Paul Smith's College

Community Guide
Fall 2025 – Spring 2026

Introduction

The Paul Smith's College Community Guide is developed and maintained by the Department of Student Life in coordination with the Compliance Office to provide students with a clear understanding of their rights and responsibilities as students of the College. This document also serves as the official declaration of the expectations the College has of all students.

Student Life

Vision: Student Life cultivates a campus community where every student can thrive supported by a culture that values wellness, belonging and connection to our unique Adirondack environment.

Mission: Student Life promotes a safe, healthy, and welcoming campus by strengthening community relationships and shared responsibility; celebrating the diverse identities, lived experiences, and talents of our students; and encouraging engagement with the campus and region as an essential part of learning and personal growth.

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Chapter 1

Student Rights and Responsibilities

1.1 Federal Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974, as amended (otherwise known as FERPA), sets forth requirements regarding the privacy of student records. FERPA governs the release of records maintained by educational institutions and access to those records. This notice, published in the college catalog, serves as the yearly student notification of their rights under FERPA.

Questions regarding FERPA or any college policies related to it may be directed to the Registrar's Office at 518-327-6321 or registrar@paulsmiths.edu.

1.2 Revocation of Academic Degrees

The College reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious Code of Conduct violations committed by a student prior to the student's graduation. Students faced with this action have the right to an informational meeting with the College President and Dean of Curriculum.

1.3 Student Grievance and Appeal Procedure

The Student Grievance and Appeal Procedure provides a process for resolving student disputes with faculty, staff, and administrators. This procedure shall be used for grievances initiated by students for matters that a student believes are the result of discrimination or harassment as defined by the College's Non-Discrimination Commitment, which is published in the College Catalog and appears in Section 10.2 of the *Community Guide*. Decisions will be made based on a preponderance of the evidence.

1.4.1. Deadlines

The Student Grievance and Appeal Procedure involves specific deadlines. Students are required to follow the procedure steps and timeline. Grievances presented past the deadlines will not be considered unless there are specific, extenuating circumstances that make meeting the deadlines impossible.

Requests for deadline extensions for extenuating circumstances must be made in writing to the campus officer overseeing the grievance at that stage (for example, the Dean of Student Life, the Affirmative Action Officer, etc.). Other parties involved in the grievance may also submit a request for extension of a deadline if necessary. Should the extenuating circumstances be approved, the campus officer overseeing that stage of the

procedure will communicate in writing a new timeline and next steps to all parties involved.

If a decision rendered at one stage of the process is not appealed to the next stage within the time limit specified, the Grievance Procedure will be deemed to be discontinued and further appeal will be barred. Failure at any stage of the Grievance Procedure to communicate a decision to the grievant within the specified time limit shall permit the forwarding of the Grievance to the next stage of the procedure.

1.4.2. Definitions

- **Grievance:** An action that may be taken by a student who feels that they have been injured by a College faculty member, administrator, or other person acting on behalf of the College, and wherein that injury was a result of discrimination or harassment on the basis of sex, race, color, age, religion, national origin, handicap, or marital status.
- **Grievant:** The student or group of students who present a grievance.
- **Respondent:** A person accused of a violation of College policy.

- **Advisor:** The grievant and the respondent(s) may each select an individual from the student body, faculty, or administrative personnel of Paul Smith's College to serve as an advisor at each stage of the Grievance. This is a College administrative procedure, therefore lawyers may not serve as advisors or otherwise represent participants in the Grievance Procedure.

- **Witness:** The person or group of people having information about the action being grieved and named by the grievant or named by a respondent.
- **Mediator:** One person or a group of people who facilitates solutions to the grievance.

- **Affirmative Action Officer:** The Director of People & Culture for the College is the Affirmative Action Officer.
- **Working Day(s):** Every Monday through Friday, inclusive, of the Academic Year, excepting scheduled recesses (i.e., Thanksgiving, winter, and mid-semester breaks, and breaks between semesters and sessions), but not excepting scheduled registration days and summer sessions, shall be designated as Working Day(s).

1.4.3. Grievance Stages

1.4.3.1. Stage 1 - Informal

Grievances must be presented in writing to the Dean of Student Life within 20 working days of the incident. The written grievance must include:

- Name of the grievant

- Nature of the grievance

- Name(s) of respondent
- Name(s) of party(ies) who may have relevant information

At this stage, the Dean of Student Life will take appropriate steps to encourage an informal resolution of the matter, including reviewing any related documentation, scheduling meetings and/or requesting conversations with the grievant and respondent (individually or together). Within 10 working days from receipt of the grievance the Dean will offer recommendations to informally resolve the matter; the grievant has 10 working days to accept or reject the Dean's recommendations. Should the matter need to be referred to the College's Title IX Coordinator or to the Formal Stage of the Grievance Procedure, the Dean will present that determination in writing to the grievant and other College officials as appropriate.

1.4.3.2. Stage 2 - Formal

If a grievance is not resolved informally and is not subject to investigation by the Title IX Coordinator, a Formal Statement of Grievance shall be presented in writing by the grievant to the College's Affirmative Action Officer. The Formal Statement of Grievance must include all of the following:

- Name of the grievant
- Name(s) of the respondent(s)
- Nature of the grievance, citing specific details, and redress sought by the grievant
- Name(s) of all individuals with relevant information
- Name of the grievant' s advisor if any

No written grievance will be accepted unless it contains all of the above-listed information.

Within 5 working days of receipt of the Formal Statement of Grievance, **the Affirmative Action Officer will notify the respondent** and provide the following information:

- Name of the grievant
- Nature of the claim
- Notification that **the respondent must submit a written response within 5 working days** of receipt of the Affirmative Action Officer's notice. Respondent's written response is to be submitted to the Affirmative Action Officer and must contain names of witnesses or other information that will support the respondent's position.
- Notification that the respondent may designate a an advisor who is a member of the College community.

Generally, within 5 working days after the respondent's statement is received by the Affirmative Action Officer, **a written decision will be rendered** by the Affirmative Action Officer, along with the sanction if any, and will be presented to the grievant and respondent with a copy to the Office of People & Culture.

1.4.3.3. Stage 3– Appeal

The grievant or the respondent may file a **written Notice of Appeal with the College President within 10 working days of the Affirmative Action Officer's decision**. Appeals will only be considered if the reason articulated for the appeal meets one of the following conditions. An appeal will not be considered merely because a party does not agree or like the outcome.

Valid Reasons for Appeal:

1. New evidence is now available that was not available at the time the Affirmative Action Officer rendered their decisions;
2. There was a procedural error that materially impacted the outcome of the Affirmative Action Officer's decision; and/or
3. The sanction imposed is not consistent with past College practice for similar misconduct.

Within 10 working days after receiving the Notice of Appeal, the President of the College shall render a decision, which shall be final. The final decision shall be in writing and presented to the grievant and respondent, with a copy to the Office of People & Culture.

1.5 Involuntary Leave

Student Health Services and Student Counseling Services at Paul Smith's College offer services appropriate to attend to certain short-term medical and psychological needs of students. Students whose needs extend beyond the response capabilities of these campus centers will be referred to off-campus resources as appropriate and available.

When a student, for any reason, including behavior or psychological/medical distress, poses a direct threat to the College community; is significantly or consistently disruptive to the educational process, the activities or functions of the College community; or is unable to meet reasonable standards of behavior for participation in the College's programs, an Involuntary Leave may be imposed.

A student whose medical or psychological needs are such that, in the opinion of the College's professional staff, the student is unable to safely participate in the College's programs with or without accommodation may be required to take an involuntary leave from the College.

Involuntary leaves is will be invoked only in extraordinary circumstances, when a student is unable or unwilling to request a voluntary leave of absence, and leave is necessary because the student's behavior poses a direct threat to his/herself and/or to the College community and/or where the student's behavior is significantly disruptive of the College's learning environment, with or without reasonable accommodations. Before an involuntary leave of absence is considered, efforts will be made to encourage the student to take a voluntary leave, thus preserving, to the extent possible, greater privacy and self-determination.

Procedures

The College has a Behavior Assessment Team (BAT), which is a cross-functional group (typically comprising Campus Safety, Residence Life & Housing, Health Services, Counseling and the Title IX Coordinator) that meets regularly to identify, assess and coordinate support for students who may be exhibiting concerning, disruptive or potentially harmful behavior. The team's purpose is to connect students with resources early, reduce risk and ensure a consistent, well-communicated institutional response to maintain community safety and well-being.

BAT may be alerted to a student's threatening or disruptive behavior from a variety of sources on campus (e.g. students, a College dean, a faculty member, etc.).

If after discussion of a student's behavior the BAT deems it appropriate, the following procedures will be initiated:

1. The student will be notified that an involuntary leave is under consideration and the reason(s) why this is the case. The student will be given an opportunity to respond.
2. Implications of and procedures relating to an involuntary leave of absence will be discussed with the student. A copy of this policy will be provided to the student. Whenever possible and appropriate, college officials (including but not limited to a BAT member, a College dean, a staff member of the Center for Career and Academic Success, etc.) will encourage the student to take a *voluntary* leave of absence, thereby eliminating the need to complete the process for an involuntary leave.
3. Members of the BAT will confer as feasible and when appropriate in a particular matter with such other individuals or their designees as may be appropriate in a particular matter regarding the need for a leave of absence.
4. During these consultations, these individuals will pay particular attention to the criteria for invoking an involuntary leave, specifically whether the student's behavior is disruptive of the college's learning environment and/or whether the behavior poses a direct threat to the safety of the student's self or the College community. Consideration will also be given

to accommodations that may be reasonably provided that will mitigate the need for an involuntary leave.

5. Any concerns will be evaluated based upon current medical or other specialized knowledge and/or the best available evidence in order to assess:
    i. the nature, duration, and severity of the risk;
    ii. the probability of injury or harm;
    iii. the impact on the College community; and
    iv. whether reasonable modifications to policies, practices, or procedures will significantly mitigate the risk.
6. The BAT may require a mental or physical evaluation if they believe it will facilitate a more informed decision.
7. Following these consultations, the BAT will determine by majority vote if the incident(s) meet the criteria for an involuntary leave. The BAT will share this finding in writing with the College's three deans (Dean of Curriculum, Dean of Faculty, Dean of Student Life), who are invested with the authority to require an involuntary leave.
8. The Deans will review the BAT's determination and render a decision (majority rules). The student will be informed in writing of the decision as well as the steps that must be taken when the student wishes to re-enroll (see the re-enrollment segment of this document.
9. The College Deans and/or the BAT may impose other conditions and/or requirements under which the student is allowed to remain at the College.
10. Students on an involuntary leave will be administratively withdrawn from the College.

Implications of an Involuntary Student Leave of Absence for Reasons of Personal or Community Safety

Leave in effect	Until the student complies with the pre-requisites to return mandated by the Dean of Faculty and the Curriculum Standards Committee.
Duration of leave	To be determined by the BAT and/or the three College Deans based on the facts and circumstances leading to the imposition of the involuntary leave, including the opinion and advice of qualified medical providers.
Student must leave campus	Within the time frame set forth by the BAT.
Student may visit campus	Only as authorized in writing by the three College Deans in their decision for the duration of the leave or as temporarily approved on an as-needed basis by the Dean of Students.
Notification	The BAT and/or the three College Deans reserve the right to notify a parent, guardian, or other person, if notification is deemed appropriate and consistent with applicable privacy laws. In addition, the parent, guardian, or other person may be asked to make arrangements for the safe removal of the student from the college environment.
Transcript notation	Administrative Withdrawal. Would read "W" on transcript.

- ***Caution:** A student who has been administratively withdrawn still has certain financial obligations. For more information, contact the Financial Aid Office.*

Appeal Option
Any student placed on involuntary leave or whose continued enrollment is made subject to conditions may appeal the decision **within 7 working days** of receipt of the written communication notifying the student of the decision. The appeal must be delivered in writing to the Dean of Student Life, explain in detail the reason(s) why the student believes the decision is inappropriate, and be accompanied by any information the student would like considered. An appellate officer appointed by the President will review the student's appeal and may uphold, reverse, or alter the decision of the three College deans. The decision will be communicated to the student in writing and shall be considered final.

If placed on involuntary leave of absence, the student will leave the campus by the date and time identified in the BAT recommendation and be granted grades of "W" in all enrolled courses (even if the normal deadline for withdrawal without academic penalty has passed and in the absence of pending honor code violations). Further, if the student desires to return to the College, they will be obligated to adhere to the readmission requirements outlined below. The policy on refunds will apply, unless a hardship waiver is granted by the three College deans or appellate officer. While on involuntary leave, the student must not visit campus unless permission has been sought and approved by the Dean of Student Life, who may consult any parties deemed necessary in evaluating this request.

Request for Re-enrollment
A formal request for re-enrollment must be submitted to the MAP (Medical, Academic and Psychiatric) Advisory Board. The student's re-enrollment request will be reviewed by the MAP Advisory Board who, in conjunction with the Dean of Faculty and the Dean of Student Life, must approve the re-enrollment if the student wishes to re-enroll.
The MAP Advisory Board reserves the right to consult with one or more of the following individuals or offices regarding the re-enrollment decision and may impose conditions as suggested by these individuals and offices to help ensure the student's successful return to the College:

1. Any of the College's three deans (Dean of Faculty, Dean of Students Life, Dean of Curriculum)
2. The student's medical provider(s)
3. The student's academic advisor
4. Campus Safety
5. Any other individuals or offices as may be deemed appropriate in a particular matter

Chapter 2

College Policies and Conduct Procedure

Campus Community Policies

General Provisions

Rules for Maintenance of Public Order
Pursuant to Article 129-A of the New York State Education Law (as amended), the New York State Legislature requires all colleges and universities to adopt rules for the maintenance of public order governing the conduct of students, faculty, staff, or other persons on college property. They prohibit, among other things, actions recklessly or intentionally endangering mental or physical health. The law further requires that a copy of such rules and regulations be given to all students in compliance with that statute.

Preamble
Paul Smith's College, recognizing the right of an individual to protest and register dissent, is concerned with the protection of that right on the College campus and at College sponsored events as it may be exercised by any member of the Paul Smith's community, whether student, faculty member, staff member, or administrative officer. At the same time, Paul Smith's College is committed to defend the right of each member of the Paul Smith's community to carry out his or her assigned duties and responsibilities without interference: students to attend classes, faculty members to teach classes, College offices and departments to hold special events or activities, and administrators and staff to do their respective jobs. Consistent with the foregoing, the following regulations have been adopted.

Rules

1. In recognition of the rights of freedom of speech and assembly, peaceful protest or demonstration by any member of the Paul Smith's community, in or on College property, is permitted.
2. The following activities shall not be permitted and shall be considered violations of College rules:
    - Use or threat of force or violence against any person, or the damaging of property.
    - Prevention of the normal use or occupancy of any building owned or rented by the College or disruption of any normal College function through use of force or threat of force, physical obstruction, or noise.
    - Physical obstruction of or the use of threat of force or violence to interfere with the passage of any person about the College campus or through the entrance or exits of any College building or facility or the corridors thereof.

- Entering of any private office or private room without the consent of the rightful occupant, except for the right of College officials to enter College residence hall rooms for health and safety reasons.
- Engaging in the practice of hazing, including, but not limited to any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization, whether occurring on or off Paul Smith's Campus, regardless of an individual's willingness to participate.
- Presence in or use of any College building or facility during the hours when such building or facility is officially closed, unless permission is secured from the President or their designee prior to such presence or use.

3. The use of grounds, facilities, and buildings rented or owned by the College is restricted to members of the Paul Smith's community and visitors by invitation. The College reserves the right to require evidence of any individual's qualification to use or be in or on any grounds, facility, or building rented or owned by the College and to deny use thereof to anyone who is not a member of the Paul Smith's community, or to eject anyone therefrom who is not complying with these rules.
4. These rules shall apply to any student, faculty member, staff member, or visitor (including, but not limited to, invitees and licensees) in or on property owned or rented by the College.

