of relevancy of evidence (including, for investigators, issues of relevance in creating an investigative report), how to disclose and appropriately address conflicts of interest and bias, and the University's grievance process, including conferences, hearings, appeals, and the informal resolution process, as applicable. The training provides participants involved in implementation of this policy with the tools they need to ensure that they serve in their roles in an objective manner and without bias.

#### **XII. Clery Act Compliance**

The University is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, the University will issue a timely warning to the campus. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the victim/Complainant will not be disclosed.

### **XIII. Coordination with Other Policies**

A particular situation may potentially invoke one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process.

This Policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Academic disability accommodations are handled by the Student Accessibility Services office and pursuant to that office's policies. Work-related disability accommodations are handled by the Human Resources Office and pursuant to that office's policies.

### **XIV. Delegation of Authority and University Counsel**

Any University administrator or official whom this Policy empowers to act may request that the Title IX Coordinator delegate that authority to another appropriate University official, or the Title IX Coordinator in their own discretion may delegate that administrator's or official's authority to act to another appropriate person. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a University official named in this Policy from fulfilling their designated role.

The Title IX Coordinator may delegate their responsibilities and/or authorities under this Policy to any Deputy Title IX Coordinator or other appropriate official.

Any University administrator or official involved in implementing this Policy may seek the advice of the University's legal counsel, to be coordinated through the Title IX Coordinator.

### **XV. Interpretation/Other Issues**

Final interpretation of any provision of these policies is vested in the Title IX Coordinator. Issues that are not specifically addressed in these policies may be resolved by the Title IX Coordinator.

### **XVI. Policy Compliance**

Any person with a concern about the University's handling of a particular matter should contact Title IX Coordinator and Sexual Wellness Educator, Lindsey Cohen, 315-229-5334, Student Center 302, [lcohen@stlawu.edu](mailto:lcohen@stlawu.edu)

The University reserves the right to adapt or modify any of the specific procedures provided herein to deal with the unique circumstances presented by the University's various off-campus programs, including specifically its overseas programs



## Procedures Under the Combined Discrimination and Harassment Policies

---

***Title IX Complaints will be investigated and adjudicated under the policies and procedures in place at the time of the alleged incident. For alleged incidents that took place before August 1, 2024, the 2020 policy and procedures shall apply and are available from the Title IX Coordinator, upon request. For matters where the alleged incident took place on or after August 1, 2024, these procedures will apply.***

***All other complaints of discrimination, harassment, retaliation, or sexual misconduct complaints that were not within Title IX jurisdiction prior to August 1, 2024 will also be handled under these procedures.***

### **I. Reporting Discrimination, Harassment, Sexual Misconduct, or Retaliation**

The University encourages reporting of discrimination, harassment, sexual misconduct or retaliation. Any University community member who has been the subject of discrimination, harassment, sexual misconduct or retaliation has the right to make a report to Campus Safety, a Mandatory Reporter, local law enforcement, and/or the New York State Police, or to choose not to report. The University prohibits retaliation against a reporting individual. If a report is made under this Policy/Procedure, a reporting individual will receive appropriate assistance and resources from the University. Reports may be made anonymously, but the University's, or anyone else's, ability to respond may necessarily be limited by anonymous reporting.

If you have been subjected to discrimination, harassment, sexual misconduct, or retaliation the following resources/options are available to you to seek help and/or report the conduct:

#### **A. A Report to a Confidential Resource**

If a Complainant would like the details of an incident kept confidential and not reported to the University then they may consult with one of the following resources. Resources with the designation of "Confidential" have legally recognized levels of confidentiality. Discussions with resources with the designation of "Confidential/Private" are not entitled to the same degree of confidentiality under the law, but they are nonetheless treated as private under university Policy.

- **On-campus Confidential**
  - o **Health and Counseling Center: 315-229-5392**

If you are a student, you may contact the University's Health and Counseling Center. Discussions with the Center's Counselors are treated confidentially (pursuant to the Health and Counseling Center's confidentiality protocols). The Health and Counseling Center can provide assistance and information regarding

medical assistance and treatment, resources available through the New York State Office of Victim Services, academic and other campus support options, and campus disciplinary proceedings and law enforcement options. If unsure of where to go, contact the Health and Counseling Center.

**1. Chaplain's Office**  
**315-229-506**

All members of the University community may report confidentially to the Chaplain's office.

- **On-campus Confidential/Private Resources**  
o **Student Advocates**

**315-229-5466; [www.stlawu.edu/advocates](http://www.stlawu.edu/advocates)**

If you are a student, you may contact a student Advocate, who is not a University Official, but is a student volunteer trained in supporting survivors of sexual misconduct.

- o **St. Lawrence University Athletic Trainers**
- o **International Student Services Staff**
- o **Director of Wellness Education**

Reports of discrimination, harassment, sexual misconduct, or retaliation made to a Confidential or Confidential/Private Resource will NOT be reported to other University officials in any personally identifiable manner, and as a result, if you would like a University response, you should ask these resources to connect you with the Title IX Coordinator or you should contact the Title IX Coordinator directly. Similarly, information shared at public awareness and advocacy events, like Take Back the Night, are not considered notice to the University. The University will nonetheless use any information learned at these events to monitor patterns of behavior, but outside an imminent and serious threat to health or safety of an individual or the community, information learned at these events will not result in a response from the University.

- **Off Campus Resources**

Confidential reports of discrimination, harassment, sexual misconduct, or retaliation can be made by students and employees to off-campus resources, including

- o **Canton-Potsdam Hospital**

315-265-3300

- **Renewal House**

3 Chapel Street

M-F 8:00am-5:00pm

315-379-9845

The St. Lawrence Valley Renewal House is an empowering resource for survivors and families of domestic violence and sexual assault. The Renewal House has a 24/7 hotline as well as resources in their center. Office hours are 8am-5pm. The Renewal House's services are free and confidential for victims of domestic violence and sexual assault. Renewal House can assist with providing information about preserving evidence, testing for sexually transmitted infections, and sexual assault forensic examinations. Renewal House can also assist with initiating legal proceedings in family court and civil court, including obtaining an Order or Protection, and understanding an Order of Protection

- **Reachout of St. Lawrence County**

315-265-2422

- **Employee Assistance Program (Employees only) 1-800-327-2255**

- **New York State Office of Victim Services**

1-800-247-8035

<https://ovs.ny.gov>

While there should be no charge for a sexual assault forensic examination, commonly referred to as “rape kits”, there may be a charge for medical or counseling services off campus, and in some cases, insurance may be billed for services. You are encouraged to let hospital personnel know if you do not want your insurance policyholder to be notified about your access to these services. The New York State Office of Victim Services may be able to assist in compensating victims/survivors for health care and counseling services, including emergency funds.

**For more information on “rape kits” and preservation of evidence, please see Appendix C.**

## **B. A Report to Law Enforcement**

If an incident involves criminal conduct, the victim may make a complaint to law enforcement. A victim of a crime, including a crime arising from discrimination, harassment, or sexual misconduct under this Policy, will be notified that the victim may, but is not required to, report the incident to local law enforcement and pursue criminal charges. The criminal process and the University's disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint, or University complaint, or both.

In criminal cases, including non-consensual sex offenses, the preservation of evidence is critical and must be done properly and promptly. The Canton Police Department can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner.

Reporting to criminal authorities may result in some delay in any internal University investigation, so as not to interfere with evidence gathering by law enforcement, but University procedures will resume as soon as possible. In addition, the University will cooperate with any criminal proceedings as permitted by law.

- **Canton Police Department 315-386-4561 or 911**
- **New York State Police Hotline 1-844-845-7269**

Reporting individuals should understand that not all discrimination, harassment, or sexual misconduct under this Policy may be a crime and that the standard law enforcement employs in processing complaints is different than the University's standard under this Policy. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the St. Lawrence County (or other relevant) District Attorney.

### **Orders of Protection**

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a University community member or other person. In appropriate circumstances, an order of protection may be available that restricts the person's right to enter University property, and the University will abide by a lawfully issued order of protection. Campus Safety, or other University officials, will provide reasonable assistance to a University campus community member, in connection with prohibited conduct under this Policy, in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. This assistance includes providing that person with:

- a copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a University representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;

- an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and
- assistance from Campus Safety in contacting local law enforcement to effect an arrest for violating such an order.

### **C. An Online Report**

A report online, using the reporting form, “online bias incident report form” found at [https://stlawu-advocate.symplicity.com/public\\_report](https://stlawu-advocate.symplicity.com/public_report), and the “Sexual Misconduct Reporting Form” found [https://stlawu.qualtrics.com/jfe/form/SV\\_9pHOlUrXeqVFbtI](https://stlawu.qualtrics.com/jfe/form/SV_9pHOlUrXeqVFbtI) can be used . Anonymous reports are accepted, though anonymous reports may limit the University’s ability to investigate. If it is not an anonymous report, the reporting person can expect to be contacted by the Title IX Coordinator within 72 hours.

### **D. A Report to a Required Referrer**

St. Lawrence University designates all student-employees, who are *not* Community Assistants (“CAs”) or Graduate Assistants (“GAs”) as Required Referrers. These personnel have the responsibility to share with a reporting party the Title IX Coordinator’s contact information and how to make a complaint. They can also facilitate a complaint made to the Title IX Coordinator. However, disclosure to these individuals is not notice to the University of discrimination, harassment, sexual misconduct, or retaliation. If a Required Referrer is concerned for a person’s health and safety, then they are obligated to share the information with the Title IX Coordinator. Reporting obligations for University employees, including “Required Referrers”, are fully defined on page 7-8 of these procedures.

### **E. A Report to a Mandatory Reporter**

St. Lawrence University designates all non-student employees who are not otherwise Confidential resources as Mandatory Reporters. All CAs and GAs are also designated as mandatory reporters. A Mandatory Reporter will promptly share the information about the incident with the Title IX Coordinator, and the Title IX Coordinator will reach out to the reporting person with more information and an offer to meet to discuss possible options, including supportive measures, informal resolution, and Complaint Investigation, which are discussed fully beginning on page 24. The options for reporting are not mutually exclusive. For instance, a person can receive supportive measures and pursue a Complaint Investigation

## **II. Prohibited Conduct**

This section addresses the different forms of prohibited behavior that would constitute discrimination, harassment, sexual misconduct, or retaliation.

## **A. Discrimination**

Discrimination can take two primary forms:

### **1) Disparate Treatment Discrimination:**

Any intentional differential treatment of a person or persons that is based on an individual's actual or perceived protected characteristic and that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in the University's program or activity.

Examples of discrimination include, but are not limited to, using racial, ethnic or religious slurs; name-calling that demeans on the basis of age, disability, physically harming or threatening another due to racial or religious animosity; displaying vulgar pictures or ethnically offensive symbols or writings; using gestures that mimic or mock a person's race, disability, race or age; denying a student a research opportunity because of the student's race, gender or other protected characteristic; giving a student a lower grade than deserved because of the student's race, gender or other protected characteristic; denying an employee a raise or a promotion because of the employee's age, race, gender or other protected characteristic.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this Policy. The determination is based on a "reasonable person" standard and considering the totality of the circumstances. The University considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community. In all instances, a key factor is whether the complained-of behavior occurred because of a protected characteristic. If it did not, the behavior is not regulated by this Policy/Procedures.

### **2) Disparate Impact Discrimination:**

Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in the University's program or activity.

## **B. Discriminatory Harassment**

Is unwelcome conduct on the basis of actual or perceived protected characteristic(s), that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the University's education program or activity

### C. Hate Crimes

**A hate crime** is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. A hate crime is defined under New York State law, Penal Law Section 485.05 – Hate Crimes, as follows:

A person commits a hate crime when they commit a specified offense and either:

- 1) 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
- 2) 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.

Note: All hate crimes are bias incidents, but not all bias incidents are hate crimes. Even when bias incidents do not rise to the level of a hate crime, discrimination, or discriminatory harassment, the bias incident response team will still follow up. While such conduct would not result in discipline under this Policy, the conduct may still be addressed through educational conversations, mediation, restorative justice practices, etc.

### D. Sex-Based Harassment (under Title IX and Title VII)

**Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; sexual assault, dating violence, domestic violence, and stalking.**

**1) Quid pro quo harassment:** An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's education program or activity, explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

**2) Hostile environment harassment:** Unwelcome sex-based conduct, that based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the University's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the Complainant's ability to access the University's education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties' ages, roles within the University's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in the University's education program or activity

**3) Sexual Assault:**

- 1) **Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim
- 2) **Fondling**—The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh or buttocks) of another person for the purpose of sexual gratification, without the affirmative consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- 3) **Incest**—Sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by New York law.
- 4) **Statutory Rape**—Sexual intercourse, with a person who is under the statutory age of consent. The statutory age of consent in New York, which is 17.

4) **Dating Violence:** "Dating violence" means violence, on the basis of sex, committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this Policy, verbal and/or emotional abuse will also be considered by the University to violate this Policy. For purposes of this Policy, the "intimate" relationship may be characterized as a series of sexual encounters, dating, "hooking up", or similar interactions. Examples of abusive actions range from physical acts like hitting, shoving, or restraining to threats designed to control the victim's behavior.



**5) Domestic Violence:** “Domestic violence” means violence, on the basis of sex, committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, 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.

**6) Stalking:** Engaging in a course of conduct, on the basis of sex, directed at the victim that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, *Course of conduct* means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. The term *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. The term *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. For purposes of this Policy, harm to physical, mental, or emotional health, employment status, or property of such person, a member of such person’s immediate family, or a third party with whom the person is acquainted could, in the appropriate circumstances, give rise to substantial emotional distress.

**7) Sexual Exploitation:** Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy.

Examples of sexual exploitation include, but are not limited to:

- Prostitution
- Acts of incest
- Observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) without the affirmative consent of all involved;
- Taking intimate pictures of another, but then distributing the

pictures to others without the photographed person's affirmative consent;

- Engaging in voyeurism,
- Engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection;
- Exposing one's genitals in non-consensual circumstances.
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression
- Creating or disseminating synthetic media, including images, videos, or a audio representations of individuals doing or saying sexually-

related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent

(i.e., Deepfakes)

- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) (i.e. drink

spiking) for the purpose of

compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-

consensual sexual activity.

#### **E. *Unauthorized Disclosure***

Distributing, duplicating (via image content like photographs or screenshots), or otherwise publicizing materials created or produced during an Informal Resolution or Complaint Investigation process, except as required by law or as expressly permitted by the University; or publicly disclosing a party's personally identifiable information without authorization or consent. This prohibited conduct does not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses (as long as it does not constitute retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in a process under this Policy.

#### **F. *Retaliation***

means intimidation, threats, coercion, or discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity, for the purpose of interfering with

any right or privilege secured by law or Policy, or because the person has engaged in protective activity, including reporting information, making a complaint, testifying, assisting, or participating or refusing to participate in an investigation, proceeding, conference, or hearing, including in an informal resolution.

Acts of retaliation should be reported immediately to the Title IX Coordinator, and the University will respond quickly and strongly to anyone engaging in retaliatory behavior.

Examples of retaliation include, but are not limited to: threats, intimidation, pressuring, social aggression, damage to property, abuse, violence, the sharing of private information in a manner intended to harm or embarrass another individual or in a manner that would recklessly do so regardless of intention, or maliciously interfering with an individual's academic or professional career or reputation. Retaliation can occur through various modes, including in-person and electronic communication.

A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good faith; a person may provide inaccurate information believing it is accurate, which is still good faith. If a person who makes a statement knowing that it is false, the person has acted without good faith (i.e. has acted in bad faith).

The exercise of rights protected under the First Amendment does not constitute retaliation.

### **III. Report**

Upon receipt of a report or a complaint, the Title IX Coordinator will conduct two outreach attempts to a potential Complainant. If a Complainant chooses to meet with the Title IX Coordinator, the Title IX Coordinator will discuss whether the impacted person wishes to explore supportive measures, an informal resolution, or a Complaint Investigation.

If a Complainant does not respond and there is not a concern of threat to self or others, the Complainant will be free to not respond to the offer to meet. In that outreach, the Title IX Coordinator will provide details about the person's rights in the process, reporting options which include supportive measures, an informal resolution, or Complaint Investigation, confidential reporting options, and the right to be protected from retaliation.

### **IV. Emergency Removal of Student Respondent**

The University may need to undertake an emergency removal of a student in order to protect the safety of its community, which may include contacting local law enforcement to address imminent safety concerns. Emergency removal is not a substitute for reaching a determination as to a student respondent's responsibility for the alleged harassment, discrimination, sexual misconduct or retaliation allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's health or safety, which may arise out of the allegations. An emergency removal does not assume that the removed student is responsible for the alleged violations.

Prior to removing a student respondent through the emergency removal process, the University will undertake an individualized safety and risk analysis assessment. If it is determined that there is an

imminent and serious threat to the health or safety of any student or other individual, then a student respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a complaint was filed.

In the event a determination is made that a student respondent poses an imminent and serious threat to the health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision. If a student respondent disagrees with the decision to be removed from campus, they may appeal the decision. The student respondent must provide a written request to the Title IX Coordinator within five (5) days of receiving the notice of removal. When this request is not provided in a timely manner, objections to the emergency removal are deemed waived. The burden of proof is on the student respondent to show that the removal decision was incorrect. This appeal is solely to determine whether the emergency removal is appropriate. This is not the process to hear the merits of the allegation(s). Violations of an emergency removal will result in discipline, which may result in expulsion.

Employee respondents are not subject to this process. When the accused is not a student but is a member of the University community, they may be subject to administrative leave in accordance with the University's employment policies and practices (including applicable collective bargaining agreements). When the accused is a student-employee, they may also be put on administrative leave from their employment responsibilities. Absent a need for emergency removal, the administrative leave will not result in the removal of the student from campus.

## **V. Supportive Measures**

In appropriate cases, the Title IX Coordinator may secure individualized supportive measures on behalf of a Complainant or a Respondent. Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the University's educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties.

Supportive measures may include, but are not limited to, no-contact orders; changes in academic, extracurricular, residential, transportation, dining or working arrangements; access to academic, counseling and other support; counseling services; safe walks and escorts; and other relief as appropriate. The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various University departments and offices that may be involved. Supportive measures may be secured and coordinated, at the direction of the Title IX Coordinator, through the Associate Dean for Student Life, Associate Dean for Faculty Affairs, or the Director of Human Resources, as appropriate. Supportive measures will be offered free of charge, and the University will maintain the confidentiality of supportive measures and will not disclose information about any supportive measure to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure.

Supportive measures may include, as appropriate, but are not limited to:

- Changes in academics such as the extension of deadlines or other course-related adjustments
- Changes to housing, transportation and campus working situations if those changes are requested by a party and reasonably available
- Class schedule modifications, withdrawals, or leaves of absence
- Changes in class registration process
- Education to the institutional community or community subgroup(s)
- Allowing withdrawal from or retaking of classes without penalty
- Prohibiting attendance at group or organizational functions overseen by the University
- Mutual “No Contact” orders and, in limited circumstances, one-way no contact orders.
- Access to safe walks and campus escorts or other reasonable security or monitoring measures
- Facilitated access to counseling services
- Facilitated access to the Employee Assistance Program
- Interim removal of a student from the University, which will only be taken pursuant to the Emergency Removal provisions above.

Violations of no contact orders (“NCO”) or other restrictions will be referred to the appropriate student or employee conduct process for enforcement. While a no contact order or other restrictions implemented as supportive measures are non-disciplinary and non-punitive, a violation of such an order/restriction could result in discipline, including consequences up to and including termination, suspension, or expulsion.

In determining whether a NCO violation has occurred, multiple factors will be considered including, but not limited to:

- Size and layout of the space where the alleged NCO violation took place
- Any attempted contact or communication by the subject of the NCO
- Duration of time before the student/employee vacated the space
- Obligation of the subject of the NCO to be present in the space (i.e. place of work, athletic competition, internship location, etc.)
- Whether a reasonable person would have seen the subject of the NCO
- Other relevant factors

## **VI. Review of Supportive Measures**

When a no contact order or any other supportive measure is issued, both the person against whom it is issued and the other party, will, upon request, be afforded a prompt review, of whether the need for and terms of the supportive measure are reasonable under the circumstances to the extent it directly affects them. Similarly, if a party’s request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is

reasonable under the circumstances and may submit evidence in support of that request. This request for review of supportive measures may include a request for potential modification of the no contact order or other supportive measure.