<u>Enforcement</u>
Enforcement shall be consistent with approved College procedures and binding contractual agreements of the College. Any student, faculty member, officer of administration, or nonfaculty member may charge any person with a violation by filing a written statement of the acts allegedly constituting the violations with the Office of the President.

1. Alleged violations of these rules by students shall be referred to the Dean of Student Life.
2. Alleged violations of these rules by faculty shall be referred to the Dean of Faculty.
3. Alleged violations of these rules by officers of administration or other non-faculty employees shall be referred to the Director of the Office of People & Culture.
4. Pending such a hearing, the President of the College shall have the right to restrict the campus activities of any such member of the student body or staff if the President determines that it is necessary to prevent further violations of these rules.
5. In case of a violation of these rules by a person not a member of the Paul Smith's community, the responsible officer of the College may refer the matter to the local

civil authorities for appropriate action including ejection from the campus, prosecution under appropriate state and local laws, or both.

6. If the President of the College determines that the normal College response resources are inadequate for maintaining order on the campus, the President may request the assistance of local civil authorities.

Penalties

With due regard for civil liberties and professional rights, any individual who is found to have violated these rules may be subject to immediate ejection from College property. In addition, any member of the Paul Smith's community who is found to have violated these rules may be subject to suspension, expulsion, or such other appropriate disciplinary action as shall be determined upon a prompt hearing before the designated council or committee.

Any organization found to have authorized any violation of these rules may be subject to the rescission of said organization's permission to operate on the Paul Smith's campus or any other College property. The penalties described herein shall be in addition to any criminal or civil penalty pursuant to any penal or other law to which the violator or organization may be subject.

A. Outside Groups and Agencies

a) In case of an emergency, all visitors must contact the Office of Campus Safety by dialing 6300 from any on-campus phone or (518) 327-6300 from a cell phone.
b) All overnight guests must register with the Office of Residence Life and Office of Campus Safety.

B. Water Access / Ice Access

A DEC designated New York State Canoe Launch for Lower St. Regis Lake is located on the shoreline near Clinton Hall. This launch is for non-motorized boats (canoes/kayaks) only. The launch is open to the public. Vehicle access to the launch is not available. Vehicles must be parked in parking lot 5 (student parking lot for Clinton Hall, Franklin Hall, Essex Hall, and Lambert House) and canoes/kayaks carried to the launch. Motorized boats are not permitted to be launched from the College's shoreline.

Swimming off the College shoreline is prohibited, except at the designated beach, located between LMS Hall and Lakeside Hall.

Students who have passed the College's Canoe Safety course and are allowed to utilize College owned watercraft must operate watercraft in a safe and appropriate manner at all times. Failure to do so will result in loss of watercraft privileges.

Warning: Access to the lake during winter months for ice fishing is only permitted via the NYS DEC canoe launch and is at the individual's own risk. Individuals must test the thickness of the ice to ensure it is safe before accessing the lake. The College makes no assurances regarding the thickness or safety of the ice on the lake. The College does not test or measure the thickness of the lake ice.

Note: Operation of snowmobiles, ATVs, and other recreation based motorized vehicles on campus is prohibited. Motorized boats, snowmobiles, and other recreational vehicles are only permitted on campus if they are stored in the back of a truck or on a trailer; the trailer must be parked in the rear of parking lot 1 (large open parking lot behind the Facilities Building and parking lot 13).

C. Ropes Course Access

The use of the College's ropes course is permitted only to individuals and/or groups that have received prior approval from the Ropes Course Manager. Offices or academic programs that use the ropes course as part of their program do not have to receive prior approval but must still submit proper certifications to use the course.

D. Pets

Pet Policy:

Paul Smith's College values being a pet-friendly community and allows students and employees to bring pets to campus under specific guidelines. Having a pet on campus is a privilege, not a right, and all pet owners are responsible for the behavior, health, and safety of their animals. Pets must be registered with the Office of Campus Safety, kept leashed except in designated areas, and are not permitted in certain campus buildings or food service areas. Owners must clean up after their pets, ensure they pose no safety or allergy concerns, and are accountable for any damage caused. Aggressive or disruptive pets may lose the privilege to remain on campus. Service animals and emotional support animals are accommodated through the Center for Accommodative Services in accordance with ADA and Fair Housing Act guidelines. For the full pet policy and details about our pet-friendly housing options—where students may have fish, cats, or dogs—please visit our **Pet Friendly Community Guide**.

- **Resources/Questions**

  Paul Smith's College acknowledges that College policies may not anticipate every possible issue that may arise. The College therefore reserves the right to make reasonable and relevant decisions regarding the enforcement of this policy. All such decisions must be approved by the Director Campus Safety. Anyone with questions about this policy should contact the Office of Campus Safety at: (518) 327-6300.

E. Camping/Using Alumni Campground

Students are prohibited from camping on College property including the Alumni Campgrounds. Exceptions may be permitted for special events, with prior authorization from the Alumni Relations Director. Alumni and prospective students can receive approval from the Alumni Relations Office, (518) 327-6253. Guests must abide by the College's policies while on college property and must provide a $25.00 deposit.

F. Camp/Bonfires/Grills

There are official campfire pits on campus: next to the gazebo across from the United States Post Office, by the campus NYS Canoe Launch, and the Forestry Cabin. ALL FIRES MUST HAVE PRIOR APPROVAL from the Office of Campus Safety. Requests to use a campfire pit must be made through the Office of Campus Safety by submitting a campfire permit at least 24 hours in advance. Individuals may use their own firewood or can request firewood from the Office of Campus Safety who will coordinate the delivery with the Facilities Department. The individual submitting the campfire permit is responsible for ensuring the fire is completely out prior to vacating the location. The permit holder is also responsible for ensuring College policies are followed and reporting any violations to the Office of Campus Safety immediately.

Grilling on campus is limited to the use of propane fired grills located at least 20 feet from any structure. The Office of Campus Safety must be notified prior to the use of College provided permanently installed charcoal grills. Individuals given permission to utilize campfire pits or grills must ensure that the fires are completely extinguished, the area of use is cleaned up and the Office of Campus Safety is contacted prior to vacating the site. The use of personally owned charcoal grills is prohibited.

G. Smoking/Vaping

Paul Smith's College is a tobacco-free and substance-free campus. "Tobacco" is defined as any tobacco or tobacco-derived product, including snuff, chewing tobacco, and similar products. "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or is intended to simulate the effect of tobacco, as well as "e-cigarettes" and vaporizers. Regardless of New York state law legalizing cannabis, cannabis use or possession is prohibited on College property.

H. Non-sanctioned College Housing/Squatting

Students, visitors, guests, and employees of Paul Smith's College may not reside on campus, in any shelter that is not sanctioned by Paul Smith's College. Non-sanctioned housing includes but is not limited to: tent, lean-to, snow fort, tree house, cabin, shack, etc.

I. All-gender Restrooms, or Gender-neutral Restrooms

All-gender restrooms or gender-neutral restrooms are restrooms that anyone of any gender or non-gender can use. These restrooms can benefit many different people including families, differently abled persons, transgender, and gender non-conforming individuals. Historically, restrooms have been a place for harassment, discrimination, and threats of injury and arrest towards transgender and gender non-conforming individuals. All-gender restrooms provide an opportunity for our community members to enter a room without being questioned or interrogated Currently, all of Paul Smith's College's all-gender restrooms are single stall, locking restrooms. Signage for these restrooms is marked with an ALL-GENDER BATHROOM sign.

All-gender restrooms which are accessible to people with disabilities are marked with an ALL-GENDER BATHROOM handicap accessible sign.

Paul Smith's College does not exclude, separate, deny benefits, or otherwise treat differently on the basis of sex, gender, gender identity or gender expression. This means it allows all members of the community to access all authorized spaces/facilities in accordance with their gender identity and/or gender expression.

Currently, All-Gender Bathrooms are located in the following locations:

Administration Building	7	Ground Floor: 2, 1st Floor: 2, 2nd Floor: 3
Buxton Gymnasium	2	1st Floor: 2
Campus Safety	1	1st Floor: 1
Cantwell Hall	1	1st Floor: 1 (stairwell, closest to Freer)
Facilities Building	2	1st Floor: 2
Forestry Club Cabin	2	1st Floor: 2
Hillside Hall	1	1st Floor: 1 (handicap accessible and gender neutral)
Joan Weill Adirondack Library	1	1st Floor: 24 Hour Room: 1
Joan Weill Student Center	2	Ground Floor: Health Services: 2 (Hallway and Treatment Room) (Handicap Accessible and gender neutral)
LMS Hall	1	1st Floor: 1
NOLS Building	1	1st Floor: 1 (handicap accessible and gender neutral)
Overlook Hall	1	1st Floor: 1
Paolozzi	2	2nd Floor: 2
Saratoga Hall	4	Ground Floor: 2, 1st Floor: 1, 2nd Floor: 1
Saunders Sports Complex	4	2nd Floor: 2 (near Dance Room), 3rd Floor: 2
Sporck Admisssions Center	2	Ground Floor: 1 (in conference room) (handicap accessible and gender neutral) 1st Floor: 1
Upper St. Regis Hall	1	2nd Floor:
VIC	1	2nd Floor: 1

Under no circumstances will any member of the PSC community be required to provide proof of medical procedure or government identification as proof of gender in order to access to a space/facility. This policy applies to all authorized spaces and facilities, including but not limited to bathrooms and locker rooms.

STUDENT CONDUCT

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1. Code of Conduct

Paul Smith's College considers the behaviors described in the following subsections as inappropriate for the College community and in violation of the core values of the College. These expectations and rules apply to all students, groups, and organizations. Paul Smith's College encourages community members to report to College officials all incidents that involve the following violations**. Recording of any official meeting is forbidden by Paul Smith's College; any recording of an official meeting without the knowledge of a College official is a violation of the Code of Conduct and may result in sanctions.**

Not all behavior that violates the College's core values will also violate the Code of Conduct; in some cases, the behavior may otherwise be protected speech or conduct deserving a response that is not disciplinary in nature. In those cases, the College's response will focus on education, dialogue and engagement, and support those who are offended or harmed by the behavior.

Disruption of College Operations

1. Causing a Disturbance: Disturbance resulting in substantial disruption of authorized activities. This may include participating, leading, or inciting demonstration, riot or activity that disrupts authorized activities and/or infringes on the rights of other members of the College community.

2. Failure to Comply with Sanction: Failure to comply with or attempts to circumvent a sanction(s) imposed by the Coordinator, Conduct Board, Dean of Student Life, or designee.

3. Failure to Identify: Failing to properly identify oneself to an employee of the College in pursuit of their official duties.

4. Failure to comply with the directions of a College official, law enforcement officers, or emergency personnel during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.

5. Interference with Code Enforcement: Interference with a reporting individual, third party reporting individual, witness, investigation or the carrying out of procedures defined in this Code.

6. Interference with or Failure to Comply with a College Official: Direct interference with or failure to comply with an employee of the College in the performance of their official duties.

7. Supplying False Information: Knowingly supplying false information to employees in pursuit of their official duties or to a Board in the course of a disciplinary proceeding, or knowingly causing false information to be thus supplied.

8. Unauthorized Representation: Unauthorized representation of the College or an employee of the College.

9. Violation of Residence Hall Policies: Violation of residence hall contracts, except when the residence hall contract specifically provides for an alternate procedure or remedy for the violation concerned.

10. Violation of Student Activity Regulations: Violation of a campus-specific or -wide regulation, policy, standard of conduct, or code of ethics applicable to the activity in which the student is engaged, and which has been adopted, published or otherwise made known to students participating in such activity.

11. Disruption of College operations: Knowingly and intentionally causing obstruction of teaching, research, administration, safety and security, other College activities or other authorized activities which occur on campus (e.g. conferences, guest speaker's meetings).

12. Abuse of the Student Conduct system, including;

    (a) Failure to attend meetings scheduled for student conduct administration purposes;
    (b) Falsification, distortion, or misrepresentation of information;
    (c) Failure to provide, destroying, or hiding information during an investigation;
    (d) Discouraging an individual's proper participation in or use of the student conduct system
    (e) Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding;
    (f) Influencing or attempting to influence another person to commit an abuse of the student conduct system.

<u>Health & Safety Violations</u>

1. Creating a Dangerous Condition: Creation of a fire hazard or other dangerous condition.

2. Endangering Health or Safety: Conduct which threatens or endangers the health or safety of any individual.

3. False Reporting of Dangerous Conditions: Giving or causing to be given false reports of fire or other dangerous conditions.

4. Interference with Safety Equipment or Alarms: Tampering with, disabling, or causing malfunction of fire and safety equipment or alarms.

5. Violation of state, local, or campus fire policies, including;

    (a) Failure to evacuate a College-owned or managed building during a fire alarm;
    (b) Tampering, improper use, misuse, or abuse of College fire safety equipment;
    (c) Unwarranted dispatch of "first responder" and/or fire emergency services;
    (d) Tampering with or improperly engaging a fire alarm in a College building;
    (e) Intentionally, recklessly and/or negligently causing a fire which damages College or personal property or which causes injury to any member of the community;
    (f) Intentionally causing or ignoring any condition which creates a substantial fire/safety risk upon college properties.

6. Possession of Firearms or Weapons: Possession or misuse of firearms, explosives, or other dangerous weapons.

7. Restricting Traffic Flow: Restriction of normal traffic flow into or out of College facilities.

8. Use or Possession of Chemicals or Explosives: Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas, or compressed air.

9. Violation of Health or Safety Policies: Violation of College health or safety regulations.

Offenses Involving Drugs/Alcohol

1. Illegal Possession, Use, Distribution or Sale of Drugs: Possession, use, or sale of illegal drugs or drug paraphernalia or the misuse or unlawful sale or distribution of legal prescription drugs.

2. Tobacco: The use of tobacco, vaporizers and/or the use of products designed to simulate the use of tobacco, excluding those products that have been designated as an approved tobacco cessation product by a recognized governing body or organization possessing the authority to approve said products for cessation purposes.

3. Abuse and/or misuse of prescription or over-the-counter medication; allowing someone else to abuse and/or misuse prescriptions, including "distribution" by allowing someone else access to your prescription, whether or not they have a prescription for the medication themselves.

4. Alcohol: Use, possession, or distribution of alcoholic beverages, except as expressly permitted by law and the College's Alcohol Policy. This includes, but is not limited to, being in the presence of and/or the possession/consumption of alcohol by those under the age of 21, providing alcohol to those under the age of 21, the consumption of alcohol while in the presence of a minor, possession of a common source container (empty or full) and/or participating in "drinking games" that aid in the mass consumption of alcohol, driving under the influence, and public intoxication by persons of any age.

5. Possession and use of cannabis is not permitted on campus, including campus housing.

Offenses Involving Other People

1. Discrimination, Harassment and Bias-Related Incidents Policy: Paul Smith's College affirms the belief that guests, visitors, students, faculty and staff have a right to be free from any type of discrimination or harassment by any member of the College

community or their guest(s) with respect to nationality, national origin, racial or ethnic background, religious beliefs, disability, sex, sexual orientation, gender, gender identity, gender expression, age, marital or veteran status or any other protected category. Discrimination, harassment, and any bias-related incident, in any form, that is sufficiently severe that it interferes with, limits, or denies the ability to participate in or benefit from Paul Smith's programs or activities is unacceptable conduct because it creates a hostile environment by depriving the recipient of educational or employment access and/or opportunities, including peaceful enjoyment of our campus. Harassment is a form of discrimination that is prohibited by law and College policy. Offensive conduct and/or harassment which is not on the basis of a protected status or is not otherwise prohibited under this policy may, nevertheless, be inappropriate and addressed by the College. Any member of the campus community, guest, contractor, or visitor who acts to deny, deprive, or limit the educational, employment, residential, and/or social access, benefits, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the Paul Smith's College policy governing nondiscrimination.