A request for a review must be made in writing to the Title IX Coordinator within five (5) days, providing the basis for the request and submitting any evidence in support of the request. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent the supportive measures under review affect that party.

The review will be conducted by an impartial employee, other than the employee who made the challenged decision, who has authority to modify or reverse the decision if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures in the Title IX regulations. The Title IX Coordinator will advise the parties of the result of the review. This determination is not subject to further review, unless circumstances have changed materially

## **VII. Informal Resolution**

The intent of the Informal Resolution is to provide the parties with an opportunity to understand each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator. Informal Resolution will be pursued only where Complainant(s), Respondent(s), and the University agree in writing to utilize the process. No party should feel intimidated, coerced, or threatened to participate in an Informal Resolution Process.

The University reserves the right not to offer Informal Resolution in cases where the University determines Informal Resolution to be inappropriate based on the allegations or other circumstances. The Title IX Coordinator may consider a variety of factors to determine if an informal resolution agreement is appropriate such as: the likelihood of potential resolution, the nature and severity of the alleged misconduct, future risk of harm to others, the parties' motivation to participate, civility of the parties, disciplinary history of the Respondent, whether emergency removal is needed, emotional investment/capability of the parties, and goals of the parties.

Either party in an Informal Resolution process may terminate it at any time, and if that occurs, the Complainant will have the option to file a Complaint and pursue a Complaint Investigation. Supportive measures are available to both parties during the Informal Resolution process.

If both parties consent to participate in the Informal Resolution process, the University will assign a facilitator, who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be free from conflicts of interest and bias. The facilitator will schedule one or more meetings with the parties. The parties will not be required to meet in person unless they each wish to do so, and the facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. The Informal Resolution process should proceed with due promptness. The University imposes no specified timeframe for the process, but the facilitator or either party may choose to terminate the Informal Resolution Process if insufficient progress is being made.

Before the initiation of an informal resolution both parties will be provided notice that explains:

- The allegations;
- The requirements of the Informal Resolution process;
- That, prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and to initiate or resume the University's Complaint Investigation Procedures;
- That the Parties' agreement to a resolution at the conclusion of the Informal Resolution process will preclude the Parties from initiating or resuming the Complaint Investigation process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notification that an Informal Resolution agreement is binding only on the Parties; and
- What information the University will maintain, and whether and how it could disclose such information for use in its Complaint Investigation process.

The ultimate determination of whether informal resolution is available or successful is made by the Title IX Coordinator. The Title IX Coordinator is authorized to facilitate the resolution that is acceptable to all parties, and/or to accept a resolution that is proposed by the parties, usually through their Advisors, including terms of confidentiality, release, and non-disparagement.

A resolution is reached only if both parties agree. The facilitator's role is to conduct the informal resolution process in a way that is impartial and does not favor one party over the other. The facilitator will not impose an outcome, although the facilitator may assist the parties in suggesting resolutions that appear to meet the parties' needs. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations to find common ground and a resolution of the allegations that is satisfactory to both parties.

For the Informal Resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the Informal Resolution process will be kept confidential by the facilitator. In addition, the facilitator will not be available as a witness in any Conference that may occur should either party terminate the Informal Resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties. If a resolution is not reached and a Complaint is filed, the parties may not disclose information shared by the other party during the Informal Resolution process in the Conference, unless that information is learned outside the Informal Resolution process through the investigation or otherwise.

If a resolution is reached, the Title IX Coordinator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. After a written resolution has been finalized, the University will keep a record of the parties' written consent to the Informal Resolution process and the written resolution. Any written resolution involving discipline or other action taken against a Respondent will be dealt with in the same manner as any other disciplinary action is taken.

The informal resolution process is also not available in a complaint involving more than two parties unless 1) all parties consent to use the informal resolution process, 2) there is an understanding among all parties about what happens when a party stops the informal resolution process and files a complaint to initiate the Complaint Investigation process, and 3) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution.

The Title IX Coordinator will maintain records of any informal resolution that is reached, and failure to abide by the resolution agreement may result in responsive/disciplinary actions (e.g. referral to a Complaint Investigation).

## **VIII. Complaint Investigation**

### **A. Overview**

If a report of harassment, discrimination, sexual misconduct, or retaliation is made to any Mandatory Reporter, including the Title IX office, the Title IX Coordinator will contact the Complainant to inform them of their options to pursue Supportive Measures only, an Informal Resolution, or their right to file a Complaint under this Policy. A Complaint is necessary to initiate the University's Complaint Investigation process. A Complaint can be in oral or written form and must be objectively understood as a request for the University to investigate and make a determination about alleged misconduct under this Policy. If a Complaint is filed, the University will undertake an adequate, reliable, fair, prompt, and impartial investigation.

### **B. Title IX Coordinator May Sign a Complaint**

If a Complainant does not wish to move forward with a Complaint, they have the right to decide not to file a complaint and **request** that the University maintain this report as confidential (to the extent permitted by law) and/or to request that it not conduct an investigation or that action not be taken against an alleged perpetrator. The University will do its best to honor that request, but in some circumstances, the University may be compelled to move forward with a Complaint Investigation without the consent or cooperation of the reporting individual. In making such a determination the University must consider its obligation to provide a safe, non-discriminatory environment for all students and employees. The University has designated the Title IX Coordinator as the individual who will evaluate any requests for confidentiality. The Title IX Coordinator will consider a range of factors, including:



- The Complainant's request not to proceed with initiation of the complaint;
  - The Complainant's reasonable safety concerns regarding initiation of a complaint;
  - The risk that additional acts of discrimination would occur if a complaint is not initiated;
  - The severity of the alleged discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
  - The age and relationship of the parties, including whether the respondent is an employee of the University;
  - The scope of the alleged discrimination, including information suggesting a pattern, ongoing discrimination, or discrimination alleged to have impacted multiple individuals;
  - The availability of evidence to assist a decisionmaker in determining whether discrimination occurred;
  - Whether the University could end the alleged discrimination and prevent its recurrence without initiating its Complaint Investigation procedures;
  - The risk that the alleged perpetrator will commit additional acts of violence;
  - Whether there have been other discrimination complaints about the same alleged perpetrator;
- 
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence and/or repeat behavior;
  - Whether the incident represents an escalation of past discrimination by the accused;
- 
- Whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
  - Whether there is an increased risk of additional acts of violence;
- 
- Whether the discrimination was committed by multiple perpetrators;
- 
- Whether the discrimination was perpetrated with a weapon or force;
  - Whether the victim is a minor;

- Whether the University possesses other means to obtain relevant evidence of the discrimination (e.g., security cameras or personnel, physical evidence);
- Whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group; and
- The overall safety of the campus community (including the reporting individual).

If the University determines that it cannot maintain a Complainant’s confidentiality, it will inform the Complainant prior to filing a complaint and initiating the Complaint Investigation process starting with an investigation and will, to the extent possible, maintain information as private and only share information as needed so that the University may respond and act under this Policy. If a Complainant does not wish to file a complaint and initiate a Complaint Investigation, the Complainant will, nevertheless, be entitled to receive supportive measures.

A student’s Bill of Rights and an additional statement of Rights in Cases Involving Sexual Assault, Domestic Violence, Dating Violence or Stalking are attached to this Policy as Appendix B.

### **C. Notice**

If Complaint Investigation is selected, the Title IX Coordinator will promptly provide a written Notice of Investigation and Allegations (“NOIA”) to both parties detailing the commencement of the investigation. The NOIA outlines for both parties their rights in the process and facilitates identifying an advisor. (In the Complainant’s case, they may already have identified an advisor.) The Complainant will be provided advance notice of when the NOIA will be delivered. The NOIA will include: a meaningful summary of the allegations, the identity of the parties involved (if known), the specific policy violation alleged, the time, date, and location of the incident(s) (if known), a description of the investigation and adjudication procedures, a statement of all potential sanctions, a statement that the University presumes the Respondent is not responsible until there is a finding of Responsibility at the conclusion of the Complaint Investigation, a statement that the burden is on the University, not on either party, to gather sufficient evidence to reach a fair and impartial decision, a statement about the University’s retaliation policy, a statement that

the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence, information on the need to identify an Advisor, a statement about confidentiality and unauthorized disclosure, a statement about the University's policy that prohibits knowingly making false statements, including knowingly submitting false information in the process, the name of the assigned investigator(s), and information on how to pose an objection.

This information will be provided in sufficient detail and with sufficient time to prepare a response before any initial interview. If, in the course of the investigation, the University decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator will provide notice of the additional allegations to the parties. The Complainant and Respondent will be provided with notice of the name of the appointed investigator(s) (who may be one or more external investigators as determined necessary by the Title IX Coordinator) and an opportunity of not more than two (2) days after the notice to raise an objection to the investigator(s), based on any alleged conflict of interest known to the party. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator. Investigators will also be provided the identities of the parties and provided an opportunity to recuse themselves.

The University will make a good faith effort to conclude the Complaint Investigation process according to the following timeframes. Evaluation stage (i.e. the University's decision whether to dismiss or investigate a complaint) between 5-10 days; NOIA and investigation stage, estimated between 30-60 days; adjudication stage, including pre conferencing and determination writing, estimated between -30-60 days; and appeal, where applicable, estimated between 20-30 days. Certain factors such as but not limited to the complexity of the matter, the number of witnesses involved, academic break periods, concurrent law enforcement activity and professional or personal obligations of all parties involved, or other circumstances reasonably necessitating delay, may extend the duration of the investigation, and the parties will be advised of the reason(s) for any extension. Delays due to ongoing law enforcement investigations will not exceed ten (10) days unless the law enforcement agency specifically requests and justifies a longer delay. The University will make a good-faith effort to complete its Complaint Investigation process as promptly as circumstances permit and will communicate regularly with the parties to update them on progress and timing of the investigation.

#### **D. Complaints involving Parties with Multiple Statuses and/ or Multiple Complainants/Respondents**

In cases where there are multiple Complainants and/or multiple Respondents, the University reserves the right to handle the cases individually or jointly to the extent permitted by law. Further, in cases where there are allegations of a violation of this Policy and collateral allegations of other policy violations (e.g., an allegation of non-consensual sexual contact and minor property damage), the University reserves the right to have allegation(s) of violations of this Policy and the collateral allegation(s) investigated and adjudicated pursuant to this Policy. In cases where the individual has more than one status

with the University (such as a student who is also employed with the University, or any employee who takes courses at the University), the University will determine in its

discretion which status is primary; in such a situation, sanctions imposed may include sanctions related to each status.

#### **E. Dismissals**

The Title IX Coordinator may determine at any point in the process that facts have emerged that support the dismissal of a complaint. A decision to dismiss a complaint is appealable by the Complainant. Notice of dismissal will be in writing. A Respondent will usually also be informed of such a dismissal and offered an opportunity to appeal as well, unless the dismissal occurred before the Respondent was aware of the complaint. The Title IX Coordinator has discretion to dismiss on the following grounds:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University's education program or activity and is not employed by the University;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the University determines, that without the Complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute a violation under this Policy, even if proven;
- The University determines the conduct alleged in the complaint, even if proven, would not constitute a violation under this Policy.

While there is no time limitation on making a Complaint, if a Respondent is no longer under the University's jurisdiction, the University's ability to investigate, respond and/or provide remedies may be limited.

#### **F. Rights and Expectations of Advisors and Support Persons\* for definitions of advisor and support persons, please see Appendix A**

- Either party may use an advisor who may attend with the party any meeting, interview, or conference the party is required or eligible to attend. The advisor's role is to consult with and support the party, and the advisor may not do so in any way which disrupts or distracts from the investigation.
- The advisor is not permitted to speak or otherwise make any direct statements to the investigator(s) (or others) during meetings with the investigator(s) (or with others). If the Complainant or the Respondent wishes to provide information, they must speak on their own behalf and not through their advisor.

- If a party requests that email communication be made through their advisor, the University will comply with that request at the discretion of the Title IX Coordinator. A party will still be cc'ed on all communication and substantive decisions must be communicated to or from the party directly. The Title IX Coordinator maintains discretion to determine what is considered a substantive decision. For example, something that may be considered non-substantive would be the scheduling of an interview.
- An advisor who does not abide by this role may be precluded from further participation in investigatory meetings and/or conference. In such a circumstance, the party will be allowed reasonable time to identify another advisor.
- While a party is free to choose a witness to also serve as their advisor, issues of potential bias will be explored by the Adjudicators.
- For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative (if requested by the party)
- In addition to an advisor, the University may permit parties to have a support person, upon request to the Title IX Coordinator.
- All advisors and support persons will be required to sign Non-Disclosure Agreements (NDAs). The University may restrict the role of an advisor or support person who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations.
- If a party requires assistance identifying an advisor at any point in the process, the Title IX Coordinator will identify and offer, without fee or charge to that party, an advisor, which the party may use. In appointing a University advisor, the University cannot require a confidential employee to serve as an advisor.
- The University generally expects an advisor or support person to adjust their schedules to attend University meetings/interviews/conferences when planned, but the University may change scheduled meetings/interviews/conferences to accommodate an advisor/support person's inability to attend, if doing so does not cause an unreasonable delay. If an advisor or support person is unavailable for weeks or more, the University can decline rescheduling and require a party to identify a new advisor or support person. While meetings or interviews may be rescheduled with little notice, a change in conference date will not be accepted within 72 hours of the conference date, outside extraordinary circumstances.
- Witnesses are not permitted to bring an advisor or other person to these proceedings, absent an approved disability accommodation.

## **IX. Investigation**

The investigation will be fair and impartial and will usually involve interviews of witnesses and review of relevant documentation and other information. The Complainant and the Respondent will be given an equal opportunity to separately present information in the context of the investigation and may request the interview of specific witnesses. The investigator(s) retain(s) discretion to determine how to conduct the investigation and what information is necessary and relevant, subject to the direction of the Title IX Coordinator.

No audio or video recording of any kind is permitted during investigation meetings, unless the investigator(s) elect(s) to audio and/or video record interviews, in which case, all parties involved in the meeting will be made aware that audio and/or video recording is occurring and will be provided a transcript of such recording.

### **A. Appointment of Adjudicators**

The parties will be provided with the names of the Adjudicators, and all objections to an Adjudicator must be raised in writing within five (5) days, detailing the rationale for the objection. An Adjudicator may only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial review or determination of the complaint. Adjudicators will also be provided the identities of the parties and an opportunity to recuse themselves. Such recusal shall occur in a timely manner so as not to impede the process.

### **B. Draft Investigative Report**

The investigator(s), via the Title IX Coordinator, will provide a Draft Investigative Report to the Adjudicators and the parties simultaneously.

The Draft Investigative Report will be made available via an electronic file platform, or upon request, provided in hard copy, subject to redaction permitted and/or required by law. This Draft Investigative Report will be made equally available to the Complainant and Respondent, and all evidence will be made available, unless it is otherwise impermissible, regardless of whether the information will be relied on in reaching a determination.

During a time period of at least seven (7) days, the Complainant and Respondent will have the opportunity to provide follow-up questions and/or a response to the Draft Investigative Report, if any. The Title IX Coordinator will share the parties' desired follow-up questions with the Adjudicators, who will then approve, deny, or revise each question. If a question is deemed not relevant, duplicative, or rephrased, a rationale for its omission or change will be provided, in writing. Additionally, the Adjudicators will have at least two (2) days to submit their own relevant questions after receiving the parties' submissions. The investigators, as applicable, will then hold individual meetings with the parties and/or witnesses to ask the follow-up questions compiled by the parties and the Adjudicators.

All party questions must be posed during this phase and cannot be posed later, unless authorized by the Adjudicators.

Within five (5) days of the final individual meeting, the investigator(s) will incorporate any new, relevant evidence and information obtained through the parties' review of the Draft Investigative Report, interviews including transcripts, and follow-up individual meetings including transcripts, into the Final Investigative Report.

### **C. Final Investigative Report**

This Final Investigative Report is then shared with the parties and the Adjudicators simultaneously, via the Title IX Coordinator. Upon receiving this Final Investigative Report, the parties and the Adjudicators will be provided at least five (5) days to provide any follow-up questions or response. If no follow-up questions are provided, the Adjudicators will move directly to deliberation. Generally, if follow-up questions are provided then follow-up inquires, or "a conference" will be held. The Title IX Coordinator has the discretion to determine that the follow-up questions could be addressed via another round of individual meetings. Factors the Title IX Coordinator will use to inform this decision include, but are not limited to, the ability of the Adjudicators to assess the credibility of parties and witnesses absent a conference, the straightforwardness of the question(s), and the number of questions posed. Where the Title IX Coordinator determines additional individual meetings would be appropriate, the decision will be made within three (3) days.

The parties may also submit a separate personal impact statement during this five (5) day time period. The Title IX Coordinator will provide each of the parties an opportunity to review any impact statement submitted by the other party in a time of not less than two (2) days. Impact statements will only be shared with and considered by the Adjudicators if the Respondent is found responsible for one or multiple charges.

### **D. Pre-conference meeting**

The Adjudicators may convene a pre-conference meeting(s) with the parties and/or their Advisors at least three (3) days prior to the conference, so that the Adjudicators can rule on the relevance of follow-up questions ahead of time or to provide recommendations for more appropriate phrasing. This pre-conference meeting can also be used to discuss decorum during the conference, logistics, and other procedural questions.

The pre-conference meeting(s) will not be recorded. The pre-conference meetings may be conducted as separate meetings with each party/Advisor, with all parties/Advisors present at the same time, remotely, or as a written-only exchange. The Adjudicators will work with the parties to establish the format. The Title IX Coordinator will be copied on written exchanges or present at these meetings to be available for procedural questions.

## **X. Conference Procedures**

### **A. Overview**

The Title IX Coordinator will notify the parties in writing of the date, time, and location of the conference, the names of the Adjudicators, and how to challenge participation by any Adjudicator for bias or conflict of interest. If a party requires and has not yet informed the Title IX Coordinator that they require disability accommodations, language assistance, and/or interpretation services at the conference, they must do so at least five (5) days before the conference.

Participants in the conference will include the Adjudicators, the Complainant and the Respondent, their respective advisors, and witnesses (solely during their own testimony). Conferences are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator, such as for purposes of an accommodation for a disability. Witnesses will be present at the conference for the duration of their testimony. If a Complainant or Respondent chooses to only appear for their own testimony, if any, they are permitted to do so. If they wish for their advisor to ask questions of the other party or witnesses, the advisor may remain at the conference without their advisee and ask questions on their behalf, so long as they have the party's written consent.

Conferences will be held virtually, with technology enabling the Adjudicators and the parties to simultaneously see and hear any party or witness providing information or answering questions. The parties are only permitted to bring their advisor to the virtual conference. Either party may request an in-person conference. In order for such a request to be granted, both parties, the Adjudicators, and the Title IX Coordinator must agree. If there is no such agreement then the conference will be held virtually, as described in this paragraph.

The Title IX Coordinator may postpone the conference for good cause. Good cause, as determined by the Title IX Coordinator may include, but is not limited to, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

### **B. Procedural Matters**

One Adjudicator will be appointed Chair and be in charge of organizing the presentation of information to be considered at the conference. In cases involving students only, the Adjudicators will be referred to as the Review Board; in case involving employees only (not including the termination for cause of a tenured faculty member), the Adjudicators are Senior Staff; in cases involving termination for cause of a tenured faculty members only, the Adjudicators will be two members of the Professional Standards Committee (PSC) and one faculty member with Title IX experience/experience with discrimination and harassment matters (i.e., service on the Review Board or an investigator). Generally, the conference will proceed in the following order:

1. *Initial Relevance Determinations, as determined at the pre-conference, are*



*put on the Record*

2. *Questions for the Complainant by the Adjudicators, including advisor submitted questions, if any*
3. *Opportunity for Respondent's advisor to send Adjudicators follow-up questions, if desired.*
4. *Follow-up questions posed to the Complainant by the Adjudicators, where relevant and not otherwise impermissible, if any*
5. *Questions for the Respondent by the Adjudicators, including advisor submitted questions, if any*
6. *Opportunity for Complainant's advisor to send Adjudicators follow-up questions, if desired.*
7. *Follow-up questions posed to the Respondent by the Adjudicators, where relevant and not otherwise impermissible, if any*
8. *Questions for each witness by the Adjudicators, including advisor submitted questions, if any*
9. *Opportunity for both advisors to send Adjudicators follow-up questions, if desired.*
10. *Follow-up questions posed to the witness by the Adjudicators, where relevant and not otherwise impermissible, if any*

All questions advisors pose must be sent to the Adjudicators, and they may never be asked of a party or witness directly. Moreover, a Complainant or Respondent may never pose questions directly. It is also important to clarify that only follow-up questions based on the responses provided at the conference will be permitted, unless authorized by the Adjudicator.

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by these procedures, any information that the Chair determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report, as described above, will be made available at the conference to give each party equal opportunity to refer to such evidence during the conference, including for purposes of questioning.

Absent extraordinary circumstances as determined by the Chair, no party may seek to introduce at the conference any evidence not previously made available in accordance with the preceding sentence, other than the investigative report itself, individual meetings, and any responses to the investigative report submitted by the parties, as described above. If new evidence is submitted that meets this extraordinary circumstances threshold, the Chair will either pause the conference and send the case back to the investigation stage to assess the new evidence, or if

both parties consent, have the new evidence, exhibit, witness, etc. brought directly to the conference following the same questioning procedures as outlined in this section.

The Chair will address any concerns regarding the consideration of information prior to and/or during the conference and may exclude irrelevant information. Subject to the terms of these procedures, the Chair will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence, or information will be accepted or considered, to call breaks or temporary adjournments of the conference, to call for a recess of the conference for the purpose of consulting with the other Adjudicators and/or the Title IX Coordinator, to alter the order of the proceedings from that described above, and/or to recall parties or witnesses for additional questions, as the Chair deems necessary or appropriate. The Chair may impose additional ground rules, as the Chair may deem necessary or appropriate for the orderly and efficient conduct of the conference, which will apply equally to both parties.

### **C. Questioning Procedures**

Neither the investigation nor conference will consider 1) incidents not relevant to the possible violation(s), unless they evidence a pattern; 2) in sexual misconduct cases, questions, and evidence about the Complainant's or Respondent's sexual interests or prior sexual conduct, unless such questions and evidence (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual conduct with respect to the Respondent that are offered to prove consent; 3) evidence that is protected under a privilege as recognized by federal, or state law or evidence provided to a confidential employee, unless the person whom the privilege and confidentiality is owed has voluntarily waived the privilege or confidentiality.

Questions that are harassing, abusive, or duplicative will also be deemed not relevant. Within these boundaries, the investigation and the conference can consider character evidence, generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

Only relevant questions may be requested by a party's advisor. If the Chair deems that a question is not relevant, they will explain the decision to exclude the question or rephrase it. The advisor who submitted the question may request that the Chair reconsider any decision to exclude a question, and the Chair, after soliciting the other party's advisor's opinion, will render a final determination. Such decisions by the Chair are final and not subject to further objection or reconsideration during the conference.

If a party or witness whose presence is requested by a party declines to participate in the conference or does not answer permissible questions, the Adjudicators may nevertheless rely on statements of that party or witness, during the conference or otherwise, in reaching a determination regarding responsibility, but may also determine what significance to afford those

statements in view of the lack of live questioning during the conference (for example, the Adjudicators may determine whether the statements are sufficiently reliable in the absence of live questioning at the conference). The Adjudicators will not, however, draw an inference as to responsibility based solely on a party's or witness's absence from the conference or refusal to respond to such questions.

Conferences, but not deliberations, are recorded by the University for the purpose of review in the event of an appeal. The parties may not record the proceedings, and no other unauthorized recordings are permitted. The Adjudicators, the parties, their advisors, and appropriate administrators of the University will be permitted to review the recording or review a transcript of the recording upon request to the Title IX Coordinator. No person will be given or allowed to make a copy of the recording without the permission of the Title IX Coordinator.

#### **D. Determinations**

Following conclusion of the conference or following review of the final investigative report, where a conference is not necessary, the Adjudicators will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Adjudicators will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Adjudicators must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged. The Complaint Investigation Process involves an objective evaluation of all available relevant evidence, including inculpatory and exculpatory, and not otherwise impermissible evidence, including evidence that supports that the Respondent engaged in a Policy violation and evidence that supports that the Respondent did not engage in a Policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

If the Adjudicators determine that the Respondent is responsible for one or more violations, the Adjudicators will then determine appropriate sanctions.

In addition to the impact statement(s), if any, factors considered when determining sanctions may include:

- the nature and severity of, and circumstances surrounding, the violation(s);
- the Respondent's previous disciplinary history;
- the need for sanctions to bring an end to the conduct and/or to prevent the future recurrence of similar conduct;
- the need to remedy the effects of the conduct on the Complainant and/or the community;
- the impact of potential sanctions on the Respondent;
- sanctions imposed by the University in other matters involving comparable conduct; and
- any other lawful factors deemed relevant by the Adjudicators.

## **E. Notice of Outcome**

The Adjudicators will issue a written determination, including the following information:

- A description of the charges that were adjudicated;
- Information about the policies and procedures that the University used to evaluate the allegations;
- A description of the procedural steps taken from the submission of the complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and conferences held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's educational programs or activities will be provided to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Title IX Coordinator will provide the written determination to the parties simultaneously. In addition to sanctions implemented, if any, the Title IX Coordinator will also implement remedies, as appropriate, that are intended to stop the discrimination, harassment, sexual misconduct, or retaliation, remedy the effects, and prevent recurrence.

## **F. Appeals**

Either party may submit a written appeal of the Adjudicators' decision or of an earlier decision to dismiss the complaint or any specific allegations in the complaint. Any sanction imposed as the result of deliberations and/or conference will only be implemented after the appeal time has concluded or a final decision has been made on the appeal. An appeal must be submitted to the Title IX Coordinator within five (5) days of receipt of the Adjudicator determination or dismissal (as applicable) and must identify all information a party wishes to have considered on appeal. Any appeal statement will be shared with the other party, who will have two (2) days to submit a response to the Title IX Coordinator. The appeal and any response will be considered by two members of Senior Staff. Generally, in cases involving students, the Vice President and Dean of Academic Affairs and the Vice President and Dean of Student Life will be the appellate officers. In the event the Vice Presidents cannot agree, the Title IX Coordinator will appoint a third member to the appeals panel.

The parties have the right to petition that an Appellate Officer be removed, and the objection must be raised in writing to the Title IX Coordinator within five (5) days, detailing the rationale for the objection. An Appellate Officer may only be removed if the Title IX Coordinator concludes that their actual or perceived bias or conflict of interest precludes an impartial review

and might compromise the integrity of the appeal process. Appellate Officers will also be provided the identities of the parties and an opportunity to recuse themselves.

The appeal process does not readjudicate the factual determination but ensures that rights are protected, and appropriate procedures are followed. Grounds for an appeal are limited to the following:

- Procedural irregularity that would change the outcome; and/or
- New evidence that would change the outcome and that was not reasonably available when the determination regarding responsibility or dismissal was made; and/or
- The Title IX Coordinator, investigator(s), or any Adjudicator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

A decision responding to the written appeal will be issued to the parties and the Title IX Coordinator. If an appeal is granted, it should generally be remanded to the investigators or the conference stage for reconsideration. When an appeal results in no change to the finding, that decision is final. When an appeal results in a new finding, that finding can be appealed one final time on the grounds listed above and in accordance with these procedures.

## **XI. Counterclaims**

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes, thus counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the Resolution Process. Investigation of such claims may take place after resolution of the underlying initial complaint, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying complaint, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a policy violation.

## **XII. Communications during Cases**

Complainants and Respondents are expected to regularly check their email (or supply an alternative email address) throughout any Complaint Investigation or informal resolution. University email is the primary way in which parties will receive communications from the Title IX Coordinator.

## **XIII. Statement of Privacy and Confidentiality**

St. Lawrence University is committed to protecting the privacy of all individuals involved in a report or complaint under this Policy. Under this policy, confidentiality and privacy have distinct meanings.

Even when legal confidentiality is not available, St. Lawrence University officials and employees who cannot guarantee confidentiality will maintain parties' privacy to the greatest extent possible. The information provided to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

**Privacy:** Privacy generally means that information related to a report of discrimination, harassment, sexual misconduct, or retaliation will be shared with a limited circle of individuals who "need to know" in order to assist with assessment, investigation, or resolution of a report and related issues. While unable to offer confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process. These individuals will maintain privacy to the greatest extent possible.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals including medical providers, mental health providers, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by the law. These individuals are prohibited from breaking confidentiality unless: 1) given permission to do so by the person who disclosed the information, 2) there is an imminent threat of harm to self or others, 3) the conduct involves suspected abuse of a minor under the age of 18; or 4) as otherwise required or permitted by law or court order. While not confidential by virtue of privilege, St. Lawrence University has also designated Student Advocates and a number of employees as confidential who can protect the anonymity of Complainants.

The University may contact parents/guardians of students to inform them of situations in which there is significant health or safety risks but will usually consult with the student first before doing so.

#### **XIV. Complainant Is an Active Member of the University Community and the Respondent Is Not an Active Member of the University Community**

When the Respondent is not a member of the University community, that person has no inherent rights of access to or membership in the University community. The Title IX Coordinator has discretion to implement a temporary or permanent no contact order and temporary or permanent ban from campus. The University also reserves the right to implement a temporary or permanent no contact order and/or temporary or permanent ban from campus under its access to University property policies and practices, entirely separate from this procedure and the Combined Discrimination and Harassment Policies.

The Respondent has the right to appeal these decisions after one year, and the appeal will be heard by the Vice President and Dean of Student Life when the Complainant is a student and heard by the Senior Staff administrator overseeing the area of the Complainant when the Complainant is an employee.

The Title IX Coordinator also has the discretion to follow the Combined Discrimination and Harassment Procedures, described above, in cases involving discrimination, harassment, sexual misconduct, or retaliation.

Regardless of which procedures are followed, the University will offer supportive measures to its student(s) or employee(s) involved in any such cases.

## **XV. Complaints by Non-Members of the Community**

When a non-member of the University Community believes they are experiencing or have experienced harassment, discrimination, sexual misconduct or retaliation they should report concerns to the Assistant Vice President for Security and Safety or the Title IX Coordinator. The University may use their Combined Discrimination and Harassment Procedures, described above, where a substantial University interest is implicated. University interests include:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law.
- Any situation in which it is determined that the Respondent poses an imminent threat to the health or safety of any student, employee, or other individual.
- Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder
- Any situation that substantially interferes with the educational interests or mission of the University.

## **XVI. Qualifications and Appointment –Review Board (RB) Adjudicators**

The RB consists of up to fifteen non-student members of the St. Lawrence University community (plus the Title IX Coordinator), who must be trained annually in accordance with state and federal law before serving on any case. The Title IX Coordinator may also designate individuals external to the University to serve as RB members in particular cases, provided they have received training in accordance with state and federal law. Only those individuals who have undergone training directed by the Title IX Coordinator are eligible to serve as a RB member in any case. Generally, three members of the Board will serve as the RB for each case to be adjudicated by a RB. The Vice President and Dean of Student Life, the Associate Dean of Student Life, and the Title IX Coordinator collaborate in identifying employee members serving on the RB. The recommendations for faculty membership are forwarded to the Vice President and Dean of Academic Affairs and on to Faculty Council for approval. The role of the Title IX Coordinator is to ensure that all administrative and procedural requirements are met, to collect information, and to perform other administrative duties and otherwise assist the Board as needed. The Title IX Coordinator attends meetings of the RB but is not a voting member of the Board. During deliberations, the RB may consult with the Title IX Coordinator about process questions, but otherwise, the Title IX Coordinator does not attend deliberations. Review Board members are usually appointed by the President to serve.

Updated August 2024

*These policies procedures may be amended by the University at any time. Unless otherwise provided in the amendment, amendments to these procedures will become effective upon approval.*

**Title IX Coordinator and Sexual Wellness Educator Lindsey Cohen Student Center Room 302).  
315-229- 5334, lcohen@stlawu.edu.**

**Assistant Vice President for Safety and Security Patrick Gagnon**

**Torrey Health Center, 76 Park Street, rear entrance, 315-229-5555, [pgagnon@stlawu.edu](mailto:pgagnon@stlawu.edu)**

## **APPENDIX A: Definitions**

**Adjudicators:** The decision about whether there has been a violation of University Policy will be made by a three-member Review Board in student cases, two members of Senior staff for employee only cases, and two PSC members and one faculty member with significant Title IX experience or discrimination and harassment complaint experience (e.g. serving on the Review Board or as an investigator) for termination for cause of a tenured faculty member cases. In the event that a panel cannot be convened due to limited availability or potential conflicts, a single Adjudicator will fulfil the role of a panel.

**Advisor:** An advisor is an individual chosen by a party to provide support and guidance throughout the process. In Title IX cases where a student is either a Complainant, Respondent, or both, or where an employee case involves stalking, dating or domestic violence, or sexual assault, an advisor of choice is permitted, who may be, but is not required to be an attorney. In all other cases, an advisor must be an active member of the university community. If either party does not have an advisor, the University will work with the party to identify one. In most cases the advisor's role is limited to observing, consulting with, and providing quiet support to the party throughout the proceedings.

**Affirmative Consent:** New York State law provides, and the University adopts, the following definition of affirmative consent:

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

Consent is free and informed permission. Consent given verbally is evidenced by affirmative agreement to engage in specific sexual activity. Consent through action is active participation in the specific sexual activity. 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 to some sexual activity (e.g., kissing, fondling) cannot be presumed consent for other sexual activity (e.g., intercourse). Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another. Consent may be initially given but withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.



Certain conditions prevent a person from being able to consent. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. 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.

In considering whether an individual is incapacitated due to drug or alcohol use, the University will look at a number of factors, including but not limited to the type/amount of alcohol and/or

drugs used, as well as such outward signs as slurred or incoherent speech, impaired motor skills (e.g. walking, texting), vomiting, loss of consciousness, etc.

Consent cannot be given when it is the result of coercion or force. Coercion is a threat, undue pressure, or intimidation to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.

The University expects that any sexual activity (including sexual contact) will be based on mutual, affirmative consent to the specific sexual activity. Sexual activity in the absence of affirmative consent (i.e., "non-consensual sexual activity") is prohibited. Sexual relationships between students and employees are strongly discouraged.

**Complainant:** means a student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, sexual misconduct or retaliation under the Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute discrimination, harassment, sexual misconduct, or retaliation under the Policy and who was participating or attempting to participate in the University's education program or activity at the time of the alleged discrimination, harassment, sexual misconduct or retaliation. In some cases, the Title IX Coordinator may file a complaint and thereby initiate a Complaint Investigation, pursuant to the University's policy. In that instance, the Title IX Coordinator is not the "Complainant"; the Complainant remains the person who allegedly experienced the discrimination, harassment, sexual misconduct, or retaliation.

**Complaint:** means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged discrimination, harassment, sexual misconduct, or retaliation.

**Confidential Employee:** There are three types of Confidential Employees

- An employee whose communications are privileged or confidential under Federal or State law. The employee's confidential status, is only with respect to information received while the employee is functioning within the scope

- of their duties to which privilege or confidentiality applies; or
- An employee of the University whom the University has designated as confidential under this Policy for the purpose of providing services to persons related to discrimination, harassment, sexual misconduct, or retaliation. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about discrimination, harassment, sexual misconduct, or retaliation in connection with providing those services; or
- An employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about discrimination, harassment, sexual misconduct or retaliation. The employee's confidential status only applies with respect to information received while conducting the study.

**Day:** All references to "day" refer to calendar days.

**No-Contact Order:** A directive from the University that the people involved in a case either temporarily or permanently have no deliberate interaction with one another, nor may anyone on their behalf.

**Pregnancy or Related Conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery therefrom

**Preponderance of Evidence:** The standard of proof used by the Adjudicators to determine whether an alleged violation of the Combine Discrimination and Harassment Policy took place. This standard evaluates whether it is "more likely than not" that the Respondent engaged in the conduct charged.

**Relevant:** means related to the allegations under investigation. Questions are relevant when they seek evidence that may aid in showing whether the conduct occurred, and evidence is relevant when it may aid Adjudicators in determining whether the alleged conduct occurred, or in determining the credibility of Parties or witnesses.

**Respondent:** Means a person who is alleged to have violated the University's prohibition on discrimination, harassment, sexual misconduct, or retaliation for engaging in protected activity under the Policy. The term "accused" may be used in this policy to refer to the Respondent prior to the time that a complaint has been made.

**Responsible:** The term used when the Adjudicators determine there is a preponderance of evidence to support a finding of a violation of the Combined Discrimination and Harassment Policies.

**Sexual Misconduct:** Sexual misconduct is an umbrella term used to refer to any form of sex/gender-based harassment, sexual exploitation, sexual assault, dating violence, domestic violence, stalking, prohibited by this policy.

**Student:** A person who has gained admission.

**Supportive Measures:** Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the University's educational programs and activities and protect the safety

of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties. If a Complainant does not wish to file a complaint and initiate a Complaint Investigation, the Complainant will, nevertheless, be entitled to receive supportive measures.

**Support Person:** Individuals may choose a support person to be present at any meetings they are required to attend, so long as they do not conflict with the University's Family Education Rights and Privacy Act (FERPA) obligations. The support person may not speak for or represent the persons. The University will not communicate directly with support people. Generally, support persons will not be granted access to the investigation file and will be required to sign non-disclosure agreements.

**Title IX Coordinator:** is the official designated by the University to ensure compliance with the Combined Discrimination and Harassment Policies, including Title IX. References to the "Title IX Coordinator" throughout this Policy and the corresponding Procedures may also encompass a designee of the Title IX Coordinator. Even when designees are assigned, the Title IX Coordinator will maintain ultimate oversight over all responsibilities.

**Witness:** Someone who may have seen an incident or who may have had real-time interactions with either the person making the charge, or the person charged, interactions (discussion, text or email messages and more) that will help the University understand the narrative as accurately as possible

#### APPENDIX B:

#### STUDENTS' BILL OF RIGHTS

#### IN CASES INVOLVING SEXUAL ASSAULT,

#### DOMESTIC/DATING VIOLENCE AND STALKING

Pursuant to New York Law, all students have the right to:

1. Make a report to local law enforcement and/or state Police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and

violations are committed, or should have acted in a different manner to avoid such crimes or violations;

7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the institution, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

#### RIGHTS IN CASES INVOLVING

#### SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE AND STALKING

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

1. Notify Campus Safety, Local Law Enforcement or the New York State Police.
2. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
  - options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the

University, as set out in the St. Lawrence University Combined Discrimination and Harassment Policy, which can be found at <https://www.stlawu.edu/title-ix> .

  - where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
  - that the criminal justice process utilizes different standards of proof and evidence than the University's misconduct procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
  - whether the person they are reporting to is authorized to offer the confidentiality or privacy; and
  - Any other reporting options.
3. If they are a student, to contact the University's Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws/University policies and can be assisted in obtaining services for reporting individuals; or to contact non-University

confidential resources, including:

- **Canton-Potsdam Hospital**

315-265-3300

- **Renewal House**

3 Chapel Street

M-F 8:00am-5:00pm

315-379-9845

- **Reachout of St. Lawrence County**

315-265-2422

- **Employee Assistance Program**

1-800-327-2255

- **New York State Office of Victim Services**

1-800-247-8035

<https://ovs.ny.gov>

4. Disclose confidentially the incident and obtain services from the state or local government;
5. Disclose the incident to the University's Mandatory Reporters who can offer privacy or, appropriate cases determined by the Title IX Coordinator, confidentiality, subject to the University's Combined Discrimination and Harassment Policy (which can be found at <https://www.stlawu.edu/title-ix>), and can assist in obtaining resources for reporting individuals;
6. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality. Private information can be shared to

implement and fulfill the University's obligations under the law and its Combined Discrimination and Harassment Policy and related Procedures;

7. Disclose, if the accused is a University employee of the institution, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources; an
8. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies (e.g., Renewal House), who can provide direct assistance with court proceedings.
9. Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.