2. Offensive Speech. Speech, on social media or elsewhere, or conduct that is defamatory, discriminatory, or harassing, or other objectively offensive speech or conduct that undermines the efficient operation of the College may be grounds for discipline.

3. Hate Symbols Policy: Paul Smith's College is committed to maintaining an inclusive and respectful campus environment where all members of our community feel safe and valued. Symbols that represent hate, oppression, or intimidation have no place at our College. Any display, possession, or use of a symbol of oppression and intimidation—including imagery that has historically been used to threaten or marginalize individuals or groups—will not be tolerated. Similarly, the use or display of a symbol associated with extremist ideology that promotes violence, discrimination, or exclusion is strictly prohibited. Examples of prohibited hate symbols include, but are not limited to:

    a. Swastikas or Nazi imagery

    b. Confederate flags or variations used to intimidate

    c. White supremacist insignia or slogans

    d. Symbols associated with hate groups or extremist movements

Such actions are inconsistent with the College's values of respect, equity, and community. Any violations of this policy will be addressed through the Student Code of Conduct and may result in disciplinary action.

4. Causing Fear of Physical Harm: Intentionally or recklessly placing a person or persons in reasonable fear of imminent physical harm.

5. Domestic Violence means 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, 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. Dating Violence means 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 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 College to violate this Policy.

7. Sexual Misconduct: The College has defined categories of sexual misconduct, as set forth in the Sexual Misconduct Policy in Chapter 3 of the Community Guide. Violations include, but are not limited to: Sexual Harassment, Sexual Assault, Sexual Exploitation, Domestic Violence, Dating Violence, Stalking, etc. Sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, gender identity, or gender expression.

8. Harassment or Intimidation: Unwelcome behavior that creates a hostile or intimidating working, educational, or living environment or behavior that unreasonably interferes with an individual's academic or job performance and opportunities.

9. Hazing: The College defines hazing as any action taken or situation created, whether on or off College premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purposes of initiation into, affiliation with, admission to, or as a condition for continued membership in a group, team, club, or organization.

10. Interference with Residential Life: Significant interference with the normal residential life of others.

11. Invasion of privacy: A person is guilty of violation of privacy if that person intentionally: Commits a civil trespass on property with the intent to overhear or observe any person in a private place; Installs or uses in a private place without the

consent of the person or persons entitled to privacy in that place, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in that place; Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein, any device for hearing, recording, amplifying or broadcasting sounds originating in that place that would not ordinarily be audible or comprehensible outside that place; or engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance.

12. Public Exposure: Deliberately, recklessly, and publicly exposing private body parts, public urination, defecation, or public sex acts.

13. Sexual Assault includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent. Sexual assault consists of any of the following specific acts:
    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. <u>Non-consensual Sexual Contact</u>. The intentional touching of the body parts, whether contact is under clothing or over clothing, of another person for the purpose of sexual gratification, sexual degradation or sexual humiliation, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Non-consensual sexual contact also includes the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
    3. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    4. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

15. Physical assault: Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.

16. Sexual Harassment: A form of sex discrimination. Conduct on the basis of sex that satisfies one or more of the following:

(1) an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo").

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that is effectively denies a person equal access to the College's education program or activity (commonly referred to as a sexually or gender-based "hostile environment"). This definition meets the standard for a Title IX Violation.

"Sexual harassment" can also be unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic, or physical. The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a "reasonable person" standard and takes into account the totality of the circumstances. The College 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.

17. 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; knowingly making an unwelcome disclosure (or threatening to disclose) of an individual's sexual orientation, gender identity, or gender expression, or exposing one's genitals in non-consensual circumstances.

18. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of basis on which it occurs or the context in which it occurs (for example 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 College's education program or activity at the time of the

complaint, or because the conduct did not occur in the context of the College's education program or activity).

19. Threatening or causing physical harm, extreme verbal abuse, or other conduct which endangers the physical or emotional health or safety of any person.

20. Intimidation: implied threats or acts that cause an unreasonable fear of harm in other.

21. Bullying: repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person physically or mentally.

22. Freedom of Expression: Interfering with the freedom of expression of others on College premises during College-sponsored or approved activities.

23. Disrespectful or discourteous behavior to the residents of the surrounding community.

24. Retaliation means engaging in conduct that may reasonably be perceived to

    a. Adversely affects a person's educational, living, or work environment because of their good faith participation in the reporting, investigation, and/or resolution of report of a violation of this policy; or

    b. Discourage a reasonable person from making a report or participating in an investigation under this policy.

    Retaliation includes but is not limited to: acts or words that constitute intimidation, threats or coercion intended to pressure a person to drop or support a report under the code of conduct or to provide false or misleading information in connection with an investigation; and pressuring a person to participate or refrain from participating as a witness in an investigation under this policy. Retaliation may constitute a violation of the code of conduct even when the underlying report made in good faith did not result in a finding of responsibility. Retaliatory conduct by community members and third parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, email or other forms of communication.

    Acts of alleged retaliation should be reported immediately to Campus Safety or the Title IX Coordinator and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

The College forbids retaliation against anyone that is reporting sexual harassment or any other form of sexual misconduct, who is supporting a reporting individual, third party reporting individual or respondent, who is participating in a College investigative or conduct process (whether as reporting individual, respondent, or witness), or otherwise who is assisting in providing information relevant to a claim of a violation. Retaliation is

a serious violation of College policy and will be treated as another possible violation of this policy.

25. Violations of any of the foregoing through the use of electronic communications such as Facebook, Twitter and other social networking and microblogging sites where users create on-line communications, even if the on-line group is identified as "private" since the content posted on such site is not confidential.

Offenses Involving Property

1. Defacement, Destruction, or Misuse of College Property: Intentional or reckless misuse, destruction, or defacement of College property or of the property of other people while located on College property.

2. Knowingly taking possession of stolen property

3. Misuse of access privileges to college premises or unauthorized entry to or use of buildings or grounds.

4. Misuse of College Computers & Technology: Misuse of the College computer facilities, equipment, passwords, network, or accounts including, but not limited to, theft of computer files or data, e-mail, or other electronically stored information, spamming, sending out computer viruses, or uploading or downloading copyrighted material for personal use or distribution without authorization. Students who connect their personal computers (or other technologies) to the campus network will be held responsible for any violation of the code of conduct that originates from that device. Examples of misuse include:

    (a) Access, use, inspection, or modification of data or functions that are neither allotted nor authorized as a part of the user's account nor specified as public domain information;
    (b) Access, use, inspection, or modification of data that refer to computer utilization, computer access authorization, or security;
    (c) Abuse or improper use of hardware;
    (d) Installing or executing unauthorized or unlicensed software on any College owned or operated computer resource;
    (e) Causing disrupting noise, displaying abusive behavior toward other users, or creating other disturbances in any campus computing area;
    (f) Sending, displaying, printing, or storing obscene, pornographic, fraudulent, harassing, threatening, racist, or discriminatory images, files, or messages through the College's network;
    (g) Access and/or use of another user's account and the data contained in that

account;

(h) Theft, destruction, or removal of data or College-owned computer resources;

(i) Unauthorized copying, installation, and/or distributing electronic media by any means;

(j) Physical or electronic interference with other computer systems users;

(k) Dissemination or distribution of a user account password to any other person;

(l) Use of computing facilities to interfere with the work of another student, faculty member, College official, or the normal operations of the College computing system;

(m) Any other practice or user activity that, in the opinion of the office of Information Technology or the Vice President for Student Affairs, promotes illegal activities, results in the misuse of computer resources, or jeopardizes the operation of computer or network systems.

5. Motor Vehicle Violation: Violation of motor vehicle policies established by Paul Smith's College.

6. Tampering, Destruction, or Falsification of Records: Tampering with, destroying, or falsifying official records.

7. Theft or Unauthorized Use: Theft, attempted theft, or unauthorized acquisition, removal, or use of property.

8. Trespassing: Trespassing or unauthorized presence on any College held or related property, including residence halls.

General Infractions

1. Aiding & Abetting: Knowingly assisting in the violation of any of the provisions of this Code.

2. Continued Infraction: Continued infractions of the Code.

3. Conviction of a Crime: Conviction of any crime that threatens:

   (a) any educational process or legitimate function of the College, or

   (b) the health or safety of any member of the academic community.

4. Initial Infraction: Any infraction of the Code

5. Unauthorized possession of unapproved pets, creatures, or animals on campus or at College sponsored activities

6. Other Illegal Activity: Violating local, state, or federal laws otherwise not covered under this Code.

2. Paul Smith's College's Community Standards Office

The Community Standards Office strives to enforce and uphold the values and standards established by the College while providing an educational conduct system in which students will:

1. Have an understanding of College policies and why the college community is concerned with their actions

2. Be able to articulate how their actions have impacted their wellbeing and that of the community, while recognizing that making mistakes is part of life

3. Be encouraged to move through adversity and create an opportunity for growth by engaging in responsible social conduct where respect for health and safety of oneself and others is paramount.

Conduct sanctions are imposed to:

1. Serve as a clear statement about College standards and expectations

2. Educate students on the effects of their behavior

3. Attempt to affect a change in the behavior in the future

4. Ensure a safe educational environment for all students

When a student is unwilling to adjust their behavior to community expectations, the student conduct process may determine that they should no longer share in the privilege of participating in the College community.

The longer someone waits to report an offense, the harder it becomes for Paul Smith's College to obtain evidence and witness statements and to address alleged violations properly and promptly. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Campus Safety and/or Coordinator of Community Standards.

3. Jurisdiction

Students at Paul Smith's College are annually provided access to and, upon request, provided with a copy of the Student Code of Conduct. Students are responsible for reading and understanding the code. By virtue of being enrolled at the College, students agree to abide by the provisions of the Student Code of Conduct and acknowledge the authority of the student conduct process. The Student Code of Conduct and the student conduct process apply to the conduct of individual students and College-affiliated student groups and organizations.

Because the Student Code of Conduct is based on shared values, it establishes a set of expectations for the Paul Smith's College student, no matter where or when their conduct may take place (e.g., Study Abroad, college-sponsored trips). Therefore, the Student Code of Conduct will apply to behaviors that take place on campus, at College-sponsored events, and may also apply off-campus, when the College determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

A. Incidents that constitute a criminal offense as defined by New York State law. This includes alleged first time and repeat violations of any local, state, or federal law.
B. Incidents where it appears the student may present a danger or threat to the health or safety of themselves or others.
C. Incidents that significantly infringe upon the rights or property of others or significantly breach the peace and/or cause social disruption.
D. Any situation that is likely to have an impact on campus or otherwise harmful to the educational interests of the College.

The Student Code of Conduct may be applied to conduct that takes place during the time a person is enrolled as a student both on and off campus, including all College breaks and between semesters. Further, the Student Code of Conduct applies to guests of community members; hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Paul Smith's College are also protected by the Student Code of Conduct and may initiate grievances for violations of the Student Code of Conduct committed by members of the Paul Smith's College community against them.

Paul Smith's College may also extend its jurisdiction to misconduct that occurs prior to, but is not reported until after, the graduation of the responding student. Any such misconduct will not subject the respondent to normal conduct proceedings but may subject them to special proceedings, which could result in, depending on the conduct at issue, revocation of a degree.

4. Definitions

Advisor - Any individual who provides the Complainant or Respondent with support, guidance and/or advice during a Conduct meeting or hearing (this may include legal

counsel and such individual will be provided at the party's own expense, if the advisor is a paid advisor).

- **Advisor of Choice** – a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. The College does not appoint or pay for an advisor of choice.
- **Institution Advisor** – A Complainant or Respondent who does not opt to be accompanied by an advisor of choice at a hearing is entitled to be appointed an advisor by the College at no charge to the party. This advisor is referred to an institution advisor who may be but need not be an attorney. An institution advisor's role is limited to asking cross-examination questions of the other party during a hearing. An institution advisor does not represent a party in any legal sense. The party is responsible for formulating the cross-examination questions the institution advisor will pose during the hearing.

Bystander – Shall mean a person who observes a violation, impending violation, conflict, potentially violent or violent behavior, or conduct that is in violation of the rules or policies of the institution.

Code of Conduct – Shall mean the written policies adopted by an institution governing student behavior, rights, and responsibilities while such student is matriculated in the institution.

Institution – Shall mean any college or university chartered by the regents or incorporated by special act of the legislature that maintains a campus in New York.

Mandated Reporter – Paul Smith's College considers any College employee, other than a confidential resource (described below), to be a mandated reporter. As described more fully below, mandated reporters are required to report violations of the code of conduct that they witness or learn about to the Title IX Coordinator or the Office of Campus Safety.

Preponderance of Evidence – The standard of proof used in all cases adjudicated by the Community Standards Office and the Title IX Office, which asks whether it is "more likely than not" that the alleged violation occurred. If the evidence presented meets this standard, then the respondent must be found responsible.

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

Respondent - Shall mean a person accused of a violation of the Student Code of Conduct who has entered the Student Conduct Process.

Witness – A witness is someone who (1) directly observed an incident or (2) has direct or indirect knowledge related to the incident in question. Witnesses should be able to speak

knowledgeably about the incident and be able to provide relevant information to Student Conduct proceedings. Reliable witnesses are critical to the integrity and effectiveness of the Student Conduct Process.

5. Violations of the Law

Paul Smith's College also has an obligation to uphold New York State law. While the activities covered by New York State or federal law and those covered by Paul Smith's College policies may overlap, it is important to note that the community's laws and the College's policies operate independently, and they do not substitute for each other. Students should be aware that the student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all but do not include the technical rules associated with court proceedings.

The College makes no attempt to protect members of the College community from New York State or federal law, nor does it interfere in legal proceedings against a member of the community. Membership in the College community does not exempt anyone from local, state, or federal laws but rather imposes the additional obligation to abide by all Paul Smith's College policies.

Alleged violations of federal, state, and local laws may be investigated and addressed under the Code. When an offense occurs over which Paul Smith's College has jurisdiction, the Paul Smith's College conduct process will usually go forward notwithstanding any criminal proceedings that may arise from the same incident.

Interim Suspension

The College may suspend a student for an interim period pending conduct proceedings or medical, psychiatric, or psychological evaluation. Such interim suspension becomes effective immediately whenever there is information that the continued presence of a student on college premises or at College-sponsored activities poses a substantial threat to self or others, or to the stability and continuity of normal College operations. There may also be circumstances in which it is necessary to invoke an interim suspension in furtherance of an ongoing investigation into a conduct code violation and/or a violation of state law.

A student suspended on an interim basis shall be entitled to a prompt review of the suspension and be able to submit evidence in support of their request. The student will be sent a Conduct Summons Letter and must make an appointment for a hearing within **5 working days** from the effective date of the interim suspension. All outcomes from a hearing regarding the interim suspension are final, with no option for an appeal. (This interim Suspension provision only applies when Code of Conduct proceedings are pending. For cases involving alleged violations of the Sexual Misconduct policy, found in Chapter 3 of this document, which implicates its own separate adjudicatory proceedings, the Emergency Removal process will be followed in order to protect the safety of the campus community, which may include contacting local law enforcement to address imminent safety concerns.)

6. Organization of the Student Conduct System

Coordinator of Community Standards

The Office of Community Standards at Paul Smith's College is within the department of Student Life.. The Coordinator of Community Standards is charged with the responsibility of seeing that appropriate process is provided to students accused of violating College regulations and, to accomplish this task, has the following duties:

1. Assists in revising, as needed, a Student Code of Conduct which details those College regulations for which all students will be held accountable through the College Conduct System.

2. Solicits and selects faculty/staff for the Conduct Board pool from which Student Conduct Boards are impaneled to hear cases, unless the alleged violation(s) fall under the conduct described in Chapter 3.