Information about available resources, including intervention, mental health counseling and medical services that might be available to anyone reporting an incident can be found at <https://www.stlawu.edu/title-ix>). In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from the Health and Counseling Center, if a student, or from Canton-Potsdam Hospital or Planned Parenthood, if an employee. Certain resources are also available to victims of crimes through the New York State Office of Victim Services, <https://ovs.ny.gov/>

*Updated August 8, 2016, pursuant to New York State "Enough is Enough" legislation and subsequent guidance from the New York State Department of Education. This Policy may be amended by the University at any time. Unless otherwise provided in the amendment, amendments to this Policy will become effective upon approval.*

#### **APPENDIX C: Preservation of Evidence**

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders, and it is particularly time sensitive. A Complainant may want to consider taking the following actions, even if they ultimately choose not to pursue criminal charges or a University process.

##### All Harassment, Discrimination, Sexual Misconduct, or Retaliation

- Save and document any requests for no further communication.
- Screenshot and/or save Snapchat, Insta Stories, or similar disappearing forms of communication, if able. Even if you have not retained copies of all these

communications, the sooner a person can document, the more helpful such evidence would be if criminal charges or a university process is pursued.

- Save copies of email and social media correspondence, including notifications related to account access alerts.
- Take timestamped photographs of any physical evidence, including notes, gifts, etc., in place when possible.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.

#### Sexual Assault Forensic Medical Assistance

- Transportation provided to receive an exam and/or treatment. Due to legal requirements, such as chain of custody, these exams are unable to be completed in our Health and Counseling Center.
- Seek forensic medical assistance (i.e. SANE exam or “rape kit”.) These can be completed within 120 hours of an incident, though sooner is better for evidence collection.
  - o During such an exam, a person is asked for their consent at every step
  - o A person can stop the process and withdraw consent at any time
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, as it may remove evidence. Still even if a person does, evidence can still be collected.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or a secure evidence container (if provided one by law enforcement). If clothes are not changed. A change of clothes is recommended as clothes may be collected as evidence.
- Seeking medical treatment can be essential, even if it is not for the purposes of collecting forensic evidence. Provision of prophylactic medications can be time sensitive.
- A SANE exam will only be processed if charges are filed with the police (or survivor has it tested privately). The kit will be stored for 20 years in New York State (other states and jurisdictions vary)
  - o If a person chooses to have it processed, evidence will be tested within 100 days
  - o If a person chooses not to have it processed, they will be informed if during those 20 years (or another number of years) the kit is moved, and they will be notified before the 20-year storage period ends

## APPENDIX D: Addendum Related to the Protection of Minors

The St. Lawrence University Combined Discrimination and Harassment Policies apply to all University students, employees, and non-University community members (where the alleged conduct arises out of

University programs or activities). In any case where a known or suspected victim of Sexual Misconduct is a minor (defined in accordance with applicable law), the following policies and procedures will supplement and, in any case of conflict, supersede the standard policy:

- The institution will comply with all state mandated reporting laws relating to minors.
- To the extent consistent with state law, all employees, and volunteers affiliated with the institution are **required** to report internally to the University's Title IX Coordinator any knowledge of or reasonable suspicion about sexual abuse perpetrated against a minor while on campus or in connection with any University-sponsored program or activity, regardless of where it occurs.
- Individuals who fail to comply with the internal reporting requirement will face discipline, up to and including termination.
- All internal reports of alleged sexual abuse of a minor will be reviewed and investigated, even if the allegations are denied by the alleged perpetrator or victim.
- When the institution receives an internal report of sexual abuse of a minor, the institution will promptly report the sexual abuse to:
  - o All authorities designated under state law, such as municipal or local (i.e., non-campus) police and child protective services or a similar agency
  - o The minor's parents or guardians
  - o The institution's insurance carriers
- All internal reports of sexual abuse by one perpetrator against multiple minors will also be reported promptly to the University President, Risk Manager, and Board of Trustees.



## APPENDIX E: New York State Workplace Sexual Harassment Policy Addendum

In compliance with New York State law, St. Lawrence University provides for the following notifications concerning workplace sexual harassment in this Workplace Sexual Harassment Policy Addendum. The following Workplace Sexual Harassment Policy Addendum does not replace -- and is instead in addition to the Combined Discrimination and Harassment Policies and can be accessed on the University's website at the following link: <https://www.stlawu.edu/human-resources/combined-discrimination-and-harassment-policies>). This Workplace Sexual Harassment Policy Addendum applies only to alleged sexual harassment in the workplace where the recipients of the unwelcome conduct are employees, vendors, or contractors and the New York Human Rights Law employment workplace sexual harassment statutory provisions apply.

Sexual harassment is a form of sex discrimination and is unlawful under state and federal law. Sexual harassment is considered a form of employee misconduct, and sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Sexual harassment is prohibited under the University's Title IX and Sexual Misconduct Policy, and the procedures for reporting, investigating and adjudicating complaints of sexual harassment are contained in the Combined Discrimination and Harassment Policy and the policy's Investigation and Adjudication Procedures, which can be accessed on the University's website at the following link: <https://www.stlawu.edu/title-ix/resource/procedures-under-nondiscrimination-discriminatory-harassment-and-sexual-and>).

This Workplace Sexual Harassment Policy Addendum addressing sexual harassment applies to all employees, including students employed by the University to the extent the allegations pertain to workplace sexual harassment. It also applies to individuals who are not employees of the University but are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the University's workplace, such as interns and temporary employees.

### **Examples of Sexual Harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
  - o Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
  - o Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).

- Unwanted sexual comments, advances, or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
  - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
  - Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
  - Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
    - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
    - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
  - Sexual or discriminatory displays or publications anywhere in the workplace, such as:
    - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
    - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
  - Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
    - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
    - Sabotaging an individual's work;
    - Bullying, yelling, or name-calling;

- Intentional misuse of an individual's preferred pronouns; or
- Creating different expectations for individuals based on their perceived identities:
  - Dress codes that place more emphasis on women's attire;
  - Leaving parents/caregivers out of meetings.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by St. Lawrence University, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

### **New York State Division of Human Rights:**

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in the New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to St. Lawrence University does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

### **The United States Equal Employment Opportunity Commission:**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated or believes that unlawful discrimination occurred but does not file a lawsuit. Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

## **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

As noted above, this Workplace Sexual Harassment Policy Addendum supplements the Title IX and Sexual Misconduct Policy (which is set forth in the Combined Discrimination and Harassment Policies). Among other applicable provisions, the provisions in the Combined Discrimination and Harassment Policies concerning Coordination with Other Policies, Designation of Authority and University Counsel, and Interpretation /Other Issues specifically will apply when reconciling any issues that may arise when both this Workplace Sexual Harassment Policy Addendum and the Title IX and Sexual Misconduct Policy are applicable.

## **Missing Student Policy**

**To report a missing student, call Safety & Security at 315-229-5555 immediately.**

In compliance with the Higher Education Opportunity Act, it is the policy of St. Lawrence University to actively investigate any report of a missing resident who is enrolled at St. Lawrence University and residing in University-owned housing. Each resident will be notified of the Missing Student Notification Policy and Procedures through the Student Handbook.

For purposes of this policy, a student may be considered to be a “missing person” if the person’s absence is contrary to his/her usual pattern of behavior and/or unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, where there are concerns for drug or alcohol use, is in a life-threatening situation, or has been with persons who may endanger the student’s welfare.

Each resident is required to identify the name and contact number of the individual(s) who are a primary contact to be notified in case of an emergency or in the event that the resident is reported missing. The contact information provided by the student will be kept confidential. The Dean of Students will immediately notify the student’s primary contact as provided by the student. In the event the student is under the age of 18 and is not emancipated, the University is required to have the primary emergency contact be a custodial parent or guardian and they will be contacted immediately should the student be reported missing.

If a member of the University community has reason to believe that a student is missing, the Office of Safety & Security should immediately be notified at 5555 or 315-229-5555. Safety & Security and/or Residence Life will make reasonable efforts to locate the student to determine his or her state of health and well-being. The student’s cell phone will be the first contact. Additional efforts may include checking the resident’s room, access control card history and campus wide account usage, class schedule, on campus vehicle, friends, coaches, and parents.

If all the above attempts to locate or establish contact with the missing student are unsuccessful, the University will contact the Village of Canton Police Department immediately and report the student as a missing person. The Vice President for Community and Employee Relations is contacted and notified of the missing student report.

Student residents planning to be absent from the campus for an extended period of time should be sure to notify friends and family with information about their whereabouts. Student residents are also cautioned to regularly check their on-campus mailbox as uncollected mail, in conjunction with other information, may cause concern that a student is missing.

## Weapons Policy

The New York State Legislature adopted the following legislation regarding firearms on campus:

**Section 265.01(3):** *“Any person who knowingly has in his possession a rifle, shotgun or firearm in or upon a building or the grounds, used for educational purposes, of any school, college or university without the written authorization of such educational institution, is guilty of a Class A Misdemeanor, and is guilty of a Class D Felony if he has previously been convicted of any crime.”*

**Section 265.06:** *“It shall be unlawful for any person age sixteen or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or co2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution.”*

In accordance with this law, rifles, shotguns, BB guns, pellet guns, hunting bows, knives, swords, martial arts weapons, sling shots, and other weapons, as well as ammunition associated with these weapons, are prohibited on campus. Unusual or special exceptions are made only with the permission of the AVP of Safety & Security. Violations result in referral to the Student Judiciary Board, confiscation and possible loss of item in violation, and may be suspect to arrest in accordance with Section 265.01(3) or Section 265.06 as described above.

## Drug Free Schools and Communities Act

### ABOUT

Annual Notification of Drug and Alcohol Policies and Programs

The Drug-Free Schools and Communities Act was passed in 1989 as part of the reauthorization of the Higher Education Act and require institutions of higher education that receive federal funding to execute a drug and alcohol abuse prevention program for their campus community. As part of this, the university is required to notify all members of the campus community on an annual basis about the various prevention and education programs, resources, policies, and laws. The publication of the Drug-Free Schools and Communities Act Guide provides the campus community with information on standards of conduct, sanctions for violations, prevention

programming, health risks associated with alcohol and drug use, and local, state, and federal laws related to drug and alcohol use, and on-campus and community resources that are available to students, faculty, and staff. St. Lawrence University policies related to alcohol and illicit drug use are informed by state and federal laws, such as Drug-Free Schools and Communities Act, Drug-Free Workplace Act, and Omnibus Transportation Employee Testing Act.

### **DRUG-FREE SCHOOLS AND COMMUNITIES ACT (1989) POLICY STATEMENT**

St. Lawrence University Policy Manual

St. Lawrence University does not permit or condone the illicit or unauthorized possession, use, consumption, sale, or distribution of illicit drugs and/or alcohol by students or employees on university property or as part of any university-sponsored activity. Faculty and staff who are found in violation of this policy will be subject to appropriate disciplinary action consistent with local, state, and federal laws. Such disciplinary action may include counseling, mandatory participation in an appropriate rehabilitation program, a verbal or written warning, suspension from employment, or termination of employment. In addition, faculty and staff may be referred to appropriate law enforcement authorities for prosecution.

Students who violate this policy will be charged under the St. Lawrence University Student Conduct Code of Conduct. If found responsible for their actions, students receive an appropriate sanction consistent with local, state, and federal laws, up to and including expulsion from the University. Disciplinary measures may include the required completion of an appropriate rehabilitation program. In addition, students may be referred to the proper law enforcement authorities for prosecution.

Although New York State law now permits the recreational and medical use of marijuana under certain conditions, federal law prohibits all use, possession, and/ or cultivation of marijuana at U.S. educational institutions. Federal law also requires any institution of higher education which receives federal funding to have policies in place which prohibit possession and use of marijuana on campus. Therefore, the use, possession, and/or cultivation of marijuana for medical purposes is not allowed in any St. Lawrence University residence hall or on any other St. Lawrence University property. No exceptions can be made for any student based on their possession of a medical marijuana certification, registry ID card, or any other proof of medical marijuana eligibility.

### **DRUG-FREE WORKPLACE POLICY STATEMENT**

(Employee Standards of Conduct)

St. Lawrence University Manual

The following policy was established in 1990, and re-issued in 2001, in accordance with the federal Drug-Free Workplace Act (Pub. L. No. 100-690, 5151-5160). This policy applies to all St. Lawrence University employees.

**BACKGROUND** - As St. Lawrence University is a federal grant recipient and/or a federal contractor within the meaning of the Drug-Free Workplace Act (The Act), the University is required to take steps toward maintaining, and to certify to contracting and granting federal agencies that it maintains, a drug-free workplace. In compliance with "The Act," the University

adopts the following plan.

### I. Policy:

The University is committed to the development and maintenance of a drug-free environment. In accordance with the Drug-Free Workplace Act, the University will not tolerate the unlawful possession and use of controlled substances \* (drugs) on its premises.

The University prohibits all employees including employees engaged in the performance of work under the provisions of a federal grant or federal contract, from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace.

### II. Guidelines:

A. Compliance as a Condition of Employment: Compliance with the provisions of this policy shall be a condition of employment at St. Lawrence University.

B. Penalties for Non-Compliance: Any employee engaged in such prohibited conduct, or convicted of a workplace drug violation, shall be subject to discipline up to and including discharge in accordance with existing laws, including where applicable under collective bargaining agreements. The University will weigh all relevant facts and circumstances in reaching a decision to discipline. The University shall retain, without regard to and independent of its decision to impose discipline, the right to require such employee to participate in and successfully complete a drug abuse assistance or rehabilitation program. Refusal to participate in, or failure to successfully complete the program, may itself be grounds for discipline.

C. Employee Obligation for Notification of Conviction: In compliance with, and as a condition of continued employment under federal contract or federal grant, any faculty, administrative, secretarial/clerical, support or service employee convicted of any criminal drug statute violation is required to notify the University within five (5) calendar days following such violation. (The term "conviction" means a finding of guilt, including a plea of nolo contendere, or imposition of sentence or both, by any judicial body charged with responsibility to determine violations of state or federal criminal drug statutes).

D. Establishment and Maintenance of a Drug-Free Workplace: Good faith efforts on the part of the University to establish and maintain a drug-free workplace will include making drug awareness educational programs available and dissemination of drug awareness information for all members of the University community, as well as implementation and enforcement of this policy. In addition, the University will apprise and review with covered employees relevant services available through the University's Employee Assistance Program (EAP).

### III. Procedures:

A. All employees, including faculty, administrative, secretarial/clerical, support, and service employees, will be notified of this policy with emphasis on the obligation for compliance as a condition of employment.

B. Application of the University's corrective discipline policy for violations of this policy and any other related questions should be directed to the Vice President for Community and Employee Relations.

C. All employees, including faculty, administrative, secretarial/clerical, support, or service employees, convicted of any criminal drug statute violation shall provide his or her supervisor, in writing, notice of such conviction within five (5) days of conviction.

D. The supervisor having knowledge or receiving notification of a conviction shall immediately provide, in writing, notice to the Director of Human Relations and Employee Labor Relations, so that proper notice can be sent to appropriate federal contracting agencies.



E. The University's Office of Human Resources through the Employee Assistance Program Office will provide assistance for employees regarding drug education and drug information.

\* Controlled substance as defined in 21U.S.C. Sec. 812, Schedules I-V, found at the following website, or contact the Human Resources Office, Vilas G2 for a copy:

[http://straylight.law.cornell.edu/uscode/html/uscode21/usc\\_sec\\_21\\_00000812----000-.html](http://straylight.law.cornell.edu/uscode/html/uscode21/usc_sec_21_00000812----000-.html)

## STANDARDS OF CONDUCT: STUDENTS

### Alcohol Policy

*Annual Notification of Drug and Alcohol Policies and Programs: The Drug-Free Schools and Communities Act was passed in 1989 as part of the reauthorization of the Higher Education Act and requires institutions of higher education that receive federal funding to execute a drug and alcohol abuse prevention program for their campus community. As part of this, the college is required to notify all members of the campus community on an annual basis about the various prevention and education programs, resources, policies, and laws. The publication of the Drug-Free Schools and Communities Act Guide provides the campus community with information on standards of conduct, sanctions for violations, prevention programming, health risks associated with alcohol and drug use, and local, state, and federal laws related to drug and alcohol use, and on-campus and community resources that are available to students, faculty, and staff. St. Lawrence University policies related to alcohol and illicit drug use are informed by state and federal laws, such as Drug-Free Schools and Communities Act, Drug-Free Workplace Act, and Omnibus Transportation Employee Testing Act.*

The St. Lawrence University Aims and Objectives statement is the basis for understanding the goals and philosophy of the University policy for alcohol and other drugs. These objectives include “commitment to the students’ intellectual development, viewing students as whole persons, providing an environment that encourages the students’ physical and emotional well-being, and providing opportunities for ethical, social and spiritual, and aesthetic growth.”

The St. Lawrence University alcohol policy is designed to maintain a residential environment that facilitates the achievement of educational goals. The policy considers the requirements of the law, the legal obligations of individuals and the University, the quality of residential life, and the aims and objectives of St. Lawrence University. The University provides an environment that supports student development and autonomy. However, autonomy and freedom of choice exist with the expectation that students will obey New York State law<sup>1</sup> and Canton village ordinances<sup>2</sup>, and will respect the intellectual, physical and emotional health of self and others. Accordingly, students of legal drinking age may consume alcoholic beverages, in a responsible manner and in concurrence with the policies in the St. Lawrence University Student Handbook.

These goals in conjunction with New York State law and Canton village ordinances provide the foundation from which the following policies are derived.

#### 1. New York State Penal Law Guidelines

- Legal Minimum 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 legal age of purchase (21 years old). This is a Class B Misdemeanor. Anyone under 21 is prohibited from possessing alcohol if they intend to consume it.

- **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 any intoxicated person or any person under the influence of alcohol. Violators may be faced with a fine or a jail sentence, or both.
- **Dram Shop Liability:** Any person who shall be injured in person, property, means of support, or otherwise by an intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication; and in any such action such person shall have a right to recover actual and exemplary damages.
- **Social Host Liability:** Creates civil liability for anyone who knowingly furnishes alcoholic beverages to any intoxicated person under the legal age of purchase if the intoxication results in injury or damages to a third party.
- **Using or Possession of False Identification (ID):** Any person under the legal age of purchase 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 assigned probation for a period of one year and assessed a substantial fine.
- **New York State Alcoholic Beverage Control Board:** In accordance with New York State law, it is illegal to sell alcoholic beverages or to accept donations at any event where alcoholic beverages are served without obtaining the appropriate license through the New York State Alcoholic Beverage Control Board.

## **2. Canton Village Ordinances**

No person shall have in his possession any open bottle or container containing or which previously contained liquor, beer, wine, or other alcoholic beverage while such person is on any public highway, public street, public sidewalk, or public place except those premises duly licensed for sale and consumption of alcoholic beverages on the premises, within the village of Canton, St. Lawrence County, New York, with the intent of the possessor or another person to consume any such beverage in such vehicle or public place or to perform any independently unlawful act.

Such an open bottle or open container in any vehicle shall be presumptive evidence that the same is in possession of all occupants thereof and in violation thereof.

Possession by any person of an open bottle or container which contains or previously contained liquor, beer, wine, or other alcoholic beverage shall be presumptive evidence of the consumption of such beverage by such person and of the intent of such person to consume such beverage.

The public consumption or attempted public consumption of such beverage from such open container shall be presumptive evidence that the same was possessed with the intent to consume such beverage.

## **Health Risks**

Alcohol is toxic and, if used and abused, can have serious consequences to health. Alcohol consumption has acute effects on the body and causes a number of marked changes in behavior. Even low doses significantly impair the judgment and the coordination required to drive a vehicle safely, increasing the likelihood that a driver will be involved in an accident. Low to moderate

doses of alcohol also increase the incidence of a variety of aggressive acts, including personal abuse, as well as dangerous risk-taking behaviors. Moderate to high doses of alcohol impair high mental functions, severely altering a person's ability to learn and remember information. Very high doses can cause respiratory depression and death.

If combined with other depressants of the central nervous system, much lower doses of alcohol can be fatal.

Alcohol-related automobile accidents are the number one cause of death among people ages 15 to 24. Approximately 50 percent of all youthful deaths from drowning, fires, suicides, and homicides are alcohol-related.

### **Division of Student Life Notification**

Repeated intoxication, antisocial behavior or an inability to pursue one's own education may result from problem drinking and may indicate chemical dependency. Students are encouraged and may be required to resolve their drug or alcohol problems with a professional counselor on or off campus. **The vice president and dean of student life or their designee may notify the parents or guardian of a student's alcohol or drug problem.** In some instances, a student may be required to withdraw from school and will not be permitted to return until successful resolution of the substance problem is documented to the satisfaction of the University.

A student who is transported to the hospital for endangerment due to alcohol intake will be required to attend an alcohol intervention meeting with a member of the Student Life staff. A summary of the incident may be sent to the student's parents or guardian.

### **St. Lawrence University Student Alcohol Policy**

#### **A. General Regulations**

1. **Intoxication:** Intoxication and/or alcohol misuse (including drinking contests, such as but not limited to Flip Cup, Beer Pong, Kings, Funnels, Stump, Card games which promote high risk drinking, and all related materials associated with drinking games or contests such as tables, cups, etc. being used as a component of a drinking game/contests) are prohibited and do not constitute an excuse for irresponsible behavior or misconduct. Disorderly conduct, property destruction, intimidation or other infringements on the rights of others as a result of alcohol are prohibited.
2. **Kegs, Bars, and Mini Kegs:** Kegs, bars, and mini kegs are not permitted on or in University property or in the possession of recognized University organizations except when used by licensed caterers operating with proper University authorization.
3. **Funding:** No St. Lawrence University organization may use organizational funds to purchase alcoholic beverages.
4. **Medical Attention (Good Samaritan):** The health and safety of students is a top priority. No punitive or disciplinary action will be taken against students as a result of them seeking treatment or other medical attention for themselves or for another student who takes ill as a result of alcohol consumption.

#### **B. Alcohol in Residential Areas**

1. **First-Year Colleges:** The possession or consumption of alcoholic beverages is prohibited at all times in the public areas of first-year colleges (common areas, TV lounges, study areas, hallways).
2. **Greek Houses:** Each fraternity and sorority (including local organizations) at St. Lawrence University is expected to follow national dry house guidelines.

3. ***Student Rooms:*** Individuals under 21 years of age are not permitted to possess or consume alcoholic beverages in rooms.
4. ***Excessive empty alcohol bottles and cans*** will be reviewed on a case-by-case situation following a first warning.
5. ***Upper-class Residence Halls, Theme Cottages:*** Individuals who are 21 years or older are permitted to consume alcoholic beverages in a responsible manner in the lounges of these residential buildings in accordance with the St. Lawrence Alcohol Policy. All parties in public spaces must be registered. (See Section D below—Procedures and Regulations for Organizational Events, Specific Guidelines.) When unauthorized alcohol and its paraphernalia are found, they will be confiscated and disposed of, and disciplinary consequences will follow.

**C. Academic, Administrative Buildings, Athletic Facilities (on & off campus), Dining Facilities, Libraries, Student Center, and Campus Grounds**

1. The possession or consumption of alcoholic beverages is prohibited at all times in and around any academic, administrative building, athletic facility (on & off campus), dining facilities, libraries, or student center (unless part of a University sanctioned event approved by the Executive Director of Finance).
2. Open containers are allowed outside on the campus grounds in areas designated for a registered or catered event or approved by the University. For the purposes of this policy, the Quad, Creasy Commons, the BBQ pit, and the immediate outside perimeter of upper-class residence halls (Theme Houses, Townhouses, Sykes, Dean-Eaton, Kirk Douglas Hall, Hulett and Jencks) are approved areas for of-age students.

**D. Procedures and Regulations for Organizational Events**

***General Guidelines***

1. All gatherings of 10 or more persons where alcohol is consumed must be registered and approved in advance by the Office of Student Activities and Leadership.
2. Alcohol at registered events must be limited to beer, cider and/or wine.
3. Times available to host an event are Friday 5 p.m. through Sunday 2 a.m.
4. An event is limited to a maximum of 4 hours.
5. Individuals 21 years and older must bring their own alcohol if they wish to consume alcohol. The University will regulate the amount of alcohol which will be permitted per person.
6. Persons at least 21 years old are eligible to consume alcoholic beverages and must be identified by a marking system, and only those individuals are permitted to consume and/or possess alcohol in accordance with New York State law.
7. No social event shall include any form of alcohol misuse such as drinking contests— includes, but is not limited to, Flip Cup, Beer Pong, Kings, and Funnels— which promote high risk drinking, and all related materials associated with drinking games or contests such as tables, cups, mini kegs, etc. being used as a component of a drinking game/contest.
  - a. Students and Student Organizations may not promote discounted or free alcohol at any social events.
8. The responsibility for a party rests with the sponsoring organization and/or individual(s). **Social hosts must be TIPS (Training for Intervention Procedures) trained and 21 years of age or older.**

## Specific Guidelines

### **1. Events**

- a. All events must have completed the registration process with the Office of Student Activities and Leadership no less than two (2) weeks prior to the event, including those at which alcohol is served and are defined as special events.
- b. The maximum number of individuals permitted shall be guided by the applicable fire code regulations and under the advisement of the Assistant Vice President for Safety & Security.
- c. An approved party must have trained individuals to supervise the events. These monitors must be TIPS (Training for Intervention Procedures) trained and certified by a certified TIPS trainer. The Office of Student Activities and Leadership will determine the number of outside monitors. Training will include knowledge of state, local and University alcohol regulations. Alcohol consumption by monitors prior to and during the event is prohibited – violation of this rule will result in disciplinary action for the individual and organization.
- d. Social hosts may not consume alcohol prior to and during the event – violation of this rule will result in disciplinary action for the individual and organization.
- e. Reasonable amounts of solid food and non-alcoholic beverages must be available. The Office of Student Activities and Leadership in conjunction with Dining Services will determine reasonable amounts.
- f. When unauthorized alcohol and its paraphernalia are found, they will be confiscated and disposed of, and disciplinary consequences will follow.

### **2. Special events**

- a. **Definition** – Outdoor events and/or guest lists greater than 100 students (including organization members).
- b. An outdoor party shall be so defined when the main area of entertainment is on the grounds, or in common outdoor spaces on campus; i.e. the Quad, behind Whitman, etc. It shall be the duty of the leader of each organization to notify the neighbors of any forthcoming outdoor parties. Sponsoring organizations are reminded that neighbors should be considered when music levels are established.
- c. Special events must be registered with the Office of Student Activities and Leadership no less than two (2) weeks in advance.
- d. The sponsoring individual and/or organization must work in conjunction with the Office of Student Activities and Leadership and the Assistant Vice President for Safety & Security to create a safe and secure environment for the event.

### **E. Enforcement**

1. **Administration:** Primary responsibility for administration of the University Alcohol Policy rests with the Student Activities and Leadership staff, Residence Life staff, community assistants, Greek house officers, theme house coordinators, security, and the vice president and dean of student life although all students and members of the St. Lawrence University community have a responsibility to support New York State laws, Canton Village ordinances and University policy.
2. **Violations:** A violation of the University's alcohol policy may be handled in several ways. A first time, minor violation typically will be referred to the Residence Life office. A second or third violation will typically be referred to the Student Judiciary Board (if a matter is referred to the Student Judiciary Board, the Board will be given access to information regarding prior violations by the student). A fourth violation typically will result in removal from campus, suspension and/or expulsion imposed by the vice president and dean of student life. However, in any given case, the vice president and dean of student

life may decide that, based on the circumstances, a different course of action (e.g., referral to the Student Judiciary Board or suspension for a first offense, etc.) is warranted, and that course of action will be taken.

**In cases of violations by student organizations or groups, both the student organization and the individual student leaders of the organization will be subject to disciplinary sanctions.**

3. **Penalties:** Possible penalties for violations of the St. Lawrence Alcohol Policy include, but are not limited to: formal warnings, fines, social or disciplinary probation, required disciplinary service, and suspension or expulsion from St. Lawrence University, or any other penalty provided for under clause XI of the Student Judiciary Board Constitution.

## **Drug Policy (illegal drugs and misuse of prescription drugs)**

### **Drug Policy (illegal drugs and misuse of prescription drugs)**

#### *Annual Notification of Drug and Alcohol Policies and Programs*

*The Drug-Free Schools and Communities Act was passed in 1989 as part of the reauthorization of the Higher Education Act and require institutions of higher education that receive federal funding to execute a drug and alcohol abuse prevention program for their campus community. As part of this, the university is required to notify all members of the campus community on an annual basis about the various prevention and education programs, resources, policies, and laws. The publication of the Drug-Free Schools and Communities Act Guide provides the campus community with information on standards of conduct, sanctions for violations, prevention programming, health risks associated with alcohol and drug use, and local, state, and federal laws related to drug and alcohol use, and on-campus and community resources that are available to students, faculty, and staff. St. Lawrence University policies related to alcohol and illicit drug use are informed by state and federal laws, such as Drug-Free Schools and Communities Act, Drug-Free Workplace Act, and Omnibus Transportation Employee Testing Act.*

*Although New York State law now permits the recreational and medical use of marijuana under certain conditions, federal law prohibits all use, possession, and/or cultivation of marijuana at U.S. educational institutions. Federal law also requires any institution of higher education which received federal funding to have policies in place which prohibit possession and use of marijuana on campus.*

### **Illegal drugs and misuse of prescription drugs**

St. Lawrence University does not permit or condone the illicit or unauthorized possession, use, consumption, sale, or distribution of illicit drugs and/or alcohol by students or employees on university property or as part of any university-sponsored activity. Faculty and staff who are found in violation of this policy will be subject to appropriate disciplinary action consistent with local, state, and federal laws. Such disciplinary action may include counseling, mandatory participation in an appropriate rehabilitation program, a verbal or written warning, suspension from employment, or termination of employment. In addition, faculty and staff may be referred to appropriate law enforcement authorities for prosecution. Students who violate this policy will be charged under the St. Lawrence University Student Conduct Code of Conduct. If found responsible for their actions, students receive an appropriate sanction consistent with local, state, and federal laws, up to and including expulsion from the University. Disciplinary measures may

include the required completion of an appropriate rehabilitation program. In addition, students may be referred to the proper law enforcement authorities for prosecution.

#### **A. Use**

St. Lawrence University prohibits the use and possession of controlled substances/illegal drugs and/or marijuana. St. Lawrence University campus is not a sanctuary, and University authorities will cooperate fully with law enforcement agencies.

The possession, use, sale, or transfer of controlled substances/illegal drugs and/or marijuana, as defined under New York State Penal Law, is incompatible with the University expectations of student responsibility and is therefore prohibited.

Any student found to be in violation of the above is subject to the decision of the St. Lawrence University Student Judiciary Board and/or the vice president and dean of student life or designee.

#### **Present New York State statutes referent to illegal drugs states in part:**

1. Use and possession of controlled substances/illegal drugs is a misdemeanor and/or a felony and is therefore prohibited.
2. Possession of small quantities of marijuana is a violation and punishable by a fine.
3. Sale and/or gift of marijuana is a misdemeanor and punishable by not more than 3 months in jail or a fine.
4. Possession of larger amounts of marijuana is punishable by possible jail sentences.

#### **B. Sales**

Students who sell or otherwise make illegal drugs available adversely affect the lives of those around them. When the vice president and dean of student life has reason to believe a student is selling or otherwise making available to others illegal drugs, they may immediately suspend that student. The case will then be reviewed by the Dean's Panel within 30 days of the date of suspension or be referred to civil authority.

#### **C. Health Risks Associated with Drug Use**

Drugs interfere with the brain's ability to take in, sort, and synthesize information. They distort perception which can lead users to harm themselves or others. Drug use also affects sensation and impairs memory. In addition to these general effects, risks associated with particular types of drugs are discussed below:

**Cocaine/Crack:** Cocaine stimulates the central system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Injecting cocaine with contaminated equipment can cause HIV infection, hepatitis, and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly, thus leading to higher and higher doses to produce the desired effect.

Crack or freebase rock is a purified form of cocaine that is smoked. Crack is far more addictive than heroin or barbiturates. Repeated use of crack can lead to addiction within a few days. Once addicted, many users have turned to stealing, prostitution, and drug dealing in order to support their habit. The effects of crack are felt within 10 seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, hallucinations, paranoia and seizures. Continued use can produce violent behavior and psychotic states similar to schizophrenia.

Cocaine in any form, but particularly as crack, can cause sudden death from cardiac arrest or respiratory failure.

***Marijuana:*** Marijuana use causes a substantial increase in the heart rate, bloodshot eyes, a dry mouth and throat, increased appetite, and may impair short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that motivation and cognition may be altered, making learning difficult. When marijuana contains two percent THC, it can cause severe psychological damage, including paranoia and psychosis. Since the early 1980s, most marijuana has contained from four to six percent THA-two or three times the amount capable of causing serious damage. Marijuana smoke contains more cancer-causing agents than tobacco smoke. Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system.

Long-term users of marijuana may develop psychological dependence and require more of the drug to get the same effect. The drug can become the center of their lives.

***Narcotics:*** Narcotics such as heroin, codeine, and morphine initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users also may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and possible death.

Tolerance to narcotics develops rapidly and dependence is likely. The use of contaminated syringes may result in disease such as HIV infection, endocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

***Heroin:*** People who use heroin report feeling a "rush" (euphoria) accompanied by effects that include: dry mouth, flushing of the skin, heavy feelings in the hands and feet, clouded mental functioning, going "on the nod," a back-and-forth state of being conscious and semi-conscious people who use heroin over the long term may develop: collapsed veins, infection of the heart lining and valves' abscesses (swollen tissue filled with pus), constipation and stomach cramping, liver or kidney disease, lung complications, including various types of pneumonia.

In addition to the effects of the drug itself, street heroin often contains dangerous chemicals that can clog blood vessels leading to the lungs, liver, kidneys, or brain, causing permanent damage. Also, sharing drug injection equipment and having impaired judgment from drug use can increase the risk of contracting infectious diseases such as HIV and hepatitis (see "Injection Drug Use, HIV, and Hepatitis").

People who inject drugs such as heroin are at high risk of contracting the HIV and hepatitis C (HCV) virus. These diseases are transmitted through contact with blood or other bodily fluids, which can occur when sharing needles or other injection drug use equipment. HCV is the most common bloodborne infection in the United States. HIV (and less often HCV) can also be contracted during unprotected sex, which drug use makes more likely.

An overdose occurs when the person uses too much of a drug and has a toxic reaction that results in serious, harmful symptoms or death.

When people overdose on heroin, their breathing often slows or stops. This can decrease the amount of oxygen that reaches the brain, a condition called hypoxia. Hypoxia can have short- and long-term mental effects and effects on the nervous system, including coma and permanent brain damage. Source: National Institute on Drug Abuse [Publications-drug facts/heroin](#)

***Amphetamines/other Stimulants:*** Amphetamines (speed, uppers), methamphetamines, and other stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. In addition, users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection



creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. Extremely high doses of amphetamines can cause rapid or irregular heartbeat, tremors, loss of coordination, and physical collapse.

In addition to the physical effects caused by the amphetamines, users report feeling restless, anxious, and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions, and paranoia.

**Barbiturates/other Depressants:** Barbiturates (downers), methaqualone (Quaaludes), tranquilizers (Valium), and other depressants have many of the same effects as alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks.

The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user to increase the quantity consumed. When regular users suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety, to convulsions and death.

Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems also may result.

**Hallucinogens:** Phencyclidine (PCP, Angel Dust) interrupts the functions of the part of the brain that controls the intellect that keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP are unpredictable and can vary, but users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent. Chronic users of PCP report persistent memory problems and speech difficulties. Mood disorders, depression, anxiety, and violent behavior also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, as well as heart and lung failure.

Lysergic acid (LSD, Acid), mescaline, and psilocybin (mushrooms) cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased.

**Designer Drugs:** “Designer drugs” are produced by underground chemists who attempt to avoid legal definitions of controlled substances by altering their molecular structure. These drugs can be several hundred times stronger than the drugs they are designed to imitate. Some of the designer drugs have been known to cause permanent brain damage with a single dose.

Many of the so-called designer drugs are related to amphetamines and have mild stimulant properties but are mostly euphorants. They can cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause severe neurochemical brain damage. Narcotic designer drugs can cause symptoms such as those in Parkinson’s disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage.

**Inhalants:** The immediate negative effects of inhalants (laughing gas, whippets) include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite.

Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amuyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage.

Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops.

Long-term use can cause weight loss, fatigue, electrolyte imbalance, and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.

**Anabolic Steroids:** Steroid users subject themselves to more than 70 side effects, from liver cancer to acne and including psychological as well as physical reactions. The liver and the cardiovascular and reproductive systems are most seriously affected by steroid use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Physical effects in both sexes include jaundice, purple or red spots on the body, swelling of feet or lower legs, trembling, unexplained darkening of the skin, and persistent unpleasant breath odor. Psychological effects in both sexes include very aggressive behavior known as “roid rage” and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years.

## **GOOD SAMARTIAN POLICY – MEDICAL AMNESTY POLICY**

Medical Attention (Good Samaritan): The health and safety of students is a top priority. No punitive or disciplinary action will be taken against students as a result of them seeking treatment or other medical attention for themselves or for another student who takes ill as a result of alcohol consumption.

The health and safety of every student at St. Lawrence University is of utmost importance. St. Lawrence University 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. St. Lawrence University strongly encourages students to report 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 St. Lawrence University officials or law enforcement will not be subject to St. Lawrence University 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.

## **SANCTIONING GUIDELINES**

### **Enforcement**

1. Administration: Primary responsibility for administration of the University Alcohol Policy rests with the Student Activities and Leadership staff, Residence Life staff, community assistants, Greek house officers, theme house coordinators, security, and the vice president and dean of student life although all students and members of the St. Lawrence University

community have a responsibility to support New York State laws, Canton Village ordinances and University policy.

2. Violations: A violation of the University's alcohol policy may be handled in several ways. A first time, minor violation typically will be referred to the Residence Life office. A second or third violation will typically be referred to the Student Judiciary Board (if a matter is referred to the Student Judiciary Board, the Board will be given access to information regarding prior violations by the student). A fourth violation typically will result in removal from campus, suspension and/or expulsion imposed by the vice president and dean of student life. However, in any given case, the vice president and dean of student life may decide that, based on the circumstances, a different course of action (e.g., referral to the Student Judiciary Board or suspension for a first offense, etc.) is warranted, and that course of action will be taken. In cases of violations by student organizations or groups, both the student organization and the individual student leaders of the organization will be subject to disciplinary sanctions.

3. Penalties: Possible penalties for violations of the St. Lawrence Alcohol Policy include, but are not limited to: formal warnings, fines, social or disciplinary probation, required disciplinary service, and suspension or expulsion from St. Lawrence University, or any other penalty provided for under clause XI of the Student Judiciary Board Constitution.

### **Employee-Specific Sanctioning Guidelines**

#### Penalties for Non-Compliance:

Any employee engaged in such prohibited conduct, or convicted of a workplace drug violation, shall be subject to discipline up to and including discharge in accordance with existing laws, including where applicable under collective bargaining agreements. The University will weigh all relevant facts and circumstances in reaching a decision to discipline. The University shall retain, without regard to and independent of its decision to impose discipline, the right to require such employee to participate in and successfully complete a drug abuse assistance or rehabilitation program. Refusal to participate in, or failure to successfully complete the program, may itself be grounds for discipline.

C. Employee Obligation for Notification of Conviction: In compliance with, and as a condition of continued employment under federal contract or federal grant, any faculty, administrative, secretarial/clerical, support or service employee convicted of any criminal drug statute violation is required to notify the University within five (5) calendar days following such violation. (The term "conviction" means a finding of guilt, including a plea of nolo contendere, or imposition of sentence or both, by any judicial body charged with responsibility to determine violations of state or federal criminal drug statutes).