3. Receives all reports for alleged violations of college regulations from Resident Assistants and Campus Safety

4. Determines which policies are alleged to have been violated, unless the alleged violations fall under those described in Chapter 3.

5. Sets up meetings with each student so referred to discuss the charges and the student's rights.

6. Schedules Conduct Hearings or Student Conduct Board hearings as required, unless the alleged violation(s) fall under those described in Chapter 3.

7. Determines the sanction to be applied if the student is found Responsible in all Conduct Hearing cases, except for those described in Chapter 3.

8. Officially communicates all Conduct charges, rationales, and decisions to each student so charged.

9. Notifies College officials whose relevant interest necessitates their being informed of a violation of College Policy.

10. Maintains the College's official conduct records.

11. Serves as a decision maker on a conduct board for cases described in Chapter 3.

The Coordinator of Community Standards has discretionary authority to interpret and construe any uncertain or disputed aspects of the student conduct process.

Michelle Burns
Coordinator of Residential Housing and Community Standards
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Hearing Bodies/ Student Conduct System Procedures

The College's hearing bodies consist of two possible types 1) Conduct Meeting and 2) Conduct Board Hearing.

1. CONDUCT HEARING

A Conduct Meeting will be used to adjudicate alleged violations that are not heard in a Conduct Board Hearing. Any sanctions (described below) can be assigned to any student found responsible in a Conduct Hearing. A Conduct Meeting is conducted by the Coordinator of Community Standards. The responsibilities of this College official include, but are not limited to, conducting an interview with parties involved, determining whether provisions of the Student Code of Conduct have been violated, and, when appropriate, issuance of sanctions.

Conduct Meeting Procedures

1. The Coordinator determines the possible violations and sends a conduct summons letter via email of the reported violation to the student who has been referred.

2. If the Coordinator finds that the report does not warrant charges, the case may be dismissed and closed, or the student may be requested to come to the Office of Community Standards to discuss the matter.

3. The summons letter will list the alleged violation and request that the student make an appointment with the Office of Community Standards within 3 working days to meet with the Coordinator of Community Standards. Failure to respond to the summons letter will result in a decision being made based on the information available.

4. In the Conduct Meeting, the Coordinator of Community Standards or designee states the alleged Code violations against the student and describes all information gathered to date. Failure to appear for the Conduct meeting without an attempt to reschedule within 24 hours after the scheduled appointment will result in the College proceeding in absentia.

5. The student may plead Responsible to the Code charges during or after the Conduct Meeting. In this case, the Coordinator or designee will accept the plea and determine the applicable sanction.

6. The student may plead Not Responsible to the charge during or after the Conduct Meeting. In this case, the Coordinator or designee will allow the student to present any information and/or argument for consideration. , Using the Preponderance of Evidence standard, the Coordinator of Community Standards, or heir designee, will make a determination of responsibility. If the Coordinator concludes that the student is Responsible for the charged violations of College policy, the Coordinator shall review the student's disciplinary record to determine an appropriate sanction. The

Coordinator may consult with other appropriate College officials in determining sanctions.

2. CONDUCT BOARD HEARING

Any or all sanctions described below are available in the event of a finding of responsibility by the Conduct Board. The Conduct Board will be composed of three members chosen from a roster of trained staff and/or faculty.

Selection of the Board for any given case depends on members' availability and potential conflicts/biases that might exist.

The Conduct Board has the following responsibilities:

a. Hears cases as scheduled.

b. Hears all statements and evidence related to the case in question.

c. Seeks answers to any questions pertaining to the statements and evidence presented.

d. Determines if the student is Responsible or Not Responsible after a full and confidential discussion of the case, after the Hearing, based upon the preponderance of the evidence, by majority vote.

Conduct Board Hearing Procedures (For Chapter 3 violations, procedures are outlined in that chapter):

1. Conduct Board Hearings are hearings with full presentation of evidence and witnesses, if applicable. A list of intended Advisors/Witnesses along with any typed and signed witness statements must be submitted to the Community Standards Office no later than three (3) working days before the hearing unless otherwise authorized by the Conduct Coordinator or designee. The College will have performed its own investigation of alleged disciplinary violations. However, should a student seek to introduce a written witness statement at a hearing not obtained as part of the College's investigation, the statement must include the following: date the document is signed, printed name of author, and signature of the author. Such witness statements must either be scanned and emailed to the Office of Community Standards or delivered to the Office of Community Standards.

2. In the case of a student who offers a plea of Not Responsible, the Conduct Board makes a final decision as to responsibility based on a preponderance of the evidence.

3. A decision is rendered by majority vote of the Conduct Board

4. If the Conduct Board determines that the respondent is responsible for the alleged conduct, the Conduct Board, will then consider, among other things, the student's disciplinary record for the purpose of determining an appropriate sanctions. The Conduct Board will generally communicate the outcome and sanction to both the complainant and the respondent within five (5) working days of the hearing.

Important Note: Chapter 3 of the Community Guide includes specific information regarding the College's investigation and adjudication of alleged sexual misconduct (sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, etc.), overseen by the Director of Compliance and the Title IX Coordinator. The rights of parties with regard to the investigatory and adjudicatory proceedings in such cases shall be governed by the Sexual Misconduct Policy set forth in Chapter 3, rather than the Code of Conduct.

CONDUCT REFERRAL

Any member of the College community may report a violation of College policy to the Office of Campus Safety, the Coordinator of Community Standards, the Dean of Student Life, and/or, when appropriate, the College's Title IX Coordinator.

The Office of Campus Safety will investigate all reports and concerns, gathering all pertinent information. When they feel all relevant information has been gathered, it will be turned over to the Coordinator of Community Standards in Omnigo

APPEAL PROCEDURES

The findings and/or sanctions imposed by a hearing officer or body in connection with conduct proceeding can be appealed by any party if based on one of the following grounds:

a. A procedural error occurred that significantly impacted the outcome of the meeting or hearing (e.g., substantiated bias, material deviation from established procedures, etc.)

b. To consider new evidence, unavailable during the original hearing or investigation through no fault of the appealing party, that could substantially impact the original finding or sanction. The new evidence and its potential impact must be included.

c. The sanctions imposed are substantially disproportionate to the severity of the violation.

The original finding and sanction will stand if the appeal is not deemed timely or fails to raise one of the above-referenced grounds for appeal.

A Letter of Appeal must be submitted to the Community Standards Office within five (5) business days of the receipt of the written decision and must clearly and fully set forth the evidence to support each identified ground of appeal . Appeals will be forwarded and reviewed by the Dean of Student Life.

When an appeal is requested by the respondent in connection with a finding or sanction with respect to an offense constituting an act of violence, the complainant will be provided with a copy of the respondent's appeal and invited to respond.

When an appeal is requested by the complainant in connection with a finding or sanction with respect to an offense constituting an act of violence, the respondent will be provided with a copy of the complainant's appeal and invited to respond.

- These responses must be submitted within three (3) business days.
- For purposes of this paragraph, the definition of a crime of violence is arson, assault offenses, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping/abduction, and robbery..

The Dean of Student Life may:

- Uphold the original decision and/or sanction.
- Modify the original decision and/or sanction.
- Remand the matter back to the original reviewing body. The Dean of Student Life may (but is not required to) take this action when there is a procedural irregularity that could be corrected or to enable a review of previously unavailable relevant information that could significantly impact the result of the original reviewing body's determination.
- Remand the matter to a senior College official not previously involved in the matter. This will be done only in extraordinary cases when, in the considered opinion of the Dean of Student Life, the matter would be best addressed by a different official.

If it is determined that the sanctions imposed are disproportionate to the severity of the violation, the Dean of Student Life may return the report to the Office of Community Standards for modification or the Dean of Student Life may increase, decrease, or otherwise modify the sanctions. This decision is final.

The appealing party and, in appeals of a finding or sanction with respect to an offense constituting a crime of violence (as defined above), the non-appealing party, will be informed of the status of requests for appeal and of decisions made on appeal.

Once an appeal of a case is concluded, no further appeals are allowed, except to the extent that one or more party seeks review of proceedings (if any) ordered on remand. Denial of an appeal request is final.

The Appeals Panel may:

- Uphold the original decision and/or sanction

- Modify the original decision and/or sanction

- Remand the matter back to the original hearing body. The Appeals Panel may (but is not required to) take this action when there is a procedural irregularity that could be corrected or to enable a review of previously unavailable relevant information that could significantly impact the result of the original hearing body's determination.

- Remand the matter to a senior College Official, not previously involved in the matter. This will be done only in extraordinary cases when, in the considered opinion of the Dean of Student Life, the matter would be best addressed by a different official.

All parties will be informed of the status of requests for appeal and of decisions made on appeal.

Once an appeal of a case is concluded, no further appeals are allowed, except to the extent that one or more party seeks review of proceedings (if any) ordered on remand. Denial of an appeal request is final.

The record of the appeal will consist of the letter of appeal; any written statements from the parties; the written decision that acceptable grounds for any appeal were not asserted (if that is the case), and the outcome of the appeal. This record will be appended to the written record of the original decision and will be kept with it as part of the case file maintained in the Office of Community Standards. **Decisions of the Appeals Board are final.**

REMEDIAL ACTION

The College will implement initial remedial and responsive actions upon notice of alleged harassment, retaliation, and/or discrimination, and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest, or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Deliberately false and/or malicious accusations of harassment as opposed to reports which, even if erroneous, are made in good faith, will be subject to appropriate disciplinary action.

The College reserves the right to issue Remedial Actions to address relational or interpersonal conflicts or misconduct, or when considered necessary to meet the needs of a specific situation (e.g., "No Contact Orders" or relocation), whether or not disciplinary action is taken or required. The purpose of this form of Remedial Action is to simply limit or restrict the interaction between individuals to help promote a safer and healthier environment.

ACCESS TO INFORMATION AND RECORDS

1. All information pertaining to investigations and hearing procedures may be shared only with College employees who have a legitimate educational interest in the information.

2. Students who wish to review and examine their files in the Office of Community Standards may do so in accordance with the Family Educational Rights and Privacy Act of 1974, as amended.

3. Parental Notification: The College believes that parental involvement can be vital to student success. Therefore, Paul Smith's College may speak to parents and guardians to discuss impending or completed conduct actions, to the extent permitted by law:

    - Notification may be made to parents/guardians of any student who is a dependent, regardless of age.

    - Notification may be made to the parents/guardians of students who have violated policies that are "crimes of violence."

    - Notification may be made to parents/guardians of students who are under the age of 21 if those students have committed violations of the College's alcohol and drug policies.

    - Notification may be made to parents/guardians whenever their student faces an emergency health and/or safety risk.

Policies Pertaining to the Conduct System

1. All students attending Paul Smith's College are responsible for knowing and complying with these policies. This includes students living on and off campus.

2. A student who withdraws or is granted a leave of absence from the College during the Student Conduct Process, or after being charged with a violation of the Student Code of Conduct, may, at the College's discretion, have their case suspended pending return to the College. In such event, any return to the College is subject to and contingent upon resolution of the applicable charges. Alternatively, the College may elect to proceed with the Student Conduct Process notwithstanding the withdrawal or leave.

3. A student who is charged with a violation just prior to the termination of a semester, where there is not sufficient time for the Conduct Process to occur, will have their case adjudicated as soon as they return to campus in the following semester.

4. All Conduct Board Hearings will be recorded. All recordings will be preserved and maintained for a minimum of 7 years.

5. All Conduct Board Hearings and Conduct Meetings are closed. A student who is charged may request, in writing, with justification, permission from the Coordinator of Community Standards for the hearing to be open to a particular person or persons. The sole discretion lies with the Coordinator of Community Standards or designee to determine whether to grant such permission. If the number of people exceeds space limitations, if circumstances interrupt the hearing, or if a groups or an individual's behavior is disorderly, the Coordinator of Community Standards or designee may require some or all people to leave.

6. Cameras and other recording devices other than the College recorder are not permitted at any disciplinary meeting or hearing.

7. Conduct Meetings and Conduct Board Hearings will generally take place in the Office of Community Standards. Any person acting in the role of advisor or as support for the student may talk quietly with the party, but will have no right to actively participate in the meeting or hearing or be disruptive to the meeting or hearing. The advisor will act as a silent observer (except to advise and support the student) and will be asked to leave the meeting or hearing if this is not observed. Investigations, meetings, and hearings will not be delayed based on the unavailability of a party's desired advisor.

8. A student's written conduct record will be maintained for a period of seven years from the end of the academic year in which the violation occurred.

9. Pursuant to Article 129-B §6444.6 of the New York State Education Law, if a student is found responsible through the College's conduct process for crime(s) of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VIII) (Clery crimes of violence: defined for these purposes to include criminal homicide, rape, Non-consensual Sexual Contact, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft and arson, each as defined for purposes of the Jeanne Clery Act)), the appropriate college official will direct that a notation be placed on the student's transcript. *Where the sanction is a suspension, the following notation will be listed: "SUSPENDED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION."

*Where the sanction is expulsion, the following notation will be listed: "EXPELLED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION."

*If a student respondent withdraws from the College, while such College conduct charges are pending for allegation(s) related to Clery crimes of violence and the student declines to complete the student conduct process, the following notation will be placed on the student's transcript: "WITHDREW WITH CONDUCT CHARGES PENDING." Transcript notations for suspensions may be removed at the discretion of the College, but no earlier than one year after the conclusion of the suspension. Transcript notations for students who are expelled are permanent.

10. Students who are suspended or expelled will be liable for all tuition and fees for that semester, except to the extent otherwise provided by applicable law.

11. Individuals who have been suspended or expelled and who are found on campus without being granted prior permission by the Dean of Student Life or other College official, will be subject to arrest for trespass.

12. When a student is relocated off campus as a result of a conduct violation, that student's housing license with Paul Smiths' College will be cancelled and any penalties associated with cancellation of the license will be the responsibility of the student, except to the extent otherwise provided by applicable law.

13. Failure to appear as scheduled at a scheduled conduct meeting or hearing without prior approval from the Coordinator (or designee) will result in the College proceeding in absentia. The student is permitted to reschedule their appointment one time.
14. Students who are arrested for a felony or misdemeanor, after having been admitted to the College, are required to notify the Coordinator of said arrest within five (5) working days of that arrest.

Retaliation

Retaliation means engaging in conduct that may reasonably be perceived to

a. Adversely affect a person's educational, living, or work environment because of their good faith participation in the reporting, investigation, and/or resolution of report of a violation of this policy; or

b. Discourage a reasonable person from making a report or participating in an investigation under this policy.

Retaliation includes but is not limited to: acts or words that constitute intimidation, threats or coercion intended to pressure a person to drop or support a report under the Code of Conduct or to provide false or misleading information in connection with an investigation; and pressuring a person to participate or refrain from participating as a witness in an investigation under this policy. Retaliation may constitute a violation of the

Code of Conduct even when the underlying report made in good faith did not result in a finding of responsibility. Retaliatory conduct by community members and third parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, email or other forms of communication.

Acts of alleged retaliation should be reported immediately to Campus Safety and/or the Coordinator of Community Standards and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

15. Student groups and organizations - a student group or organization and/or its officers, may be held collectively and individually responsible for any violations of the Student Code of Conduct. A student group and its officers may be held responsible if violations occur as a result from a failure of its leaders or officers to oversee the conduct of the group's activities or take reasonable precautions to prevent them individually. Charges that are brought against a group or organization will be heard in front of the Coordinator of Community Standards with a member of the club's executive group representing the organization.

Conduct Sanctions

Any one or more of the following sanctions may be imposed for violations of this Code of Conduct:

REPRIMAND – A written, or oral reprimand is an official statement from the Coordinator of Community Standards or designee to a student that a College regulation has been violated. This reprimand officially advises the student of a violation and warns that further violations may result in a more severe disciplinary action.