D. Establishment and Maintenance of a Drug-Free Workplace: Good faith efforts on the part of the University to establish and maintain a drug-free workplace will include making drug awareness educational programs available and dissemination of drug awareness information for all members of the University community, as well as implementation and enforcement of this policy. In addition, the University will apprise and review with covered employees relevant services available through the University's Employee Assistance Program (EAP).

#### III. Procedures:

A. All employees, including faculty, administrative, secretarial/clerical, support, and service employees, will be notified of this policy with emphasis on the obligation for compliance as a condition of employment.

B. Application of the University's corrective discipline policy for violations of this policy and any other related questions should be directed to the Vice President for Community and Employee Relations.

C. All employees, including faculty, administrative, secretarial/clerical, support, or service employees, convicted of any criminal drug statute violation shall provide his or her supervisor, in writing, notice of such conviction within five (5) days of conviction.

D. The supervisor having knowledge or receiving notification of a conviction shall immediately provide, in writing, notice to the Director of Human Resources and Labor Relations so that proper notice can be sent to appropriate federal contracting agencies.

E. The University's Office of Human Resources through the Employee Assistance Program Office will provide assistance for employees regarding drug education and drug information.\*

Controlled substance as defined in 21U.S.C. Sec. 812, Schedules I-V, found at the following website, or contact the Human Resources Office, Vilas G2 for a copy: [http://straylight.law.cornell.edu/uscode/html/uscode21/uscode21\\_usc\\_sec\\_21\\_00000812----000-.html](http://straylight.law.cornell.edu/uscode/html/uscode21/uscode21_usc_sec_21_00000812----000-.html)

## **HEALTH RISKS ASSOCIATED WITH ALCOHOL AND OTHER DRUG USE**

Health Risks Associated with Drug Use Drugs interfere with the brain's ability to take in, sort, and synthesize information. They distort perception which can lead users to harm themselves or others. Drug use also affects sensation and impairs memory. In addition to these general effects, risks associated with particular types of drugs are discussed below:

**Cocaine/Crack:** Cocaine stimulates the central system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose. Injecting cocaine with contaminated equipment can cause HIV infection, hepatitis, and other diseases. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly, thus leading to higher and higher doses to produce the desired effect. Crack or freebase rock is a purified form of cocaine that is smoked. Crack is far more addictive than heroin or barbiturates. Repeated use of crack can lead to addiction within a few days. Once addicted, many users have turned to stealing, prostitution, and drug dealing in order to support their habit. The effects of crack are felt within 10 seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, hallucinations, paranoia and seizures. Continued use can produce violent behavior and psychotic states similar to schizophrenia. Cocaine in any form, but particularly as crack, can cause sudden death from cardiac arrest or respiratory failure.

**Marijuana:** Marijuana use causes a substantial increase in the heart rate, bloodshot eyes, a dry mouth and throat, increased appetite, and may impair short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that motivation and cognition may be altered, making learning difficult. When marijuana contains two percent THC, it can cause severe psychological damage, including paranoia and psychosis. Since the early 1980s, most marijuana has contained from four to six percent THC—two or three times the amount capable of causing serious damage.

Marijuana smoke contains more cancer-causing agents than tobacco smoke. Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Long-term users of marijuana may develop psychological dependence and require more of the drug to get the same effect. The drug can become the center of their lives.

**Narcotics:** Narcotics such as heroin, codeine, and morphine initially produce a feeling of euphoria that often is followed by drowsiness, nausea, and vomiting. Users also may experience constricted pupils, watery eyes, and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Tolerance to narcotics develops rapidly and dependence is likely. The use of contaminated syringes may result in disease such as HIV infection, endocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.

**Heroin:** People who use heroin report feeling a "rush" (euphoria) accompanied by effects that include: dry mouth, flushing of the skin, heavy feelings in the hands and feet, clouded mental functioning, going "on the nod," a back-and-forth state of being conscious and semi-conscious people who use heroin over the long term may develop: collapsed veins, infection of the heart lining and valves' abscesses (swollen tissue filled with pus), constipation and stomach cramping, liver or kidney disease, lung complications, including various types of pneumonia In addition to the effects of the drug itself, street heroin often contains dangerous chemicals that can clog blood vessels leading to the lungs, liver, kidneys, or brain, causing permanent damage. Also, sharing drug injection equipment and having impaired judgment from drug use can increase the risk of contracting infectious diseases such as HIV and hepatitis (see "Injection Drug Use, HIV, and Hepatitis"). People who inject drugs such as heroin are at high risk of contracting the HIV and hepatitis C (HCV) virus. These diseases are transmitted through contact with blood or other bodily fluids, which can occur when sharing needles or other injection drug use equipment. HCV is the most common bloodborne infection in the United States. HIV (and less often HCV) can also be contracted during unprotected sex, which drug use makes more likely. An overdose occurs when the person uses too much of a drug and has a toxic reaction that results in serious, harmful symptoms or death. When people overdose on heroin, their breathing often slows or stops. This can decrease the amount of oxygen that reaches the brain, a condition called hypoxia. Hypoxia can have short- and long-term mental effects and effects on the nervous system, including coma and permanent brain damage.

**Source:** National Institute on Drug Abuse Publications-drug facts/heroin Amphetamines/other Stimulants: Amphetamines (speed, uppers), methamphetamines, and other stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, and decreased appetite. In addition, users may experience sweating, headache, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. Extremely high doses of amphetamines can cause rapid or irregular heartbeat, tremors, loss of coordination, and physical collapse. In addition to the physical effects caused by the amphetamines, users report feeling restless, anxious, and moody. Higher doses intensify the effects. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions, and paranoia.

Barbiturates/other Depressants: Barbiturates (downers), methaqualone (Quaaludes), tranquilizers (Valium), and other depressants have many of the same effects as alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering, and altered perception. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user to increase the quantity consumed. When regular users suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety, to convulsions and death. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems also may result.

Hallucinogens: Phencyclidine (PCP, Angel Dust) interrupts the functions of the part of the brain that controls the intellect that keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP are unpredictable and can vary, but users frequently report a sense of distance and estrangement. Time and body movement are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent. Chronic users of PCP report persistent memory problems and speech difficulties. Mood disorders, depression, anxiety, and violent behavior also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, as well as heart and lung failure.

Lysergic acid (LSD, Acid), mescaline, and psilocybin (mushrooms) cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness, and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline, and psilocybin. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased.

Designer Drugs: “Designer drugs” are produced by underground chemists who attempt to avoid legal definitions of controlled substances by altering their molecular structure. These drugs can be several hundred times stronger than the drugs they are designed to imitate. Some of the designer drugs have been known to cause permanent brain damage with a single dose. Many of the so-called designer drugs are related to amphetamines and have mild stimulant properties but are mostly euphorants. They can cause nausea, blurred vision, chills or sweating, and faintness. Psychological effects include anxiety, depression, and paranoia. As little as one dose can cause severe neurochemical brain damage. Narcotic designer drugs can cause symptoms such as those in Parkinson’s disease: uncontrollable tremors, drooling, impaired speech, paralysis, and irreversible brain damage.

Inhalants: The immediate negative effects of inhalants (laughing gas, whippets) include nausea, sneezing, coughing, nosebleeds, fatigue, lack of coordination, and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amuyl and butyl nitrite cause rapid pulse, headaches, and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by

depressing the central nervous system to the point that breathing stops. Long-term use can cause weight loss, fatigue, electrolyte imbalance, and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.

**Anabolic Steroids:** Steroid users subject themselves to more than 70 side effects, from liver cancer to acne and including psychological as well as physical reactions. The liver and the cardiovascular and reproductive systems are most seriously affected by steroid use. In males, use can cause withered testicles, sterility, and impotence. In females, irreversible masculine traits can develop along with breast reduction and sterility. Physical effects in both sexes include jaundice, purple or red spots on the body, swelling of feet or lower legs, trembling, unexplained darkening of the skin, and persistent unpleasant breath odor. Psychological effects in both sexes include very aggressive behavior known as “roid rage” and depression. While some side effects appear quickly, others, such as heart attacks and strokes, may not show up for years.

Researchers from the National Institute on Alcohol Abuse and Alcoholism provided the following information that is representative of reported experiences from the 18 - 24-year-old university population (yearly):

Academic Problems - ~1:4 students reported academic consequences from drinking, including missing class, falling behind, poor grades of exams/papers, and lower grades overall.

Assault - ~696,000 students are assaulted by another student who has been drinking.

Sexual Assault - ~ 20 percent of university students meet the criteria for AUD

Death - ~1,825 university students die from alcohol-related unintentional injuries, including motor-vehicle crashes

Common Drugs and Symptoms of Use

**Stimulants** - Drugs that stimulate the central nervous system

Examples: Amphetamine, Dextro-Amphetamine, Methamphetamine, Nicotine, Cocaine

Symptoms of Use: Restlessness, anxiety, nervousness, irritability, mood swings Hazards of Use:

Addiction, sleeplessness, anxiety, loss of appetite, brain damage

**Depressants** - Drugs that slow down the central nervous system

Examples: Barbiturates, Pentobarbital, Secobarbital, Quaalude, Sopor, Alcohol Symptoms of

Use: Drowsiness, confusion, impaired judgment, slurred speech Hazards of Use: Addiction with severe withdrawal symptoms

**Narcotics** - Drugs that stimulate the central nervous system

Examples: Demerol, Dilaudid, Methadone, Percodan, Codeine, Heroin, Morphine Symptoms of

Use: Drowsiness, lethargy

Hazards of Use: Addiction, impaired memory, and perception

**Hallucinogens** - Drugs that alter the perception of reality

Examples: PCP, LSD, Mushrooms, Ketamine

Symptoms of Use: Slurred speech, blurred vision, lack of coordination, confusion, aggression

Hazards of Use: Anxiety, depression, impaired memory

Inhalants - Substances abused by inhalation

Examples: Gasoline, Airplane Glue, Paint Thinner, Dry-Cleaning Fluid, Nitrous Oxide, Amyl Nitrate, Butyl Nitrate

Symptoms of Use: Impaired judgment, poor motor coordination, impaired vision, memory, and thought

Hazards of Use: Addiction, organ failure, muscular damage

Cannabis (Marijuana) - • Does not have a specific substance classification, but can have properties of depressants, stimulants, and hallucinogens

- Symptoms of Use: increase heart rate; impaired reaction time, coordination, concentration and memory, and time distortion; lack of energy; drowsiness

- Hazards of Use: Addiction, can increase anxiety and depression, increase odds of developing psychotic disorders

DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS – contact Health and Counseling at 315-229-5577.

Alcohol Edu, Marijuana 101

Employee Assistance Program: Contact Human Resources at 315-229-5596

## **LOCAL, STATE AND FEDERAL LAWS**

In addition to the standards and sanctions on alcohol and other drug abuse set forth above, members of the campus community are also required to abide by local, state, and federal laws governing consumption, sale, or possession of alcohol and other drugs.

### **Canton Village Ordinances**

No person shall have in his possession any open bottle or container containing or which previously contained liquor, beer, wine, or other alcoholic beverage while such person is on any public highway, public street, public sidewalk, or public place except those premises duly licensed for sale and consumption of alcoholic beverages on the premises, within the village of Canton, St. Lawrence County, New York, with the intent of the possessor or another person to consume any such beverage in such vehicle or public place or to perform any independently unlawful act.

Such an open bottle or open container in any vehicle shall be presumptive evidence that the same is in possession of all occupants thereof and in violation thereof.

Possession by any person of an open bottle or container which contains or previously contained liquor, beer, wine, or other alcoholic beverage shall be presumptive evidence of the consumption of such beverage by such person and of the intent of such person to consume such beverage.



The public consumption or attempted public consumption of such beverage from such open container shall be presumptive evidence that the same was possessed with the intent to consume such beverage.

## NEW YORK STATE LAWS

### Alcohol

Alcohol offenses and penalties in New York State are defined by the Alcoholic Beverage Control Law and Penal Law. These laws include possession with intent to consume while under age 21, driving while intoxicated, driving while ability is impaired by alcohol, driving after consuming alcohol while under age 21, furnishing alcohol to a person under age 21, selling alcohol to an intoxicated person, or providing false identification. In addition, New York State General Obligations Law imposes personal injury liability for damages resulting from furnishing alcohol to persons under age 21 or selling alcohol to an intoxicated person. While not exhaustive, a summary of offenses and penalties is provided below:

Offense	Penalty
Serving Alcohol to Persons Under 21	Up to 1 year in jail, \$1,000 fine.
Fraudulent Attempt to Purchase Alcohol (using false ID or ID of another person):	Fine up to \$100, community service up to 30 hours, and/ or completion of an alcohol awareness program, 90 days' license suspension if a New York State driver's license is used as the false ID
Possession of Alcohol by Person Under 21:	Up to \$50 fine and/or completion of an alcohol awareness program and/or up to 30 hours of community service
Driving While Intoxicated (DWI) (.08 blood alcohol content)	First offense: up to 1-year prison, \$500 to \$1,000 fine, minimum 6 months' license revocation Second offense in 10 years: up to 4 years' prison, \$1,000-\$5,000 fine, minimum 1-year license revocation.
Driving While Ability Impaired (DWAI) (.05-.07 blood alcohol content)	First offense: up to 15 days' jail, \$300-\$500 fine, 90-day license suspension. Second offense in 5 years: up to 30 days' jail, \$500 to \$750 fine, minimum 6 months' license revocation

	Third offense in 10 years: up to 180 days' jail, \$750-\$1,500 fine, minimum 6 months' license revocation
Operating a Motor Vehicle after Consuming Alcohol While Under 21	License suspension or revocation and \$125 charge
Possession of Open Container in Public Place	Up to 15 days in jail, up to \$500 fine or both
Cannabis (Marijuana)	

On March 31, 2021, New York State legalized adult-use cannabis (also known as marijuana, or recreational marijuana) by passing the Marijuana Regulation & Taxation Act (MRTA). The legislation creates a new Office of Cannabis Management (OCM) governed by a Cannabis Control Board to oversee and implement the law. The MRTA modifies criminal violations and penalties relating to the sale and possession of cannabis.

- The Marijuana Regulation and Taxation Act (MRTA) legalizes cannabis for adults 21 years of age or older.
- It's illegal for anyone under age 21 to buy, possess or use cannabis.
- The use, possession, and/ or cultivation of marijuana for any purpose is not allowed in any St. Lawrence University residence hall or on any other St. Lawrence University-owned, controlled, or leased property.

#### Controlled Substance

The State of New York Penal Law defines a wide range of offenses and penalties for possessing or distributing marijuana and other controlled substances. These sanctions can include imprisonment, fines, assigned community service, and loss of federal student financial aid eligibility. In addition, driving a motor vehicle with ability impaired by drugs is subject to the same New York State law and sanctions as driving while intoxicated.

The State of New York Public Health Law prohibits selling or possessing a hypodermic needle without a doctor's written prescription; or manufacturing, selling, or possessing with intent to sell an imitation controlled substance.

### FEDERAL LAWS

#### Federal Sanctions for Sale of Marijuana

A first offense of trafficking in marijuana in amounts of less than 50 kg may result in imprisonment of not more than 5 years and a fine not to exceed \$250,000. Imprisonment and fine minimums are doubled for a second offense.

Trafficking in marijuana in quantities greater than 1,000 kg may result in not less than 10 years and not more than life imprisonment and/ or a fine not to exceed \$4 million (minimums double for a second offense)

#### Federal Sanction for Possession of a Controlled Substance

Possession, use, or distribution of Controlled Substances is prohibited by federal law. Controlled Substances include, for example, heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3,4-methylenedioxymethamphetamine (ecstasy), cocaine, methamphetamine, and certain steroids and prescription drugs. Federal penalties for possessing, using, or distributing Controlled Substances often include fines and prison sentences.

- First conviction: Up to one-year imprisonment and/or fine of at least \$1,000 but not more than \$100,000, or both

After one prior drug conviction: At least 15 days in prison, not to exceed 2 years and /or fine of at least \$2,500 but not more than \$250,000, or both

After two or more prior drug convictions: At least 90 days prison, not to exceed 3 years and fine of at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years, and fine of up to \$250,000, or both if:

- First conviction and the amount of crack possessed exceeds 5 grams;
- Second conviction and the amount of crack possessed exceeds 3 grams;
- Third or subsequent conviction and the amount of crack exceeds 1 gram.
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment.

Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

Civil fine up to \$10,000 (pending adoption of final regulations).

853a: Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for a first offense, up to 5 years for second and subsequent offenses.

- 922(g): Ineligible to receive or purchase a firearm.
- Miscellaneous: Revocation of certain federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

#### Federal Sanctions for Sale of Controlled Substances

Penalties range from imprisonment for less than one year and/or a fine of less than \$100,000 for a first offense involving a small quantity of a controlled substance. For a large quantity, second offense, the penalty may be as severe as 20 years to life imprisonment and a fine of not more than \$8 million.

In addition, Section 484(r) of the Higher Education Act of 1998 (20 U.S.C. §1091) provides that a student's eligibility for federal student aid be suspended upon conviction under federal or state law for any offense involving the possession or sale of a controlled substance for conduct that occurred during a period of enrollment for which the student was receiving any grant, loan, or work assistance under this subchapter shall not be eligible to receive any grant, loan, or work assistance. Eligibility may be regained upon completion of a drug rehabilitation program that meets statutory and regulatory requirements or if the conviction is overturned.

**Campus Resources – Health and Counseling Department (315-229-5577)**

**Community Resources – Canton Potsdam Hospital (315-265-3300)**

**References Page – listing policy manuals, policies**

St. Lawrence University Policy Manual

St. Lawrence University Human Resources

St. Lawrence University Student Handbook 2022-2023, Student Code of Conduct

St. Lawrence University Center for Health Promotion Annual Report

St. Lawrence University Alcohol and Other Drug Sanction Guide

Complying with DFSCA Regulations, Campus Prevention Network

Complying with DFSCA: A Guide for University and University Administrators, Higher Education Center

20 U.S. Code§ 1091 Student Eligibility, Legal Institution at Cornell Law School

## Crime Reporting – Campus Security Authorities

The University Safety & Security Department is required to report “statistics concerning the occurrence on campus of the following criminal offenses reported to local police agencies, or to any official of the institution who has significant responsibility for students, campus activities, the dean of students, residence life and student housing, student center, and student co-curricular activities, director of athletics, team coaches, faculty member, or a faculty advisor to a student group: larceny, robbery, arson, dating violence, domestic violence, stalking, criminal homicide, manslaughter by negligence, criminal homicide, murder and non-negligent manslaughter, sex offenses, aggravated assault or simple assault, burglary, larceny, intimidation and motor vehicle theft.”