REPRIMAND WITH CONDITIONS – Where appropriate, this level of written reprimand may include any or all the following conditions:

- Educational program or task – Assignment of educational program and/or appropriate task.

- Loss of privileges – Removal of privileges or restriction of activities for a designated period of time.

- Restitution – Reimbursement by the student to cover the cost of damage or loss or property or services. Reimbursement may be partial or complete depending on circumstances, e.g. number of people involved or degree of responsibility.

- Referral – A student may be referred for counseling or other appropriate professional help if it is believed that this can assist in avoiding further violations.

- Community Service- a student may be assigned to "give back" to the

community whose rights they may have violated.

- Certain alleged violations that result in a student feeling unsafe in any way may result in the respondent being temporarily moved to another location pending the conduct outcome.

- Fines of $500 may be imposed for tampering with any fire equipment or smoke detectors.

- No Contact Orders.

PROBATION – Loss of good standing as a member of the College community for a specified period. This is an official written notice that advises the student that further violations of the Code of Conduct may result in suspension or expulsion from the College. Where appropriate, probation may include additional restrictions or conditions, including but not limited to, assignment of educational program and/or appropriate task during the period of probation, loss of privileges or restriction of activities for a designated period of time, relocation of and/or loss of on-campus housing, counseling, community service or other appropriate conditions.

DISCIPLINARY HOLD – If a student fails to complete the conditions of a conduct sanction in the time allotted, a Disciplinary Hold may be placed on their student account. With this hold in place, the student is prohibited from participating in registration and course adjustment, requesting transcripts, and from seeing their schedule. The Coordinator will remove the hold after the student has met the conditions of the sanction.

HOUSING SUSPENSION – Separation of the student from on-campus housing for a specific period of time. A formal housing reapplication also may be required following completion of the housing suspension period. The meeting of certain requirements may also accompany the housing suspension, and restoration of housing privileges can be conditioned on the satisfactory completion of those requirements.

SUSPENSION – Separation from the College for a specified period of time. At the end of the specified period the student may apply for readmission to the College. Special conditions affecting eligibility for readmission or special conditions to be in effect upon readmission may be designated. Restitution, where appropriate, may be required of a suspended student. Suspended students may not visit the campus unless prior permission by the Dean of Student Life and/or the Coordinator of Community Standards has been granted. Suspended students will not receive academic credit for the semester in which the suspension occurred.

EXPULSION/DISMISSAL – Permanent separation from the College. Expelled students are barred from the College campus and College sponsored events and they may not visit the campus unless with prior permission from the Dean of Student Life.

Drug and Alcohol Amnesty Policy

Paul Smith's College Drug and Alcohol Amnesty Policy was implemented to protect the health and safety of the campus community. Students are encouraged to activate an emergency medical response for students who are intoxicated without fear of the normal conduct process. This does not limit Paul Smith's College from requiring a student who is struggling with alcohol or drug addiction or is otherwise in danger from attending a substance treatment program, provided the assistance is not disciplinary in nature.

Chapter 3

Sexual Misconduct Policy

3.1 Introduction

Statement of Nondiscrimination
Paul Smith's College does not discriminate and prohibits discrimination against any individual based on any category protected under applicable federal, state, or local laws.

Accordingly, Paul Smith's College does not discriminate, and strictly prohibits unlawful discrimination on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender

identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, or any other category or characteristic protected by applicable law. When brought to the attention of Paul Smith's College, any such discrimination will be appropriately addressed by Paul Smith's College according to the procedures below and any applicable collective bargaining agreement.

Title IX of the Education Amendments of 1972
The Paul Smith's College does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities on the basis of sex. As a recipient of federal financial assistance for education activities, the Paul Smith's College is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or related conditions.

Paul Smith's College has obligations under Title IX to provide certain support and modifications to people experiencing pregnancy or related conditions in order to ensure their equal access to Paul Smith's College's program or activity. For example, Paul Smith's College must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX and EO Coordinator for more information. Employees or applicants may also contact Human Resources for more information because additional workplace laws and policies apply.

Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Paul Smith's College also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process, whether internal or external to the institution. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by Paul Smith's College policy.

3.1 Introduction

Paul Smith's College is committed to promoting a campus environment where sexual harassment, and other forms of sexual misconduct, such as dating violence, domestic violence, sexual assault, and stalking are not tolerated and where individuals who experience such misconduct are provided with support and avenues for redress.

Paul Smith's College is required to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. The U.S. Department of Education and its Office for Civil Rights (OCR)

emphasize the importance of providing all students with an educational environment free from discrimination. Pursuant to the Violence Against Women Act (VAWA), the College also prohibits sexual assault, domestic violence, dating violence, and stalking where it impacts or has the potential to impact the educational environment of a College Community member. Paul Smith's College will not tolerate sexual harassment, sexual assault, domestic violence, dating violence or stalking and will take reasonable and appropriate remedial action to prevent such conduct, prevent its recurrence, and remedy any discriminatory effects on the complainant or the community in general. A student charged with violation of this policy will be subject to the disciplinary procedures set forth in this policy and may be subject to sanctions, up to and including expulsion from the College.

The College's Title IX Coordinator, who has primary responsibility for overall Title IX compliance at Paul Smith's College, is:

Isabella Lambert
Director of Compliance and Title IX Coordinator
ilambert@paulsmiths.edu
Library 120

This policy sets forth expectations of conduct and applies to conduct on campus and in connection with any College-sponsored program or activity, regardless of where it occurs. Additionally, off-campus conduct may violate this policy if the conduct creates a threatening or uncomfortable learning environment on Paul Smith's College campus or within any College program, or if the incident causes concern for the safety or security of the College's campus. Non-community members visiting campus or participating in any College program or activity are expected to abide by the behavioral expectations of this policy. A Student's Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking is attached at the end of this chapter.

3.2 Education

Educational programs on sexual misconduct, domestic violence, dating violence, stalking and the code of conduct will be provided for new students. Whenever possible, this will typically occur within the first four weeks of each semester. Sessions for first-year students will typically occur during Welcome Week. Training and education on sexual misconduct, domestic violence, dating violence, stalking, and mandated reporting will be provided annually for resident assistants (RAs), athletes, club advisors, club leaders, peer leaders, and faculty and staff. Information on this topic is also offered to the student body during Sexual Assault Awareness Month, through the Counseling Center, and Wellness and Residence Life programs. The Student Counseling Center will present programs in Residence Halls upon request, maintains a variety of informational materials, and emails information to the student body on this topic. The college may arrange for training sessions throughout the year for our campus community through various speakers, the New York State Police Campus Sexual Assault Victim's Unit and other available community resources. This policy applies equally to all students regardless of

sexual orientation, gender identity or gender expression).

3.3 General Definitions

Advisor of Choice – a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. The College does not appoint or pay for an advisor of choice.

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

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop. A current or previous dating relationship will not constitute consent. It is the responsibility of the person initiating the sexual contact to gain affirmative consent. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Certain conditions prevent a person from being able to consent. Consent cannot be given if a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. A person cannot consent if they are unable to understand the who, what, when, or where of what is happening or is disoriented, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual's mental disability may cause them to be unable to give consent. In New York, individuals under the age of 17 cannot give effective 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 give consent. An individual who engages in sexual activity when the individual knows—or should know—that the other person is physically or mentally incapacitated has violated this policy. Affirmative consent cannot be given under coercion, force, or threat of physical harm or injury.

Coercion – The use of non-physical verbal, emotional, or psychological pressure that compels another individual to initiate or continue unwanted or rejected sexual activity. 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.

Complainant – The term Complainant refers to the person who experienced the alleged sexual misconduct in violation of this policy whether or not a formal complaint is filed. In some cases, the Title IX Coordinator may file a formal complaint and thereby initiate an investigation and adjudication process pursuant to this policy. In that instance, the Title IX Coordinator is not the "Complainant"; the complainant remains the person who allegedly experienced the sexual misconduct.

Formal Complaint – A formal complaint, which is necessary in order to initiate an investigation and adjudication process, refers to a written complaint filed with the Title IX Coordinator in accordance with this policy.

Force – The use or threat of physical violence and/or imposing on someone physically to gain sexual access. Threats may be actual or implied. Force renders an individual unable to consent.

Incapacitation – describes a state when an individual lacks the ability to knowingly choose to participate in a specific activity. Incapacity may be caused by mental disability, involuntary physical restraint, lack of consciousness or being asleep, drug or alcohol use, or if an individual otherwise cannot consent. A person's state of incapacity is a subjective determination that is based on all the facts available because persons reach incapacitation at different points and as a result of different stimuli. 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. Use of alcohol or other drugs does not, in and of itself, negate a person's ability to give consent. Administering any substance to another person, without their knowledge, for the purpose of inducing incapacity is a violation of this Policy.

Common and obvious warning signs of possible incapacitation include slurred or incomprehensible speech, unsteady gait, vomiting, or incontinence, combativeness, or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" A person who is not incapacitated at the beginning of sexual activity, may, by virtue of alcohol or drug ingestion prior to or during the activity, reach a state of incapacitation as the activity continues and progresses.

Institution Advisor – A Complainant or Respondent who does not opt to be accompanied by an advisor of choice at a hearing is entitled to be appointed an advisor by the College at no charge to the party. This advisor is referred to an institution advisor who may be but need not be an attorney. An institution advisor's role is limited to asking cross-examination questions of the other party during a hearing. An institution advisor does not represent a party in any legal sense. The party is responsible for formulating the cross-examination questions the institution advisor will pose during the hearing.

Mandated Reporter – Paul Smith's College considers any non-student College employee, other than a confidential resource (described below), to be a mandated reporter. As described more fully below, mandated reporters are required to report violations of the Code of Conduct that they witness or learn about to the Title IX Coordinator or Campus Safety.

Preponderance of Evidence – The standard of proof used in all cases adjudicated under this policy, which asks whether it is "more likely than not" that the alleged violation occurred. If the evidence presented meets this standard, then the respondent must be found Responsible.

Reporting Individual – The term Reporting Individual refers to the person who made the report. This may or may not be the same as the Complainant, a witness, or a bystander.

Respondent – Shall mean a person accused of an alleged violation of this policy.

Sexual Misconduct – is an umbrella term used in this policy to more conveniently refer to any form of conduct prohibited by this policy**.** Sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, gender identity, or gender expression.

3.4 Definitions of Specific Violations

This policy applies to alleged conduct violative of Title IX of the Education Amendments of 1972 (i.e., "Title IX Category Violations"), and also applies to a broader range of contexts and behaviors inconsistent with the College's commitment to equal opportunity (i.e., "College Category Violations"). The designation of conduct as either "Title IX Category" or "College Category" is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the College's broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

Title IX Category Violations

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." In accordance with Title IX as interpreted by the Department of Education, the College recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX, including but not limited to that the Complainant was in the United States at the time of the alleged conduct, that the Complainant was participating in or seeking to participate in the college's education program or activity at the time of the complaint, and that the conduct occurred in the context of the College's education program or activity:

Sexual Harassment- "Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

(1) an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo").

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that is effectively denies a person equal access to the College's education program or activity (commonly referred to as a sexually or gender-based "hostile environment").

Sexual Assault- "Sexual assault" includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of or has not given affirmative consent. Sexual assault consists of the following specific acts:

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) Non-consensual Sexual Contact. The intentional touching of the body parts, whether contact is under clothing or over clothing, of another person for the purpose of sexual gratification, sexual degradation or sexual humiliation, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Non-consensual sexual contact also includes the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

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

4) Statutory Rape—Non-forcible sexual intercourse with a person who is under the statutory age of consent**.** The statutory age of consent in New York is 17.

Dating Violence- "Dating violence'' means 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 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 may also be considered by the College to violate this Policy.

Domestic Violence "Domestic violence" means 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, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking- Engaging in a course of conduct directed at a specific person on the basis of sex 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 stalker 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.

College Category Violations

The College prohibits the following behavior. For purpose of College Category violations, the below conduct is prohibited even if the conduct occurs off-campus, outside the United States, the Complainant is not participating or seeking to participate in the college's education program or activity, or otherwise in circumstances over which the college does not have influence or control, including but not limited to during college academic breaks. The College retains discretion to not respond to, investigate or adjudicate circumstances in which no college interest is implicated.

Sexual harassment. "Sexual harassment" means unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic, or physical. The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a "reasonable person" standard and takes into account the totality of the circumstances. The College 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.

Sexual assault. "Sexual assault" includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent, but that does not constitute sexual assault as a Title IX Category Violation as defined above because of the context in which it occurs (for example 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 College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity). Sexual assault consists of the following specific acts:

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. Non-consensual Sexual Contact. The intentional touching of the body parts, whether contact is under clothing or over clothing, of another person for the purpose

of sexual gratification, sexual degradation or sexual humiliation, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Non-consensual sexual contact also includes the forced touching by the victim of the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

3. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Dating violence. "Dating violence'' means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship; but that does not constitute dating violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example, 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 College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

Domestic violence. "Domestic violence" means violence committed by a 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 where the College is located, 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, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example 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 College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

Stalking. "Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of basis on which it occurs or the context in which it occurs (for example 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 College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

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; knowingly making an unwelcome disclosure (or threatening to disclose) of an individual's sexual orientation, gender identity, or gender expression, or exposing one's genitals in non-consensual circumstances.

Retaliation. Retaliation is an adverse act perpetrated to "get back" at a person because the person reported sexual misconduct, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this policy by the College or by an external agency. An act of retaliation may be anything that would tend to discourage an individual from reporting sexual misconduct, pursuing an informal or formal complaint, or from participating in an investigation or adjudication as a party or a witness. 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.

3.5 Reporting Sexual Misconduct & Supportive Measures

You have the right to make a report to the Office of Campus Safety, the Title IX Coordinator, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.

Students who believe they have been subjected to any form of sexual misconduct are encouraged to file a report as soon as possible after the incident takes place. Students are encouraged to report sexual harassment or other sexual misconduct to the following offices and individuals, who have been specifically trained to receive and respond to allegations of violations of this policy:

Director of Compliance, Title IX Coordinator, Isabella Lambert
(518) 327-6565 or ilambert@paulsmiths.edu

Campus Safety
CampusSafety@paulsmiths.edu
518-327-6300

Students may also report to any Official with Authority, listed below, or to any mandated reporter of Paul Smith's College When a report is made to any of these individuals, the Title IX Coordinator will discuss with the Complainant available avenues and options. Options include contacting law enforcement (if the incident involves a crime) and/or filing a formal complaint with the Title IX Coordinator, which may result in a disciplinary proceeding against the accused and/or informal resolution.

While these individuals and other employees are not confidential resources, every Paul Smith's office and employee who cannot guarantee confidentiality will maintain one's privacy to the greatest extent possible. This means that the information relayed to such non-confidential offices/employees will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Officials with Authority

An Official with Authority (OWA) means an employee of the College who is explicitly vested with the responsibility to implement corrective measures for sexual harassment on behalf of the College. Notice to any Official with Authority conveys actual knowledge to the institution.

Officials with Authority are required to report any witnessed sexual harassment, any incidents reported of sexual harassment or sexual harassment allegations from a complainant (i.e., a person alleged to be the victim) or a third party (e.g., the complainant's parent, friend, or peer); or any written or verbal complaint about sexual harassment or sexual harassment allegations to the Title IX Coordinator.
The following are listed as an OWA with Paul Smith's College:

- President
- Director of People & Culture
- College Vice Presidents
- Director of Compliance, Title IX Coordinator
- Director of Campus Safety
- Dean of Student Life
- Athletic Director

Mandated Reporters

All non-student employees at Paul Smith's College are considered mandated reporters at Paul Smith's College. The College has legal obligations under certain federal civil rights laws such as Title IX, Title VI, Title VII, the Clery Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Age Discrimination Act, among other applicable laws, to promptly address any incident of certain discrimination or criminal behavior prohibited by these laws and put in place measures to prevent recurrence. Paul Smith's College expects all members of the campus community to share in the responsibility for ensuring that the College environment is free from any form of sexual harassment or misconduct. As a result, mandatory reporters are required to report any and

all instances that could constitute sexual misconduct, including sexual harassment to the Title IX Coordinator.