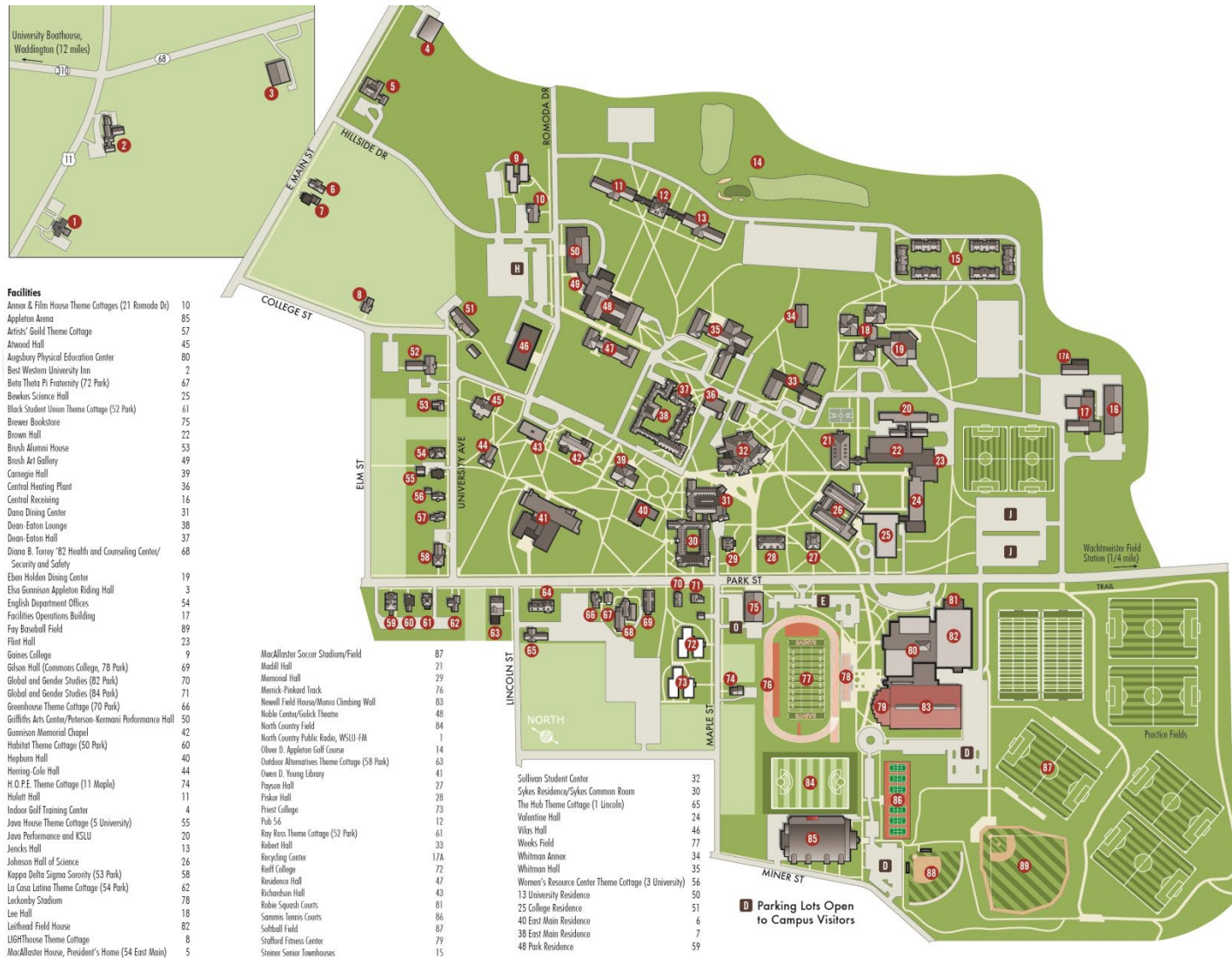
According to a federal law known as the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*, our school is required to disclose “statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is defined as a ‘Campus Security Authority.’”

The law defines “Campus Security Authority” as: “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” An example would be a dean of students who oversees student housing, a student center, or student extra-curricular activities and has significant responsibility for student and campus activities.

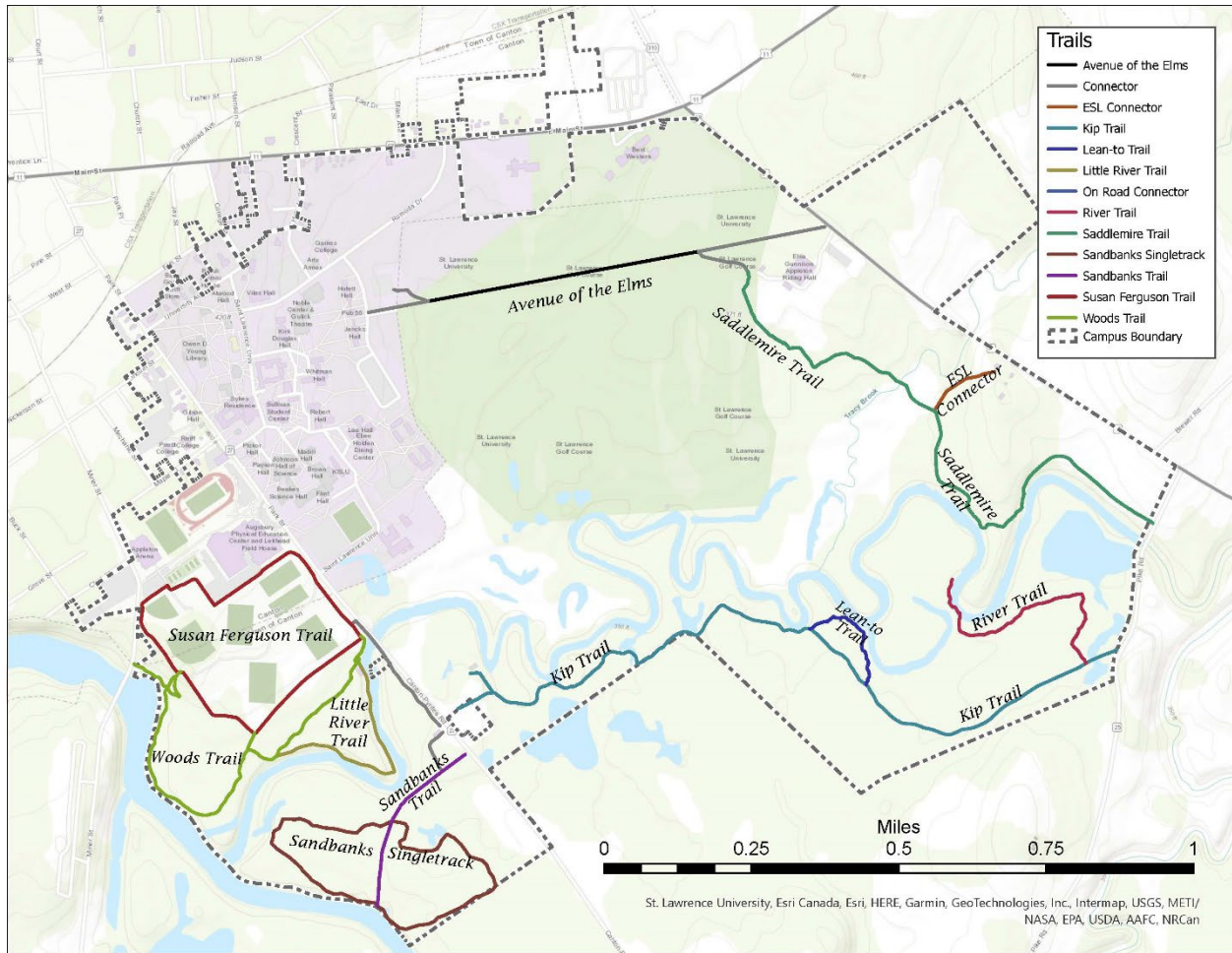
The AVP of Safety & Security identifies Campus Security Authorities by their functions and responsibilities. CSAs are notified / reminded by the AVP of Safety & Security, in writing annually by sending a letter of description of their CSA role and crime reporting form directly to each CSA. In addition, the letter of description and crime reporting form are an attempt to collect crime reports that they may have received in the past or to collect reports that they may receive in the future. All CSAs are trained annually by the AVP of Safety & Security and encouraged to call Safety & Security to officially report crimes and incidents upon receipt.

St. Lawrence University employees have been designated as "mandatory reporters/campus security authorities" for the purposes of Title IX and Clery Act compliance and required crime reporting. They have an obligation to report to the University if they hear about or are told of a sexual assault or specified Clery Act crimes. They also can direct students to appropriate resources. Any other employee at St. Lawrence University that has NOT been designated, is not considered a Responsible Employee or Campus Security Authority. See **Appendix B** for complete list of Mandatory Reporters/Campus Security Authorities.

## Clery Core Campus Map (also Appendix A)



## EXTENDED CLERY MAP - ST LAWRENCE PROPERTY BOUNDRIES, TRAILS AND NON-CAMPUS PROPERTIES – also Appendix A



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

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

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

**Burglary** - Burglary is the unlawful entry of a structure to commit a felony or a theft.

**Dating Violence** – Is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship

shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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

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

**Criminal Homicide - Murder and Nonnegligent Manslaughter** - The willful (nonnegligent) killing of one human being by another.

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

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

- **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

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

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

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

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

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

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

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

**Weapon Law Violations** - Are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations** - Are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.



Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

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

### **Sex Offenses: Definitions**

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

**Sex Offenses** - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape**-The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling**-The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
- **Incest**-Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**-Sexual intercourse with a person who is under the statutory age of consent.

### **New York Crime Definitions**

The Violence Against Women Act and its proposed regulations require the inclusion of certain New York State definitions in a campus's Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. Definitions required include: consent; dating violence; domestic violence; sexual assault; and stalking.

**CONSENT:** Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless;

or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

**CONSENT, ABBREVIATED:** Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

**DATING VIOLENCE:** New York State does not specifically define dating violence. However, dating violence would include the crimes listed elsewhere in this document when committed by a person in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or threat of abuse. It does not include acts covered under the definition of domestic violence.

**DOMESTIC VIOLENCE:** An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

**FAMILY OR HOUSEHOLD MEMBER:** Person's related by consanguinity or affinity; Persons legally married to one another; Person formerly married to one another regardless of whether they still reside in the same household; Persons who have a child in common regardless of whether such persons are married or have lived together at any time; Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; Persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation.

**PARENT:** means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

**SEXUAL ASSAULT:** New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**SEX OFFENSES; LACK OF CONSENT:** Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

**SEXUAL MISCONDUCT:** When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

**RAPE IN THE THIRD DEGREE:** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**RAPE IN THE SECOND DEGREE:** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

**RAPE IN THE FIRST DEGREE:** When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**CRIMINAL SEXUAL ACT IN THE THIRD DEGREE:** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

**CRIMINAL SEXUAL ACT IN THE SECOND DEGREE:** When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**CRIMINAL SEXUAL ACT IN THE FIRST DEGREE:** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**FORCIBLE TOUCHING:** When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. It includes squeezing, grabbing, or pinching.

**PERSISTENT SEXUAL ABUSE:** When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.

**SEXUAL ABUSE IN THE THIRD DEGREE:** When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.

**SEXUAL ABUSE IN THE SECOND DEGREE:** When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

**SEXUAL ABUSE IN THE FIRST DEGREE:** When a person subjects another person to sexual contact (1) by forcible compulsion; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old.

**AGGRAVATED SEXUAL ABUSE:** For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.

**AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE:** When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.

**AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE:** When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.

**AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE:** When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to

such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.

**AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE:** When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.

**COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE SECOND DEGREE:** When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

**COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE:** When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

**FACILITATING A SEX OFFENSE WITH A CONTROLLED SUBSTANCE:** A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.

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

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

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

**STALKING IN THE FOURTH DEGREE:** When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct.

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

**STALKING IN THE SECOND DEGREE:** When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, sligshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of

stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

**STALKING IN THE FIRST DEGREE:** When a commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

### Crime Location Definitions for campus, non-campus building or property and public property:

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

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

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

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

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

#### Source for definitions:

The Handbook for Campus Safety and Security Reporting 2016 Edition  
U.S. Department of Education  
Office of Postsecondary Education

## St. Lawrence University – Non Campus Buildings and Properties – Abroad Programs

### **France**

St. Lawrence University  
Université de Rouen  
Service des Relations Internationales  
24 bis Rue Jacques Boutrolle d'Estaimbuc  
Place Colbert  
76821 Mont-Saint-Aignan CEDEX  
FRANCE

### **Kenya**

#91 Miotoni Road  
00502 – Karen  
Nairobi, KENYA

### **London**

St. Lawrence University London Programme  
81 Gower Street  
London WC1E 6HJ  
ENGLAND

### **Spain**

Colegio Mayor Isabel de España  
Ramón Menéndez Pidal, 5  
28040 Madrid SPAIN

### **Vienna**

Austro-American Institute  
Operngasse 4  
Vienna 1010 AUSTRIA

### **New York City**

92Y Residence  
1395 Lexington Avenue  
New York, NY 10128



## St. Lawrence University – Non Campus Buildings and Properties

**Camp Canaras** SLU Canaras Conference  
Center  
5002 State Route 30  
Saranac Lake, New York  
12983

**University Inn  
Best Western** SLU owned hotel, restaurant  
and conference center  
90 East Main Street  
Canton, New York 13617

**St. Lawrence Univ Golf  
Course** SLU owned golf course  
100 East Main Street  
Canton, New York 13617

**Chi Omega Sorority** SLU Sorority  
\* Owned by organization 18 Elm Street  
Canton, New York 13617

**Kappa Kappa Gamma** SLU Sorority  
\* Owned by organization 45 East Main Street  
Canton, New York 13617

**Delta Delta Delta** SLU Sorority  
\* Owned by organization 19 Judson Street  
Canton, New York 13617

**Boat House** SLU Boat House  
353 River Road  
Waddington, New York

## Crime Statistics

The following statistics for the calendar years of 2019, 2020 and 2021 were reported to the Safety & Security Department or other University officials. The statistics reflect crimes which occur not only on campus, but also at non-campus property, public property and specifically in residential facilities.

St. Lawrence University has a vigorous Advocates Program, an inclusive campus-wide effort aimed at Education and Outreach, Community Coordination, Prevention, and Advocacy. Services include crisis intervention; the 24-hour Sexual Violence Hotline (315-244-5466); hospital, court, and judicial proceeding accompaniment; support groups; and safety planning. Thanks to Advocates, the St. Lawrence community is highly sensitive to the issues of sexual violence that occur in any community, and students, faculty and staff work together to raise awareness of the issues. Therefore, our statistics reflect the open and communicative culture that we encourage.

<b>Criminal Offenses - On Campus</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Murder/Non-Negligent Manslaughter</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Negligent Manslaughter</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Rape</b>	<b>5</b>	<b>6</b>	<b>5</b>
<b>Fondling</b>	<b>6</b>	<b>4</b>	<b>2</b>
<b>Incest</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Statutory Rape</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Robbery</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aggravated Assault</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Burglary</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Motor Vehicle Theft</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Arson</b>	<b>1</b>	<b>0</b>	<b>0</b>

<b>Criminal Offenses - On Campus</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Student Housing Facilities</b>			
<b>Murder/Non-Negligent Manslaughter</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Negligent Manslaughter</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Rape</b>	<b>4</b>	<b>6</b>	<b>4</b>
<b>Fondling</b>	<b>6</b>	<b>4</b>	<b>1</b>
<b>Incest</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Statutory Rape</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Robbery</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aggravated Assault</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Burglary</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Motor Vehicle Theft</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Arson</b>		<b>1</b>	<b>0</b>	<b>0</b>
<b>Criminal Offenses - Non Campus</b>		<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Murder/Non-Negligent Manslaughter</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Negligent Manslaughter</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Rape</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Fondling</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Incest</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Statutory Rape</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Robbery</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Aggravated Assault</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Burglary</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Motor Vehicle Theft</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Arson</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Criminal Offenses - Public Property</b>		<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Murder/Non-Negligent Manslaughter</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Negligent Manslaughter</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Rape</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Fondling</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Incest</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Statutory Rape</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Robbery</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Aggravated Assault</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Burglary</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Motor Vehicle Theft</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>Arson</b>		<b>0</b>	<b>0</b>	<b>0</b>

## Hate Crimes –

Year	Hate Crime Violation	Hate Crime Basis	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non-campus	Public Property
2023	Destruction, Damage, or Vandalism of Property	Race	0	1	1	0	0
2022	Destruction, Damage, or Vandalism of Property	Religion	1	0	1	0	0
2021	Destruction, Damage, or Vandalism of Property	Gender Identity	0	1	1	0	0

## VAWA Offenses – On Campus

Crime	2021	2022	2023
a. Domestic Violence	0	0	0
b. Dating Violence	2	2	5
c. Stalking	2	7	6

## VAWA Offenses – On Campus Student Housing Facilities

Crime	2021	2022	2023
a. Domestic Violence	0	0	0
b. Dating Violence	2	2	3
c. Stalking	1	1	6

## VAWA Offenses – Non-campus

Crime	2021	2022	2023
a. Domestic Violence	0	0	0
b. Dating Violence	0	0	0
c. Stalking	1	0	0

## VAWA Offenses – Public Property

<b>Crime</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>a. Domestic Violence</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>b. Dating Violence</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>c. Stalking</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Arrests - On Campus</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Weapons: Carrying, Possessing, Etc.</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Drug Abuse Violations</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Liquor Law Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Arrests - On Campus - Student Housing Facilities</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Weapons: Carrying, Possessing, Etc.</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Drug Abuse Violations</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Liquor Law Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Arrests - On Campus - Non-Campus</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Weapons: Carrying, Possessing, Etc.</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Drug Abuse Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Liquor Law Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Arrests - On Campus - Public Property</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Weapons: Carrying, Possessing, Etc.</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Drug Abuse Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Liquor Law Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Disciplinary Actions - On Campus</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Weapons: Carrying, Possessing, Etc.</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Drug Abuse Violations</b>	<b>12</b>	<b>5</b>	<b>2</b>
<b>Liquor Law Violations</b>	<b>6</b>	<b>2</b>	<b>1</b>
<b>Disciplinary Actions - On Campus</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Student Housing Facilities</b>			
<b>Weapons: Carrying, Possessing, Etc.</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Drug Abuse Violations</b>	<b>9</b>	<b>5</b>	<b>2</b>
<b>Liquor Law Violations</b>	<b>2</b>	<b>2</b>	<b>1</b>
<b>Disciplinary Actions - Non Campus</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Weapons: Carrying, Possessing, Etc.</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Drug Abuse Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>

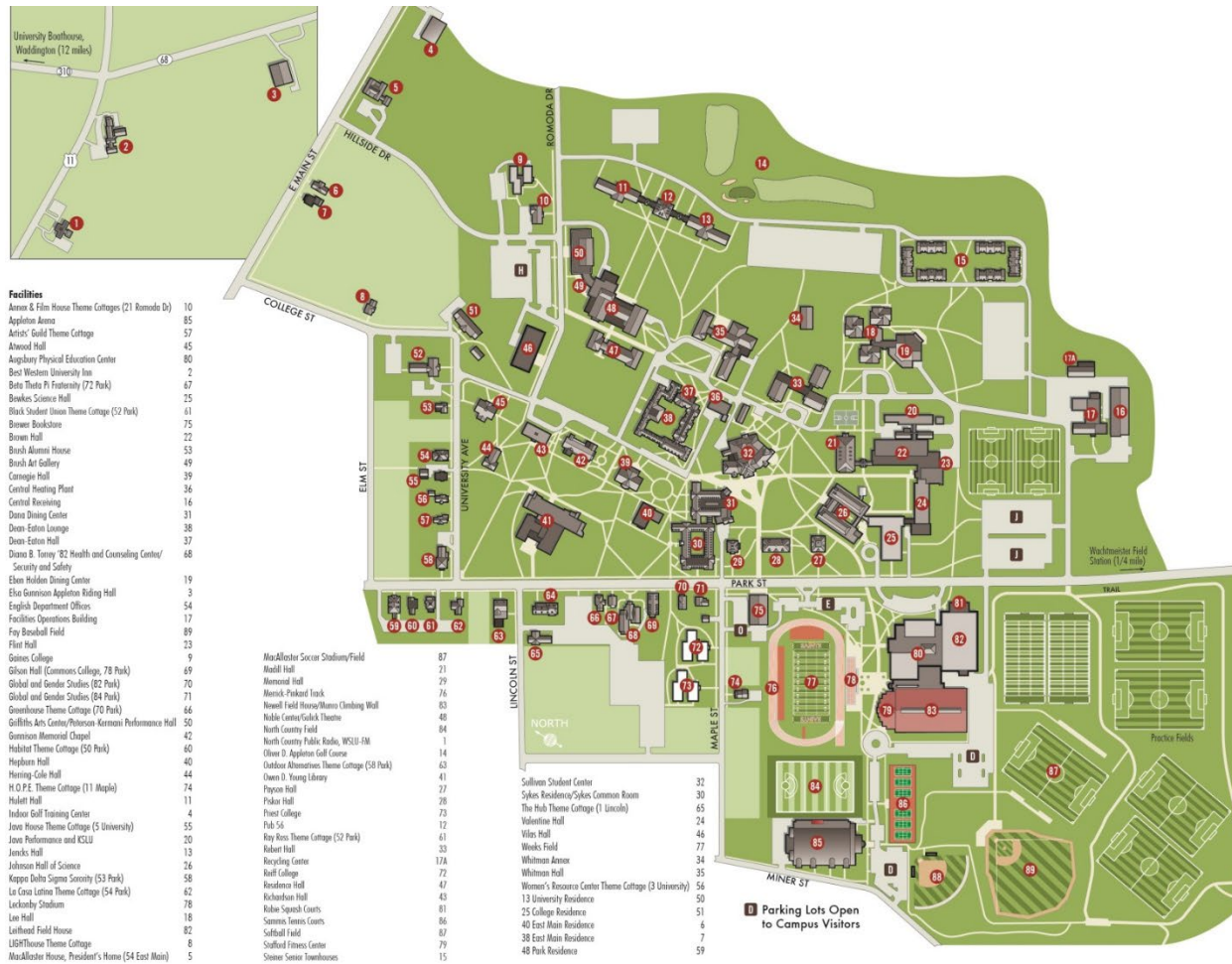
<b>Liquor Law Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Disciplinary Actions - Public Property</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Weapons: Carrying, Possessing, Etc.</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Drug Abuse Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Liquor Law Violations</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Unfounded Crimes</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>a. Total unfounded crimes</b>	<b>0</b>	<b>0</b>	<b>0</b>

**New York State Sex Offender Registry Website**

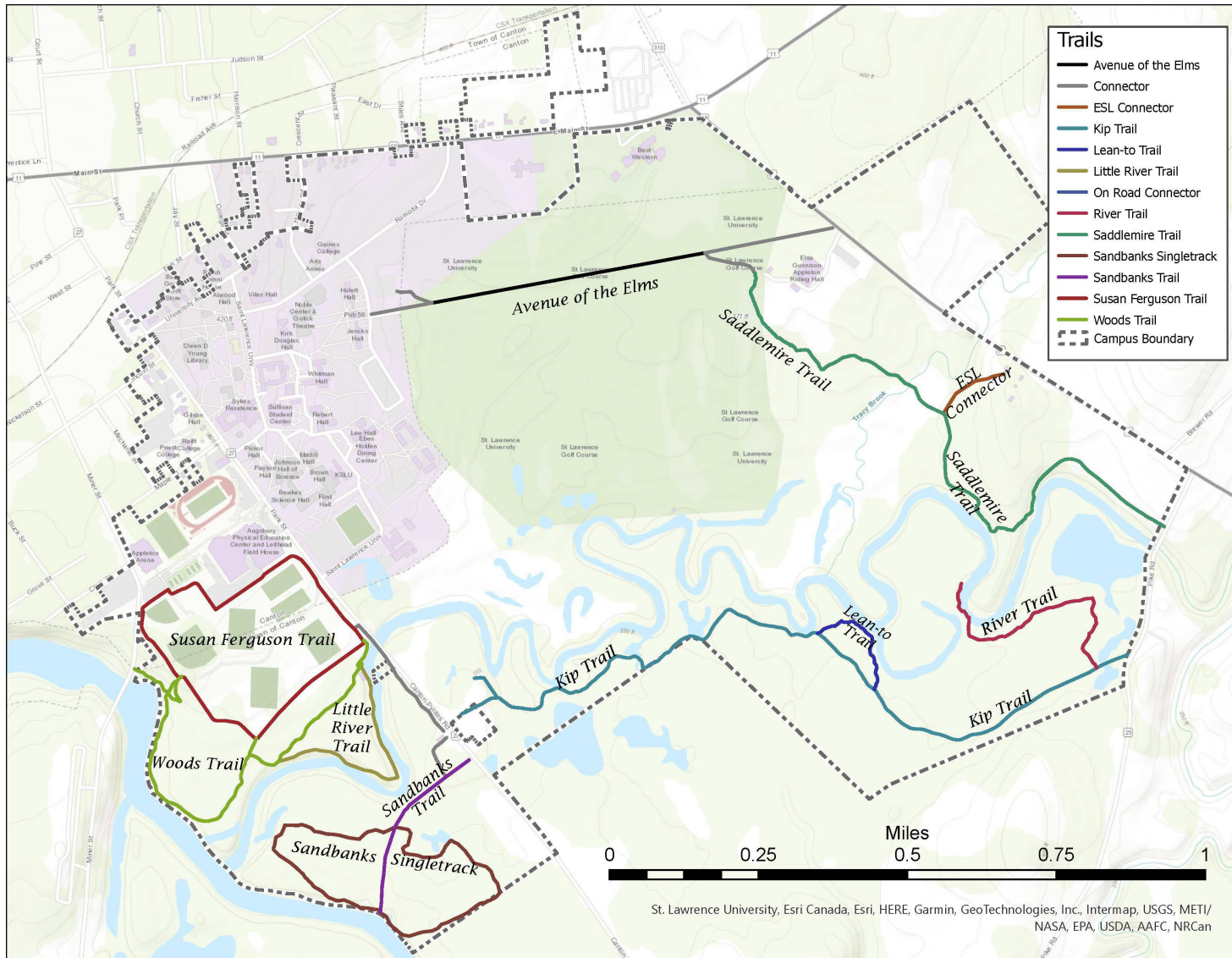
To obtain information about registered sex offenders go to: <http://www.criminaljustice.ny.gov/nsor/>

# APPENDIX A – CLERY CORE CAMPUS MAP and EXTENDED CLERY MAP - ST LAWRENCE PROPERTY BOUNDRIES, TRAILS AND NON-CAMPUS PROPERTIES





# APPENDIX A – CLERY CORE CAMPUS MAP and EXTENDED CLERY MAP - ST LAWRENCE PROPERTY BOUNDRIES, TRAILS AND NON-CAMPUS PROPERTIES



## Appendix B

### Campus Security Authorities

The following employees have been designated as "Campus Security Authorities" for the purposes of Clery Act compliance. They have an obligation to report to the University if they hear about or are told of a sexual assault. They also can direct students to appropriate resources.

Listed by institutional division:

#### **Academic Affairs**

Alison Del Rossi, Vice President & Dean of Academic Affairs

Matt Carotenuto, Associate Dean of International and Intercultural Education

Anna Carpenter, Director, Outdoor Program

Colleen Coakley, Coordinator of Academic Development

Erin Colvin, Assistant Director of HEOP

Geoffrey Falen, Director of Experiential Learning and Employer Engagement

Sharmela Garcia-Martin, Director of Student Accessibility Services

Caitlin Hatz, Director of Off-Campus Programs

Matt McCluskey, Coordinator of Academic Engagement

Ronnie Olesker, Associate Dean of Faculty Affairs

Serge Onyper, Associate Dean of Academic Advising

Brenda Papineau, Director of Community Based Learning and Native American Affairs

Deborah Richards, University Registrar

Marsha Sawyer, Director of CSTEP & McNair Programs

Bill Short, HEOP Director

Cathy Shrady, Director of Outdoor Studies

Tina Tao, Coordinator of Retention and Academic Support

Jennifer Thomas, Associate Dean of the First Year

Jennifer Townsend, Assistant Director of CSTEP and McNair

Darrey Waugh, Associate Registrar

**Admissions and Financial Aid**

Florence Hines, VP and Dean of Admissions and Financial Aid  
Laurel Brooks, Associate Director of Admissions  
Sarah Coburn, Associate Director of Career Services  
Chris Felix, Senior Assistant Director of Admissions  
Michelle Gould, Assistant Director of Career Services  
Ayana Hartley, Assistant Director of Admissions  
Jacky Hernandez, Assistant Director of Admissions  
Carole Jenne, Associate Director of Financial Aid  
Mary Kelley, Associate Director of Admissions,  
Musa Khalidi, Executive Director of International Admissions  
Beth Larrabee, Associate Director of Career Services  
Kiersten Larrabee, Assistant Director of Admissions  
Lyndsay Malcomb, Executive Director of Admissions  
Connor McSweeney, Assistant Director of Admissions  
Meghan O'Brien, Associate Director of Admissions  
Hannah Parker, Assistant Director of Financial Aid  
Christopher Pryce, Assistant Director of Admissions  
Tommiann Russell, Executive Director of Financial Aid  
Mary Sherwin, Assistant Director of Admissions  
Aaron Todd, Associate Director of Outreach, Career Services

**Advancement**

Kim Hissong, Vice President for University Advancement  
Joe Keniston, Executive Director of Laurentian Engagement  
Kurt Terrell, Director of Planned Gifts  
Chad Tessier, Senior Associate Director of Major Gifts

**Athletics**

Franco Bari, Director of Athletics  
Randy LaBrake, Senior Associate Director of Athletics  
Mike Aikens, Assistant Men's Hockey Coach  
Bill Bascom, Manager of Equipment Operations

Issac Beckstead, Assistant Director of Athletic Media Relations  
Brent Brekke, Head Men's Hockey Coach  
Ken Collins, Head Baseball Coach  
Rachel Curtiss, Head Men's & Women's Swimming & Diving Coach  
Cameron Doomany, Assistant Men's Hockey Coach  
Chris Downs, Head Men's Basketball Coach  
Mary Drueding, Head Equestrian Coach  
Brittney Gout, Assistant Women's Hockey Coach  
Fran Grembowicz, Head Field Hockey Coach/Assistant Athletic Director  
Mike Gugin, Coordinator of Hockey Operations  
Jared Hatz, Strength & Conditioning Coach  
Tommy Hill, Assistant Men's Hockey Coach  
Kate Howard, Head Women's Cross Country and Track and Field Coach  
Nick Hughes, Director of Rowing, Head Women's Rowing Coach  
Jon Lynch, Director, Fitness Center  
Mariann MacDougall Bari, Assistant Women's Ice Hockey Coach  
Mike Mahoney, Head Men's Lacrosse Coach  
Chelsea Martin, Head Women's Lacrosse Coach  
Sinead McSharry, Head Women's Soccer Coach  
Michael Nellis, Assistant Athletic Director of Communications and Marketing  
John Newman, Head Men's Cross Country and Track and Field Coach  
Meghan Nichols, Assistant Sports Information Director  
Alison Phillips, Head Softball Coach  
Daniel Puckhaber, Head Football Coach  
George Repicky, Head Men's Rowing Coach  
Tavis Rieger, Head Tennis Coach  
Dan Roiger, Head Women's Basketball Coach  
Shelly Roiger, Head Volleyball Coach  
Willi Steinrotter, Head Alpine Skiing Coach  
Cheryl Stuntz, Faculty Athletics Representative  
Michael Toshack, Head Men's Soccer Coach / Assistant AD  
Ethan Townsend, Head Men's and Women's Nordic Skiing Coach

Chris Wells, Head Women's Ice Hockey Coach  
Ted Wisner, Associate Head Women's Hockey Coach  
Tyler Wollberg, Head Men's & Women's Golf Coach

### **Human Resources**

Colleen Manley, Director of Human Resources for Employee and Labor Relations  
Debra Mousaw, Director of Human Resources for Employee Benefits, Deputy Title IX Coordinator

### **Communications**

Paul Redfern, VP for Communications  
Kim Asch, Director of Strategic Communications and Marketing  
Tara Freeman, Director of Visual Communications  
Mitch Teich, manager, NCPR

### **Facilities Operations**

Robert Hance, Associate Vice President and CFO  
Justin Gotham, Manager HVAC  
James Kozsan, Director  
William Ritchie, Manager, Capital Projects  
Marcus Sherburne, Assistant Director  
Bruce Streeter, Assistant Director  
Brenna Susice, Facilities Manager

### **Finance and Administration**

Karl Spiecker, VP for Finance and Administration  
Merry Fitchette, Director of Dining and Conference Services  
Timothy Gilbert, Assistant Manager, Dining and Conference Services/Canaras Manager  
Marijo Haggett, Director, Dining Services  
Nick Ormasen, Executive Director, Business Services  
Eric Shinnick, Executive Director of Finance  
Heather teRiele, Director of Student Financial Services

### **Libraries and Information Technology**

John Payne, University Librarian  
Carol Cady, GIS Specialist/Map Librarian  
Gwendolyn Cunningham, Science Librarian  
Grant Currie, Manager Educational Technology  
Paul Doty, Public Services Librarian  
Michelle Gillie, Collection Development and Acquisitions Librarian  
Olga Grant, Manager of Office Services  
James Mattice, Director of Network Technologies  
Steve Millington, Student Services Coordinator  
Mark Phalen, Director of Process Engineering  
Jamie Richardson, Manager of User Services  
Rene Thatcher, Director of Client Services and Educational Technologies  
Rhett Thatcher, Manager of Server Technology  
Eric Williams-Bergen, Director of Digital Initiatives  
Arline Wolfe, Arts Metadata Tech & Music Library Supervisor

### **President's Office**

Kathryn Morris, President  
Karen Carl, Assistant to the President

### **Safety & Security**

Jarred Cole, Safety & Security Officer  
Jason Coleman, Safety & Security Dispatcher  
Crysta Corbett, Safety & Security Tech Coordinator  
Donald Corbine, Safety & Security Sergeant  
Tonia Friot, Transportation Coordinator, Safety & Security  
Richard Gantt, Safety & Security Dispatcher  
Susan Johnson, Assistant to the Associate Vice President for Safety & Security and Emergency Management  
Mark Lepone, Safety & Security Officer  
Katie McCarthy, Safety & Security Officer  
Wyatt Newman, Safety & Security Dispatcher  
Jocelyn Post, Safety & Security Dispatcher

Juliette Rutherford, Safety & Security Dispatcher  
Blake Sharlow, Safety & Security Sergeant  
Todd Sloan, Safety & Security Officer  
Tom Stafford, Safety & Security Officer  
Bryan Zimmer, Safety & Security Sergeant

**Student Life**

Jon Duraj, Vice President for Student Life  
Maverick Cummings, Assistant Director of Residence Life  
Jodi Canfield, Associate Dean for Student Life  
Sean Collins, Residential Coordinator  
Ashlee Downing, Associate Director of Student Activities  
Kimberly Flint-Hamilton, Associate Dean for Diversity & Inclusion  
Laura Lavoie, Director of Wellness Education and Student Engagement  
Chris Marquart, Associate Dean of Student Life and Director of Residence Life  
Stacie Olney-LaPierre, Senior Associate Director of Residence Life  
Sharon Rodriguez, Residential Coordinator  
Kelsey Sixberry, Assistant Director, Student Activities  
Liam Sullivan, Residential Coordinator  
Elaine White, Executive Secretary in Student Life

**Directors of Programs Abroad 2024-2025**

London – Madeliene Wong  
Spain – Aaron Iverson  
New York City – Mert Kartal  
Kenya - Abdelwahab Sinnary, Michael Wairungu and Lina Karingi

## Appendix C – Renewal House – MOU



### MEMORANDUM OF UNDERSTANDING BETWEEN

St. Lawrence Valley Renewal House for Victims of Family Violence, Inc. and St. Lawrence University

This Memorandum of Understanding (MOU) is entered into by Renewal House and St. Lawrence University.

The MOU formalizes the commitment of the parties to work together to provide trauma informed services to student and employee victims of sexual assault and to improve the overall response to sexual assault at St. Lawrence University. The parties share the goal of preventing sexual assault on campus and in the community, and responding appropriately to students and employees who have been victimized.

#### I. Description of the Partner Agencies

Renewal House is a not-for-profit, community-based organization dedicated to the elimination of sexual violence in all its forms. Renewal House provides free, confidential services including a 24-hour hotline, medical and legal advocacy, community education and training for professionals. Through direct services and education, Renewal House provides services to more than 900 individuals annually. Renewal House provides empowerment-based services that focus on emotional support, advocacy, and justice for victims of sexual assault.

St. Lawrence University was founded in 1856, and serves approximately 2400 students. Its mission is to provide high-quality education in a safe learning environment.

#### II. History of Previous Collaboration

St. Lawrence University and Renewal House have collaborated for over 7 years on programs to prevent sexual violence on campus. Renewal House has conducted on-campus educational programs for students and staff of St. Lawrence University and provided professional training for health center staff. This MOU builds on the previous collaboration to provide services to victims and training to additional school officials.

#### III. The Role of the Renewal House

Safety and Security  
23 Romoda Drive  
Canton, NY 13617



ph: 315-239-5555  
fx: 315-239-7414  
2375916-2-01542034



Renewal House agrees to:

- a) Provide services that are accessible and appropriate for students and employees referred by St. Lawrence University.
- b) Provide 24-hour rape crisis hotline services available to students and employees of St. Lawrence University.
- c) Provide confidential crisis intervention, counseling, information and referral, and accompaniment to medical and legal services as requested by students and employees.
- d) Provide students and employees of St. Lawrence University with information about how to file a complaint with St. Lawrence University and/or to local law enforcement and offer to assist students and employees with filing such a complaint.
- e) Provide St. Lawrence University with general information about incidents of sexual violence and other reportable offenses for inclusion in its annual Clery Act security report and to help St. Lawrence University identify patterns or systemic problems related to sexual violence.
- f) Meet regularly with the school's Title IX Coordinator/Deputy Coordinator or designee to share information about: the needs of victims, trends in sexual assault services provided, additional services that are needed by students and employees, and the effectiveness of the school's sexual assault prevention and response programs.
- g) Provide training to St. Lawrence University health care and student services staff, officials involved in student conduct proceedings, and campus law enforcement on the incidence and prevalence of: sexual assault, myths about sexual assault, the physical and emotional effects of sexual assault; on victims, the neurobiology of trauma, and appropriate methods for interviewing and communicating with victims.
- h) Assist schools with the development and provision of prevention programming and training to faculty, students and school officials.
- i) Participate in St. Lawrence University sexual assault response team (SART) or other coordinated team effort.

#### III. The Role of St. Lawrence University

St. Lawrence University agrees to:

- a) Identify a central point of contact for Renewal House staff to facilitate referrals for confidential services. The Title IX Coordinator or Deputy Coordinators shall serve in this capacity.

Safety and Security  
23 Romoda Drive  
Canton, NY 13617



ph: 315-239-5555  
fx: 315-239-7414  
2375916-2-01542034



- b) Provide training to Renewal House staff about: on-campus resources that are available to student and employee victims of sexual assault; the federal and state requirements for St. Lawrence University in responding to sexual assault; reporting procedures for victims who wish to file a report with campus security and safety and/or a complaint with St. Lawrence University officials; the student code of conduct and disciplinary process; and the educational accommodations that can be provided to victims of sexual assault.
- c) Provide printed and online materials about reporting options for students and employees, including information about how to file a complaint with St. Lawrence University and/or local law enforcement.
- d) Inform the Renewal House about the reporting obligations of school employees and identify those school employees with whom students can speak confidentially (and any exceptions to that confidentiality.)
- e) Inform Renewal House about the school's prohibitions on retaliation, how allegations of retaliation can be reported, and what protections are available for students who experience retaliation.
- f) Ensure availability of the Title IX Coordinator/Deputy Coordinators or designee to meet regularly with Executive Director, Program Director or designee.
- g) Collaborate with the Renewal House on prevention approach and activities.
- h) Assist Renewal House with costs associated with training and programs provided to St. Lawrence University.

IV. Confidentiality

Renewal House and St. Lawrence University affirm the importance of providing students and employees with options for confidential services and support. All services provided by Renewal House to students and employees of St. Lawrence University will be kept confidential except in the following circumstances:

- a) If the student or employee wants information shared with St. Lawrence University or the Safety & Security Department, or local law enforcement, Renewal House will obtain informed consent for release of the information. When releases of information are required, they will be written, informed, and reasonably time-limited.
- b) Renewal House will provide St. Lawrence University aggregate data about incidents of sexual violence and other reportable offenses to include in its annual Clery Act security report and to help St. Lawrence University identify patterns or systemic problems related to sexual violence. No personally identifying information will be provided for Clery Act purposes. Renewal House



will consult with victims regarding what information needs to be withheld to protect their identity.

c) If the federal or state law requires disclosure because there is an imminent risk of harm to self or others, the Title IX Coordinator/Deputy Coordinators will determine: who will be notified; in what form; what information will be provided to the victim regarding this disclosure; and what steps will be taken to protect the victim from the imminent risk.

VI. General Provisions

Either party may terminate this agreement by notification in writing to the other party.

By 

President, St. Lawrence University

Date Nov 3, 2014

By 

Executive Director, Renewal House

Date 10-31-14



E  
Y

Appendix D- Canton Police Department - MOU  
(see next page)