Supportive Measures

Once a report is made under this Policy, the complainant will be contacted by the Title IX Coordinator and offered individualized support as more fully described below. A report that triggers supportive measures need not be a formal complaint. And it may be made by a third-party (i.e., someone other than the complainant himself/herself). Once the respondent is informed of a report or a formal complaint, the respondent will be contacted by the Title IX Coordinator and offered individualized support as more fully described below.

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 could include, but are not limited to:

- Changes or adjustment in academics such as the extension of deadlines or other course-related adjustments or allowing a withdrawal from a course without penalty.
- Changes to housing, transportation and campus working situations if those changes are requested by a party and reasonably available.
- Mutual "No Contact" orders and, possibly, in rare cases, such as when legal restraining orders or orders of protection have been issued, one-way no contact orders.
- Access to campus escorts or other reasonable security or monitoring measures; and
- Counseling services

The Title IX Coordinator or designee is responsible for coordinating the implementation of supportive measures, including coordinating with the various college departments and offices that may be involved. Supportive measures will be offered free of charge. 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. In addition, each party will, upon request, be afforded the opportunity for a prompt review of the need for supportive measures that have been implemented, including the potential modification of these measures, to the extent that the party is affected by the measure(s) being reviewed. 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 affects that party. Information about how to request a review will be included in a written communication that will outline the supportive measures offered and any that were requested by the party but denied. Such requests will be reviewed by the Title IX Coordinator, and a determination will be provided to the requesting party and any other party directly affected by the proposed supportive measure(s) at issue.

Emergency Removal

In some cases, the College may undertake an emergency removal of a student respondent in order to protect the safety of campus 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 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 those allegations.

Prior to removing a student respondent through the emergency removal process, the College 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, including the student respondent, or other individual 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.

After determining 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, the respondent may appeal the decision. The respondent must provide written notice of the intent to appeal, which shall include the substance of the appeal, 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.

This section applies only to student respondents. Employee respondents are not subject to this section and may be placed on administrative leave pursuant to the College's policies and/or collective bargaining agreements during the pendency of a Title IX grievance process.

<u>How confidentiality and decisions about taking action are handled:</u> A report to any of the individuals listed above or any other mandated reporter is not a confidential report and may or may not lead to an investigation or disciplinary action. The decision about what action(s) to take depends on many factors, including the complainant's wishes. A complainant may make a report but choose not to file a formal complaint and request that the College take no investigatory or disciplinary action. Alternatively, a person may make a report and file a formal complaint intending for the College to investigate and take disciplinary action, but then later request that the report and formal complaint be withdrawn. The College will try to honor the complainant's wishes to not initiate or to stop an investigation or disciplinary process. However, that is not always possible.

If a complainant does not file a formal complaint and requests that no action be taken against the respondent (i.e., no investigation or disciplinary action or that the investigation or disciplinary process cease), this will be discussed and considered by and

between the Title IX Coordinator and other appropriate administrators. The College will consider whether an investigation and/or disciplinary process is necessary to ensure a safe, non-discriminatory environment for all members of the College community. The College's decision as to responsive action will depend upon the violation reported, whether there is a single respondent or multiple, whether the incident represents escalation in unlawful conduct on behalf of the respondent from previously noted behavior, whether the available information reveals a pattern of behavior at a given location or by a particular person, whether the circumstances suggest an ongoing or future risk to the campus community or the complainant, whether the act was perpetrated with a weapon or force, whether the complainant is a minor, and similar considerations. A decision will be made and shared with the complainant. Ultimately, the College retains the right to act upon any information that comes to its attention. If the College determines that it must take action in the absence of a formal complaint by the complainant, the Title IX Coordinator will file a formal complaint.

Similarly, a complainant may desire to file a formal complaint and go forward with an investigation and adjudicatory proceedings but may wish to have their identity as the complainant kept confidential. Depending on the circumstances, this may or may not be possible. If a complainant requests that their name be kept confidential (or if a reporting individual makes an anonymous report), the College's ability to respond to the report may be limited. The appropriate administrators will discuss the situation and the complainant's request for confidentiality, and a decision will be made and shared with the complainant.

3.6 Reporting to Law Enforcement

Victims/survivors of sexual misconduct, including sexual assault, domestic violence, dating violence and stalking have the option of notifying the appropriate law enforcement officials, including local police. At the individual's request, the Office of Campus Safety, as well as a College or off-campus advocate, if requested, will promptly assist in notifying law enforcement officials.

The criminal process and the College's disciplinary process are not mutually exclusive, meaning that an individual can either bring a report through the College or law enforcement, or both. Any internal investigation and/or hearing process conducted by Paul Smith's College will be conducted concurrently with any criminal justice investigation and proceeding. However, in some cases, the College may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation. Any requested temporary delay shall not last more than ten (10) days, except when law enforcement authorities specifically request and justify a longer delay.

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 Paul Smith's College community member or other person. In appropriate circumstances, an order of protection may be available that restricts the respondent's right to enter or remain on College property, and the College will abide by a lawfully issued order of protection.

The Office of Campus Safety or other College officials will, upon request, provide reasonable assistance to any member of the College community in obtaining an order of protection, including providing that person with:

- a copy of an order of protection or equivalent when received by the College and an opportunity to meet or speak with a College 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 in contacting law enforcement to effect an arrest for violating such an order of protection.

In situations where a student is arrested for sexual assault, domestic violence, dating violence or stalking, the Dean of Student Life and the Title IX Coordinator will work in conjunction with the Office of Campus Safety and the New York State Police to support any relevant court mandates which affect the campus or respondent's status. However, Student Conduct proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Dean of Student Life and the Title IX Coordinator (subject to limitations on delay as described above in this section). Determinations or sanctions will not be subject to change because criminal charges arising out of the same facts giving rise to the alleged violation of college rules are later dismissed, reduced, or resolved in favor or against the criminal law defendant.

Complainants should understand that not all sexual misconduct under this policy is a crime and that the standard law enforcement employs in processing reports is different than the College'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.

3.7 On Campus Confidential Resources

Paul Smith's College believes it is important that students are aware of opportunities for support and assistance. Available confidential resources are listed below. Reporting any Sexual Misconduct, including sexual assault, Domestic Violence, Dating Violence or Stalking to these confidential resources will not result in an investigation without the consent of the student sharing the information and the filing of a formal complaint. This means that while the College can provide these counseling services, when a report is made to them, the student is not making a report to the College, and it will not result in remedial action or an investigation or disciplinary action.

Any individual who desires remedial action, supportive measures or wishes to seek disciplinary action against a respondent must make a report to one of the College's non-confidential resources including, but not limited to, the Title IX Coordinator and the Office of Campus Safety. To request any supportive measure or assistance, an individual is encouraged to contact the Title IX Coordinator or the Office of Campus Safety.

Supportive measures can apply to academic situations, living situations, transportation situations, working situations, and include protective measures such as No Contact Orders. These supportive measures can be provided if a complainant requests and if they are reasonably available, regardless of whether an individual chooses to report the violation to the Office of Campus Safety or local law enforcement.

Counselors are encouraged to send non-identifiable statistical information only to the Director of Compliance or the Office of Campus Safety for inclusion in the Annual Security Report.

Student Counseling Services – Student members of the College community may choose to contact Student Counseling Services for additional emotional support and assistance in making decisions about the reporting process. Such decisions include whether to report the sexual misconduct to the College administration, whether to file a confidential report for statistical purposes, whether to file a formal complaint under this policy, and whether to bring criminal charges. At the individual's request, the counselor may accompany the student to report the incident.

Student members of the College community who believe they have experienced sexual misconduct may receive confidential counseling from the College counselors by contacting Student Counseling Services which is located in Room 17 of the Joan Weill Student Center, from 9 a.m. to 4:30 p.m. Monday through Friday, at (518)327-6358. On Saturday and Sunday, consultation is available by calling Campus Safety at (518)327-6300. The College's counseling services are available to students free of charge.

Student Health Services - If a student feels they have experienced sexual misconduct and need medical attention, the College nurse is available during business hours to all students and is another confidential resource. The College also has medical providers available via telehealth f during the work week. Contact Student Health Services at 518-327-6319.

3.8 Off-Campus Confidential Resources

If you feel you are in danger or fear a threat of harm, call the Office of Campus Safety (518) 327-6300 to request assistance in any of the below options, including contacting the New York State Police.

The following resources are available off-campus for anyone to utilize.

- Adirondack Medical Center 1-518-891-4141
- Planned Parenthood, Saranac Lake, NY Office 1-518-891-0046
- Citizen Advocates, Inc. 24-hour Crisis Line 1-518-483-3261
- Planned Parenthood Sexual Assault Services Hotline 1-877-212-2323
- New York State Police Campus Sexual Assault Victims Unit
    - consentfirst.troopers.ny.gov
- NY Sexual Assault Hotline 1-844-845-7269
- RAINN National Sexual Assault Hotline 1-800-656-4673

    - rainn.org/get-help
- New York State Coalition Against Sexual Assault (NYCASA)
    - nyscasa.org/get-help
- New York State Hotline for Sexual Assault and Domestic Violence 1-800-942-6906
- Pandora's Project pandys.org/lgbtsurvivors.html
- STOP Domestic Violence Hotline 1-888-563-6904
- National Domestic Violence Hotline 1-800-799-7233
- LGBTQIA+ Domestic Violence Project 1-800-832-1901
- The Trevor Project 1-866-488-7386
- National Center for Victims of Crime 1-202-467-8700
- Safe Horizon (stalking resource) 1-800-621-4673

Sexual Assault Services (SAS) of Planned Parenthood of the North Country New York (24 HOUR HOTLINE 877-212-2323) offers counseling, education, and advocacy for survivors of sexual assault in Clinton, Essex, and Franklin Counties. Whether the assault took place five minutes ago, or five years ago, SAS can provide hotline services, free and confidential counseling, support at the hospital or with law enforcement, information and referrals, and educational programs. The 24-hour hotline can be reached at (877) 212-2323; counseling appointments, advocacy, and education services, can be made reaching (518) 561-4430.

STOP Domestic Violence is available to counsel survivors of intimate partner violence and domestic violence (24 HOUR HOTLINE - 1-888-563-6904). STOP Domestic Violence has anonymous safe houses located throughout Clinton, Essex, and Franklin counties. Both STOP Domestic Violence at (888) 563-6904 and Sexual Assault Services at (877) 212-2323 provide free and confidential advocates who can assist victim/survivors in the hospital.

If you are interested in pursuing legal action…

A. Report the incident immediately to New York State Police. This is important for your protection, and for potential prosecution. Reporting sexual assault can help a person regain a sense of personal power and control.
B. If criminal prosecution is being considered, it is extremely important to preserve all evidence of a sexual assault.
    a. Do not disturb the area, room, or vehicle where the sexual assault was committed so the Office of Campus Safety or New York State Police can accurately investigate. If you feel safe in your environment, call the Office of Campus Safety (non-confidential) and wait for them to go to you.
    b. Consider having a sexual assault forensic examination. Medical evidence of sexual assault is most effectively obtained within 72 hours of the sexual assault. See additional information about a sexual assault forensic examination in this section below.
C. If the person's identity was unknown, try to remember any helpful details that may lead to their identification, such as marks, jewelry, dress, language, approximate height in comparison to your own, vehicle description, license plate number, etc.

If you are interested in pursuing a Sexual Assault Forensic Examination….

A. The purpose of sexual assault forensic exam is to collect DNA evidence immediately after a violation. DNA evidence from sexual assault can be collected from the scene, and it can be collected from a person's body, clothes, and other belongings. An exam, sometimes known as a "rape kit," also connects a person to important medical care. A person who has an exam does not need to report to police, though the process gives the opportunity to safely store evidence should a report be made in the future. In most cases, DNA evidence needs to be collected within 72 hours to be analyzed by a crime lab—but a sexual assault forensic examination can reveal other forms of evidence beyond this time frame.
B. Exams are performed at local hospitals by Sexual Assault Nurse Examiners (SANEs), registered nurses who receive specialized education and fulfill clinical requirements to perform the exam. The sexual assault forensic examination is free. If a person is charged for the exam, they should immediately contact the local Sexual Assault Services hotline (877-212-2323) to pursue receiving compensation.
C. Travel to a nearby hospital to have the exam performed. Alice Hyde Hospital, in Malone, and CVPH, in Plattsburgh, both employ Sexual Assault Nurse Examiners (SANEs). Adirondack Medical, in Saranac Lake, can also provide exams, though they do not employ a SANE. There is no telling how long the wait period may be, nor how long the exam may take. Individuals should expect to be occupied for a few hours
    a. Individuals interested in pursuing a sexual assault forensic examination can contact the Office of Campus Safety for assistance. Additionally, the Office of Campus Safety can arrange for transportation.
D. Sexual Assault Services of Planned Parenthood (24 HOUR HOTLINE SERVICES – 1-877-212-2323) offers advocates who accompany individuals to the hospital for emotional support. People who have an advocate present generally report better experiences compared to those who do not have an advocate present.
E. It is recommended people avoid activities that could potentially damage evidence, as listed below. Though an exam can still be performed regardless.
    a. Bathing
    b. Showering
    c. Using the restroom
    d. Changing clothes
    e. Combing hair
    f. Cleaning the area on the body
F. Place belongings, including clothes wore during the sexual assault, sheets, tissues, or any other relevant materials in a (ideally) paper bag to safely preserve evidence.
G. The steps below outline the general process for the exam. A person can stop, pause, or skip a step at any time. It is entirely their choice.
    a. Immediate care. Injuries that need immediate attention will be taken care of first.
    b. History. A person will be asked about current medications, pre-existing conditions, and other questions pertaining to your health history. Some of the questions, such as those about recent consensual sexual activity, may seem very personal. They are designed to ensure that DNA and other evidence collected from the exam can be connected to the offender.

c. Head-to-toe examination. This part of the exam may vary based on the experience, which is why it is important to give an accurate history. It may include a full body examination, including internal examinations of the mouth, vagina, and/or anus. It may also include taking samples of blood, urine, and swabs of body surface areas. The trained professional performing the exam may take pictures to document injuries and the examination. They may also collect items of clothing, including undergarments. Any other forms of physical evidence that are identified during the examination may be collected and packaged for analysis. A person can opt out of any step throughout the exam.
d. Follow up care. Treatment may be offered for sexually transmitted infections and other forms of medical care that require a follow up appointment with a medical professional.

3.9 Filing a Formal Complaint

A formal complaint is necessary to initiate the College's grievance process, meaning an investigation and adjudication process. A formal complaint must be in written form and must be signed by the complainant. A third party or anyone other than the victim of the misconduct may not file a formal complaint. However, a formal complaint may be filed by a parent or guardian of a minor person.

A formal complaint is a document filed by a complainant or by the College's Director of Compliance, Title IX Coordinator alleging one or more violations of this policy committed by a respondent and requesting that the College investigate the allegation. The respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the College. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail to: Isabella Lambert ilambert@paulsmiths.edu Library 120 or email to Title IX Coordinator. In order to qualify as a formal complaint, the document must contain the complainant's physical or electronic signature, or otherwise indicate that the complainant is the person filing the formal complaint.

If a complainant declines to sign a formal complaint or does not wish to participate in the complaint and adjudication process, or the complainant's identity is unknown, and the Title IX Coordinator determines there is sufficient cause to file a formal complaint, the Title IX Coordinator may file a formal complaint. In such cases, the Title IX Coordinator is not considered to be a complainant or other party under this Policy.

The Title IX Coordinator will consider the wishes of the complainant not to proceed with the investigation and adjudication process. However, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that the allegations are such that it would be unreasonable not to proceed despite the wishes of the complainant.

Mandatory Dismissal of Title IX Category Charges

The Title IX Coordinator will review a formal complaint filed by a Complainant. In order to comply with Title IX regulations, the Title IX Coordinator must "dismiss" the Title IX Category violation(s) if it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged:

- would not constitute sexual harassment as defined in the Title IX Category Violations, even if proved,
- did not occur in the College's education program or activity, or
- did not occur against a person in the United States.

Notice of dismissal of the Title IX Category violation(s) will be in writing and issued to both the Complainant and Respondent. The Title IX Coordinator may determine at any point in the process that facts have emerged that require the dismissal of a Title IX Category violation. A decision to dismiss a Title IX Category violation is immediately appealable by the complainant, pursuant to the appeal procedures in this policy. Even if Title IX Category violations are subject to dismissal, the College may continue to process the allegations as College Category violations, assuming that the allegations, if true, would constitute College Category violations.

Discretionary Dismissal of Title IX Category Violations

The Title IX Coordinator may, but is not required to, dismiss formal complaints or any of its allegations if at any time during the investigation or hearing a) the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the complaint or any specific allegations; b) when the respondent is no longer enrolled in or employed by the College; or c) where specific circumstances prevent the College from gathering evidence (such as where a complainant refuses to cooperate but does not withdraw a formal complaint). The decision to dismiss or not to dismiss a charge under these circumstances will depend on the totality of the situation.

Informal Resolution

An Informal Resolution Process is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a complainant. An Informal Resolution prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. One objective of the Informal Resolution is to provide to the parties an opportunity to hear each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.

The intent of an Informal Resolution Process is for the parties to undertake a facilitated discussion regarding the matters at issue related to the allegations to see if they can reach agreement on a resolution that leaves both parties feeling satisfied with that resolution.

The Informal Resolution Process is not available if the respondent in a sexual misconduct complaint is a faculty or staff member of the College, and the complainant is a student.

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 the right of any party to stop the Informal Resolution process and return or proceed to the formal grievance and hearing process is invoked, 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 offer the Informal Resolution Process to the parties after a formal complaint is filed by a complainant. Both parties must consent to use the Informal Resolution process. Either party in an Informal Resolution process may terminate it at any time and the complaint will proceed to the formal grievance and hearing process. In some instances, as detailed below, the facilitator in the Informal Resolution process may terminate the process as well.

A written notice will be given to both parties before entering an Informal Resolution Process, and both parties must consent to the process in writing. No party should feel intimidated, coerced, or threatened to participate in an Informal Resolution Process, or to withdraw from an Informal Resolution Process.

If both parties consent to participate in the Informal Resolution process, the Title IX Coordinator will act as facilitator and act in an independent, impartial manner to facilitate a resolution between the parties. The Title IX Coordinator will be trained on how to perform the role and will also be screened to ensure that they are free from conflicts of interest and bias.

The facilitator will schedule one or more meetings with the parties. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations in an effort to find common ground and a resolution of the allegations that is satisfactory to both 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. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties. 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.

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 Title IX Coordinator. In addition, the facilitator will not be available as a witness in any hearing that may occur should either party of the College terminate the informal resolution process before a resolution.

Should the Formal Complaint be returned to the formal grievance and hearing process of this policy, the parties and any support persons may not disclose information shared by the other party during the process in the hearing. All persons participating in the Informal Resolution process must sign a confidentiality agreement that provides that no information

revealed by a party in the Informal Resolution process will be used against that party in a hearing. This confidentiality protection does not apply to information that is learned outside the Informal Resolution process through the investigation or otherwise (but not learned through a violation of the confidentiality agreement).

A resolution is reached only if both parties agree. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. If there is no agreement on a resolution, the complaint is returned to the formal grievance and hearing process outlined in this policy. A party may terminate the informal process at any time before the final written resolution is signed.
The facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. This written and signed resolution indicates that the complaint has been resolved under this policy without the need for further investigation or to pursue the formal grievance and hearing process. After a written resolution has been finalized, the College will keep a record of the parties' written consent to the Informal Resolution process and the written resolution.

If an informal resolution process does not result in an agreed-upon resolution, the complaint returns or proceeds to the formal investigation and hearing process outlined in this policy.

3.10 Sexual Misconduct Investigations

If a report appears to allege a violation of this policy and the Complainant wishes to pursue a formal complaint or the Title IX Coordinator decides that the College wishes to pursue a formal complaint, the College will conduct an investigation. The College shall conduct a prompt, thorough, and impartial investigation. An investigation generally should be completed within 50 days of the date the formal complaint is filed. An investigation may be extended for good cause, such as witness unavailability, breaks in the academic schedule, or other similar circumstances. The Title IX Coordinator may determine that cases where the allegations arise out of the same set of facts should be consolidated for purposes of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross- complaints filed by the parties against each other, multiple complaints by a single complainant against a respondent, or multiple complaints by a single complainant against multiple respondents.

The Title IX Coordinator will advise the Complainant and Respondent that an investigation is taking place in writing. The Investigation notice will include, to the extent known:

- the identities of the involved parties.
- the date, time, location, and factual allegations concerning the alleged violation.
- the policy provisions allegedly violated.
- a description of the investigation and adjudication process.
- potential sanctions.

- the right to an advisor of their choice, who may be, but is not required to be, an attorney.
- their right to inspect and review evidence in accordance with this policy.
- notice that knowingly making false statements or knowingly submitting false information is prohibited under the Code of Student Conduct; and
- that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process

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 College decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator or designee 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 and an opportunity of not more than three (3) days after the notice to raise an objection to the investigator 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.

The parties will receive written notice in advance of any meeting they are required or entitled to attend, of the known date, time, location and factual allegations concerning the violation, the specific policy provisions alleged to have been violated, and the possible sanctions.

The Complainant and the Respondent each may be assisted by an advisor of their choice, who may be an attorney, during any investigation meeting, preliminary review, and hearing. The role of the advisor is to accompany the student and assist them with any hearing or conference preparations. The advisor may talk quietly with the party but may not participate in the interview or be disruptive to the meeting and the party is required to speak on their own behalf. If an advisor is not adhering to these or other ground rules of any meeting, then the advisor may be removed from the meeting and the meeting will continue without opportunity for the party to secure a new advisor. Investigations and hearings will not be delayed based on the unavailability of a party's desired advisor.

The College will appoint an investigator, who may be a person internal or external to the College. When it is deemed appropriate, the Title IX Coordinator may appoint a team of two investigators. A Title IX Investigator will meet with the Complainant, the Respondent, and any available witnesses. The investigator may also work with Campus Safety Officers to obtain additional available information. The Complainant and Respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. Respondents have a right to a presumption that the Respondent is 'not responsible' until a finding of responsibility is made pursuant to the process set forth in this policy. However, at all times, the burden of gathering evidence remains with the College. The investigator may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise

excludable (e.g., sexual history of the complainant with a person other than the respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator will determine the order and method of investigation.

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation 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, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The Complainant and Respondent will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

The Investigation Report

At the conclusion of the investigation, the investigator will write a report setting forth the relevant facts of the investigation. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator 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 be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

3.11 Hearing Procedures

A hearing before a three-member Hearing Panel designated by the Title IX Coordinator will be convened not less than ten days after the parties have been provided access to the final investigative report, for the purpose of determining whether the Respondent is responsible or not responsible for the charge(s). The Hearing Panel may be members of the campus community or may be external to the College, as determined by the Title IX Coordinator. One member of the Hearing Panel will be designated as the Panel Chair. The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the names of the Hearing Panel members, and how to challenge participation by any Hearing Panel member for bias or conflict of interest. Bias or conflict of interest will be judged by an objective standard (whether a reasonable person would conclude the decision maker is biased).

Participants in the hearing will include the members of the Hearing Panel, the Complainant and the Respondent, their respective advisors, the investigator(s) who conducted the investigation, 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).

Hearings may be conducted with all parties physically present in the same location or, at the Title IX Coordinator's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling the Hearing Panel and the parties to simultaneously see and hear any party or witness providing information or answering questions. If either party so requests, the hearing will be conducted with the parties located in separate rooms using technology as described in the preceding sentence.

The hearing may be postponed for good cause as determined by the Title IX Coordinator. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

Procedural Matters

The Panel Chair is 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. Summary of the results of the investigation by the investigator
4. Questions for the investigator(s) by the Hearing Panel and, if desired, on behalf of Complainant and the Respondent (as described below)]
5. Questions for the Complainant by the Hearing Panel and, if desired, on behalf of the Respondent (as described below)
6. Questions for the Respondent by the Hearing Panel and, if desired, on behalf of the Complainant (as described below)
7. Questions for each witness by the Hearing Panel and, if desired, on behalf of Complainant and the Respondent (as described below)
8. Opportunity for Closing Statement by the Respondent
9. Opportunity for Closing Statement by the Complainant

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Chair of the Hearing Panel 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 Hearing Panel 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,

Advisors

The Complainant and the Respondent may each have present with them during the hearing an advisor of their choice (at the party's expense if the advisor is a paid advisor). If a party does not have an advisor of choice present at the hearing, the College will provide, without fee or charge to that party, an Institution Advisor of the College's choice for the limited purpose of conducting questioning on behalf of that party as provided in this policy.

Except with respect to questioning as described below, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the Hearing Panel 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. The advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the Chair of the Hearing Panel. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, nonintimidating and non-abusive manner. If the Chair determines that an advisor is not adhering to these or other ground rules, the advisor may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the College will assign an Institution Advisor of the College's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

Witnesses are not permitted to bring an advisor or other person to the hearing, absent an approved disability accommodation. The Hearing Panel may be advised by and/or consult with the College's legal counsel as the Chair of the Hearing Panel deems necessary or appropriate.

Questioning Procedures

The Hearing Panel 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; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing. Questioning must be conducted by the party's advisor in a respectful, nonintimidating and non-abusive manner, and never by a party personally. If a party does not have an advisor present at the hearing, the Title IX Coordinator will arrange for the College to provide without fee or charge to that party, an advisor of the College's choice, known as an institutional advisor, will conduct cross-examination on behalf of that party.

Only relevant questions may be asked by a party's advisor to a party or witness. Before the party or witness answers a question posed by an advisor, the Chair of the Hearing Panel will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Such decisions by the Panel Chair are final and not subject to objection or reconsideration during the hearing.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's prior sexual behavior that (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 behavior with respect to the Respondent and are offered to prove consent.

Parties and witnesses are encouraged to participate in a hearing and submit to cross-examination in order to ensure all relevant evidence is clearly understood and considered. In the event that a party or witness does not participate in a hearing and/or submit to cross-examination, the Hearing Panel will consider that when weighing any statements made by such person and submitted as evidence.

Hearing Determinations

Following conclusion of the hearing, the Hearing Panel 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 Hearing Panel 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 Hearing Panel must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged.

If the Hearing Panel determines that the Respondent is responsible for one or more violations, the Complainant and Respondent will be invited by the Title IX Coordinator to submit a written personal impact statement that will be provided to the Hearing Panel for consideration in determining appropriate sanctions. The Title IX Coordinator will set the time frame for the submission of personal impact statements which normally will be no less than two days. The Title IX Coordinator will provide each of the parties an opportunity to review any statement submitted by the other party.

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 state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.).
- 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 College in other matters involving comparable conduct; and
- any other lawful factors deemed relevant by the Hearing Panel.

Notification of Outcome

The Hearing Panel will issue a written determination to the Director of Compliance, Title IX Coordinator including the following information:

- A description of the charges that were adjudicated.
- 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 College'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.

3.12 Timeframe for Resolution

Paul Smith's College seeks to resolve every report of sexual misconduct within 90 calendar days of the initial report, excluding any appeal. This time frame may be extended for certain circumstances, such as the time of the academic year (e.g., during college breaks or final exams), the number of witnesses involved, the availability of the parties and/or witnesses, the effect of a concurrent criminal proceeding, or other unforeseen circumstances.

3.13 Sanctions

The sanction(s) for a violation of the Code of Conduct will be based on a consideration of all of the circumstances, including the severity of the conduct, and the Respondent's disciplinary history, and the impact of particular sanctions on the Respondent.

The following are the sanctions that may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the behavior was unacceptable and that further infractions of any policy, procedure, or directive may result in more severe disciplinary action.

- ***Probation:*** *A written reprimand for violation of the Policy, providing for more severe disciplinary sanctions in the event that the Respondent is found in violation of any policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified privileges, exclusion*

from extracurricular activities, no-contact orders, and/or other measures deemed appropriate.

- ***Suspension:*** *Cessation of student status for a definite period of time and/or until specific criteria are met.*

- ***Expulsion:*** *Permanent termination of student status.*
- ***Withholding Degree and/or Diploma:*** *The College may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.*

- **Other Actions**: In addition to or in place of the above sanctions, the Hearing Panel may assign any other sanctions as deemed appropriate, including but not limited to the following:

    - Mandated counseling so the Respondent has the opportunity to gain more insight into their behavior.
    - A “no contact" directive (including but not limited to continuation of a no contact directive imposed as a supportive measure) prohibiting contact with one or more identified persons, in person or through telephonic, electronic, written or other means.
    - Requiring the Respondent to write a letter of apology.
    - Requiring unpaid service to the campus or local community stated in terms of type and hours of service.
    - Restitution for damage to or misappropriation of property, or for personal injury, and other related costs.
    - Loss, revocation, or restriction of housing privileges (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system).
    - Monetary fines.

Transcripts of students who are suspended or dismissed for offenses constituting crimes of violence (defined for these purposes to include criminal homicide, rape, Non-consensual Sexual Contact, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft and arson, each as defined for purposes of the Jeanne Clery Act) shall include, as applicable, the following notation:

- Expelled after a finding of responsibility for a Code of Conduct violation; or

- Suspended after a finding of responsibility for a Code of Conduct violation.

For the respondent who withdraws while such charges are pending, the transcript shall include the following notation:

- Withdrew with conduct charges pending.

Transcript notations for suspensions may be removed at the discretion of the College, but no earlier than one year after the conclusion of the suspension. Transcript notations for dismissal shall not be removed.

3.14 Appeals

A Complainant or Respondent may appeal: (1) a determination regarding responsibility, and (2) the College's dismissal of a formal complaint or any allegations therein. If a party wishes to appeal a determination regarding responsibility or the dismissal of a formal complaint, the party must submit written notice to the Title IX Coordinator of the party's intent to appeal within 10 days of receiving the written notification of the appealable decision. Appeals will be determined by a three-member Appeals Panel made up of trained members of the College community. A Respondent or Complainant may appeal on the following bases:

- Procedural irregularity that affected the determination regarding responsibility or dismissal of the matter.

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the determination regarding responsibility or dismissal of the matter; and

- The Title IX Coordinator, investigator(s), or member(s) of the hearing panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the determination regarding responsibility or dismissal of the matter. The professional experience of an individual need not disqualify the person from the ability to serve impartially. Furthermore, bias is not demonstrated by working in complainants' or respondents' rights organization.

- Any sanction imposed is disproportionate to the nature or severity of the violation(s) or otherwise inappropriate.

When a party submits a written notice of its intent to appeal to the Title IX Coordinator within 10 days of the appealable decision, the College will notify the other party in writing and implement appeal procedures equally for both parties. If no written notice of either party's intent to appeal is sent, then the written determination becomes final after the time to file an appeal (10 days) has expired.

Each party will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Each party will have at least 10 days to submit its written statement. If a party needs additional time, it can request such additional time from the decision-maker for the appeal. Such requests will be granted on a case-by-case basis. If the decision-maker for the appeal grants a request for additional time to submit a written statement, all parties will be granted the additional time.

A decision responding to the written appeal will be issued to the parties and the Title IX Coordinator within a reasonable time. The appeal process does not rehear complaints but ensures that rights are protected, appropriate procedures are followed, and sanctions are

reasonable. The decision-makers for the appeal will not be the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. A preponderance of the evidence standard will be applied on appeal. The Appeals Panel will issue a written decision describing the result of the appeal and the rationale for the result. This decision will be provided to both parties simultaneously and in writing.

Once the appeal decision has been sent to the parties, the appeal decision is final.

3.15 Amnesty Policy for Individuals Who Report Sexual Misconduct

The health and safety of every student at Paul Smith's College is of the utmost importance. Paul Smith's College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Paul Smith's College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College 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 the College officials or law enforcement will not be subject to Paul Smith's College 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.

3.16 Students' Bill of Rights

All Paul Smith's College community members 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 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 complainant 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 description of the incident.

8. Be protected from retaliation by the institution, any student, 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 complainant or respondent throughout the 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 conduct process of the institution.

3.17 Coordination with Other Policies

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

3.18 Information about Registered Sex Offenders

As required by the Campus Sex Crimes Prevention Act, the college community is advised that law enforcement agency information provided by the State of New York concerning registered sex offenders may be obtained at the following web site: www.criminaljustice.ny.gov/nsor or by phone at 1-800-262-3257

In addition, Campus Safety is provided with notice of registered child sex offenders who reside in Franklin and Essex County. This information is available for review upon request to the Office of Campus Safety by all members of the College community.

3.19 Records & Training

The College will maintain for a period of at least seven years records of a) each investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of a hearing held under this policy as well as any disciplinary sanctions imposed on a respondent, b) any appeal and the result of the appeal c) any informal resolution process and the result of that process, d) all materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process. Access to the other records described above will only be made available on a need-to-know basis or as required by law.

3.20 Delegation of Authority

Any person assigned a role pursuant to this policy may delegate their authority to another appropriate person to avoid bias of conflicts of interest, or in other circumstances, as deemed necessary.

4.1 PSC's Response to Violations of Alcohol and Drug Policies

The College recognizes that when alcohol or illegal drugs are abused, the health and safety of students are the primary concerns. Consequently, when students make choices that violate the College's policies, an educational response is the ideal approach to help students think about their options and decision-making processes.

Therefore, when incidents that place the student and/or others at the risk of harm occur, or when College policy regarding drugs and alcohol has been violated, the student will be required to meet with Student Counseling Services , as well as attend an educational program (additional information on programs may be found in Chapter 9 under Student Counseling Services). Outside assistance by a local treatment facility or a leave of absence from the College to gain insight into potential contributors to unhealthy behavior are also possible outcomes. Students who violate the College's alcohol or drug policy will also face other sanctions as part of the College's conduct process.

The reason for requiring a student with an alcohol or drug violation to attend a program is twofold: to address alcohol or illegal drug use and abuse as an individual concern and as a systemic problem. ***A program is a prevention program only, and not considered a treatment program.*** Essentially, it is not only a problem for individual students who use alcohol or illegal drugs inappropriately or illegally but also may become a problem for the larger community when use/abuse is pervasive.

Student Counseling Services (518-327-6358) offers counseling, education, and referrals for students having trouble with substances, who have family members who are substance abusers, or who want more information. Counselors are happy to work with individuals or groups whose lives are affected by substances. Student Counseling Services' staff also works closely with and refers students to such agencies and providers as North Star Substance Abuse and St. Joseph's Outpatient Clinic. For more information about prevention and treatment, visit www.newyorkrehabilitation.com.

4.2 Alcohol and Alcohol Abuse Policy

Paul Smith's College values responsibility and focuses on teaching and learning. The College embraces the challenge to students to reach their full potential and encourages students 'responsibility for making positive work and lifestyle choices. The campus ' Annual Alcohol and Drug Notification can be found in the appendix of this document.

Alcohol abuse and its associated problems are among the lifestyle issues that college students encounter. In keeping with federal, state, and local laws, the policies set forth here support informed, responsible choices. The College's intention is to encourage and support good judgment in the legal use of alcohol for those who choose to use it.

The College understands that alcohol abuse cannot be ended or controlled simply through strict rules and vigorous enforcement. We must establish reasonable policies, create programs that educate all members of the College community of the effects of alcohol use and abuse, and provide help for those who need it for themselves or others. We believe that in an environment that values moderation and responsible choice, habits of respect for self and others in the use of alcohol and other substances will likely carry forward through the years. It is toward this end that the following policies and guidelines have been established.

4.3 Legal Context

Members of the College community are responsible for complying with federal, state, and local laws, as well as with College regulations. The following are federal laws that apply to the College's alcohol policy. Paul Smith's College is not responsible for any violation of state, federal or local laws perpetrated by its students, though it does reserve the right to investigate and adjudicate any reports of such violations. If a conduct hearing is required, the decision of the conduct designee may be different than any decision made by federal, state, or local courts:

A. Legal Minimum Age for Use or Possession.
It is illegal for a person under the age of 21 to consume alcohol or to possess alcohol with the intent to consume it.

B. Selling or Giving Alcohol to a Person Under 21
It is illegal to sell, deliver, or give away alcoholic beverages to any person actually or apparently under the age of 21. (Anyone causing or permitting this to occur is likewise guilty of a crime and violation.) This is a Class B misdemeanor.

C. Selling or Giving Alcohol to an Intoxicated Person
It is illegal to sell, deliver, or give away any alcoholic beverage to any intoxicated person or any person under the influence of alcohol. (Again, causing or permitting this to occur is also unlawful.)

D. Using False Identification
It is illegal for any person under the age of 21 to present or offer identification of age which is false, fraudulent, or not their own, for the purpose of purchasing or attempting to purchase alcoholic beverages. It is also illegal for another person to misrepresent the age of someone under 21 for the purpose of helping the person under 21 obtain alcohol.

E. Dram Shop Liability
Any person who is injured by an intoxicated person has a legal right of action against anyone who has unlawfully sold alcohol to the intoxicated person or unlawfully assisted the intoxicated person in obtaining liquor. In any such legal action, the injured person has a right to recover both actual and punitive

damages.

F. Social Host Liability
Any person who furnishes alcoholic beverages to an individual under the age of 21 is at risk of civil liability if the intoxication of the person under age 21 results in injury or damages to a third party.

G. Drinking and Driving
It is illegal to operate a motor vehicle with a blood alcohol content .05 percent or higher. This is known as "Driving While Ability Impaired," or DWAI. "Driving While Intoxicated" (DWI) is defined by a blood alcohol content of .08 percent or greater.

H. Zero Tolerance (Under Age 21 Drinking and Driving)
A person under the age of 21 who operates a motor vehicle while having a blood alcohol content of .02 percent or greater (a very low threshold) is guilty of an offense that results in substantial fines and license revocation.

I. Alcohol Permit Required for Sale
An alcoholic beverage control license or permit is required for any sale of alcoholic beverages. "Sale" has been interpreted by the courts to include payment of an admission charge or collection of a donation at the door of an event at which alcohol is distributed free of charge.

4.4 Additional Rules Governing Individuals and Groups and Alcohol/Drug Use

While the policies governing students are stated in Chapter 2 of this guide, the College has deemed it necessary to impose additional regulations on students regarding the possession and use of alcohol and drugs. Below are these regulations:

A. Members of the College community should avoid excessive alcohol consumption.
B. The College's alcohol and illegal drug policy applies to all aspects of student life, including the academic classroom, where zero tolerance is the standard. Coming to class or other academic functions under the influence of alcohol constitutes a misuse of alcohol for students under or over 21. Coming to class under the influence of illegal substances is also prohibited and will not be tolerated. Students who, in the opinion of their instructor, fail to abide by these expectations may face academic and conduct discipline. The instructor will report any violation of the above to the appropriate parties.
C. It is legal to allow a student under the age of 21 to taste or sample alcoholic beverages provided it is used for instructional purposes during an academic class.
D. Consumption of alcoholic beverages is not allowed during College-sponsored student activities or intercollegiate or intramural athletic events.
E. Devices which encourage irresponsible drinking, such as funnels and beer bongs, are not permitted and will be confiscated and not returned.

F. Students are responsible for any alcohol in their rooms. If underage students are present in a room where alcohol is being consumed, it is assumed that all parties in the room are consuming the alcohol.
H. Students over the age of 21 may not possess open alcohol containers or consume alcohol in the presence of a minor on campus.

4.5 Institutionally Sponsored Events on Campus

The College values and seeks to encourage occasions at which faculty and others include students in dinners, receptions, and other events, providing for co-curricular interactions. To assure that the College meets its legal responsibilities when alcohol is served, on-campus events sponsored by faculty, administrative, and other institutional departments, programs, organizations, or sponsors at which alcohol is to be served and students are present must be catered by Sodexo. Event sponsors are responsible for assuring that no underage drinking occurs and that of-age students and others who do not wish to drink alcohol are provided with suitable options.

4.6 Events and Social Occasions Off-Campus

Students living off-campus are expected to meet state and local laws governing alcohol and other substances. Underage drinking and/or disruptive behavior of any kind may result in criminal prosecution and penalties by civil authorities and disciplinary action and sanctions on the part of the College.

Parties and events sponsored by student organizations or funded in whole or part by student activity funds are governed by the policies and procedures described in this policy, regardless of location on- or off-campus.

4.7 College Policy on Drugs

The College has deemed it necessary to impose additional regulations on students regarding the possession and use of drugs. Below are these regulations:

A. The College prohibits the possession, transfer, or sale of controlled substances, including marijuana, on College property. Violation of this rule may result in conduct charges and the involvement of law enforcement.

B. The College prohibits the possession and/or use of drug related paraphernalia, which includes but is not limited to scales, grinders, and smoking devices (such as bowls/pipes, bongs, vaporizers, and hookahs).
C. Planting or growing cannabis plants on College-owned property is strictly forbidden.

Penalties for violating state laws can include substantial fines and imprisonment ranging from a few months to life. Violation of federal laws can result in the loss of financial aid and possibly expulsion from school.

Jeanne Clery Disclosure Act

5.1 Crime Awareness and Campus Security

In the 1980s, concern grew about crime and security at the nation's post-secondary institutions. These institutions had traditionally been considered safe havens. A number of high-profile violent crimes on college campuses changed that perception and led to legislation which would address campus security and crime: The student Right-to-Know and Campus Security Act (Public Law 101-542) was signed into law in November 1990 and amended several times in subsequent years. Title II of this act was known as The Crime Awareness and Campus Security Act of 1990. The 1998 amendments renamed this subsection of the Higher Education Act the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

This act requires institutions to disclose information about campus safety policies and procedures and to provide statistics concerning whether certain crimes took place on campus. During the 1990 New York State Legislative session, the legislature passed, and the Governor signed into law as chapter 739 of the Laws of 1990 new requirements for post-secondary institutions regarding campus security. This law requires post-secondary institutions to provide specific information to incoming students about sexual assault prevention. The law also requires that the information be reviewed by an advisory committee on campus security. In 2008 The Higher Education Opportunity Act was passed and in recent years a number of changes were made to the original HEA as they relate to campus safety and security reporting requirements. The new provisions include changes in hate crime reporting, emergency response and evacuation procedures, missing student notifications, and fire/safety issues.

Most recent changes to the Clery Act were made as a result of the Violence Against Women Act, The Campus SAVE Act and Title IX clarifications which include reporting and policy provisions for domestic violence, dating violence, sexual assaults and stalking on campus. In addition, New York State made changes to Education Law Article 129-B and in 2015 added additional requirements to address domestic violence, dating violence, sexual assaults and stalking on campus.

Educational programs on sexual misconduct, intimate partner violence, stalking and bystander intervention are provided for all new students during Welcome Week. Training and education are provided yearly to mandated demographics (Resident Assistants, student leaders, and athletes) and all faculty and staff. Information is also offered to the student body during Sexual Assault Awareness Month, Domestic Violence Awareness Month and Campus Safety Awareness Month through Peer Educators, Wellness Programs, Campus Safety Programs, Title IX Programs and Residence Life programs. Student Counseling Services will present programs in Residence Halls upon request, maintain a variety of informational materials, and email information to the

student body on this topic. In addition, the college will provide or arrange for specific training for members of groups that the college identifies as high-risk populations.

Paul Smith's College prohibits dating violence, domestic violence, sexual assault, and stalking as they are defined for the purposes of the Clery Act. All definitions begin on page 25.

Reporting Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Individuals who may have experienced any of these violations, in any form, may report an incident directly to any "campus security authority," which includes, but is not limited to, the Office of Campus Safety, the Dean of Student Life, People & Culture, the Director of Compliance, the Director of Residence Life and Housing, the Coordinator of Community Standards, any Student Life employee, any athletic coach or any club officer or organization advisor. A person who experiences a sexual assault is strongly encouraged to contact Campus Safety immediately at 518-327-6300. When appropriate, a campus-wide alert will be issued for the protection of the college community.

Reports can be made in the following ways:

Confidential: This report is used solely for tracking statistics and general information about the incident. No formal action will be taken against the suspect and the reporting individual's name will remain anonymous. The information from a confidential report is used in the reporting of statistical data for the Annual Security Report (Clery Report) only and does not identify any individuals involved in the incident.

Private – Campus Actions Only: This is a full report that will be used by the Offices of Campus Safety and Student Affairs to investigate the violation, and if appropriate, pursue charges on campus through the Conduct System.

Criminal Procedures: Any individual experiencing sexual misconduct, including, domestic violence, dating violence, stalking, or sexual assault has the right to notify the appropriate law enforcement officials of an incident and pursue criminal charges. The New York State Police can be contacted by calling 911 from any phone. If requested, Campus Safety (518)327-6300, as well as the College or off campus advocate, will promptly assist in notifying law enforcement officials.

Sexual Misconduct and **Title IX Investigations** If a report t appears to allege a violation of this policy, the College will conduct an investigation when a formal complaint is signed. The College shall conduct a prompt, thorough, and impartial inquiry into any reports of sexual misconduct. An investigation generally should be completed within 90 days of the date the report is filed. The College will attempt to obtain consent from the complainant before beginning an investigation. However, there may be some instances when the College may pursue an investigation regardless of the request of the complainant, if necessary, to provide a safe and nondiscriminatory environment for all students.

If the complainant chooses not to participate in the investigation process, the College's ability to respond to the report may be limited. The Title IX Coordinator will advise the Complainant and Respondent that an investigation is taking place in writing, and the parties will receive written notice, in advance of any interview or other meeting they are required or entitled to attend, of the known date, time, location and factual allegations concerning the violation, the specific policy provisions alleged to have been violated, and the possible sanctions. Please see Chapter 3 for more detailed information.

The Complainant and the Respondent each may be assisted by an advisor of their choice during any investigation meeting, preliminary review, or student conduct hearing. The role of the advisor is to accompany the student and assist them with any hearing or conference preparations. The advisor may talk quietly with the party but may not participate in the interview or be disruptive to the meeting and the party is required to speak on their own behalf. If an advisor is not adhering to these or other ground rules of any meeting, then the advisor may be removed from the meeting and the meeting will continue without opportunity for the party to secure a new advisor. Investigations and hearings will not be delayed based on the unavailability of a party's desired advisor. Please see Chapter 3 for detailed information.

A Title IX Investigator will meet with any Complainants, Respondents, and any available witnesses. The investigator may also work with Campus Safety Officers to obtain additional available information. The investigator will write a report setting forth the results of the investigation.

If you would like more information, please see Chapter 3. If you would like to make a report, please contact the Director of Compliance, Title IX Coordinator, Library 120, Paul Smith's College, Routes 86 & 30, Paul Smiths, NY 12970 (518) 327-6451.

Immediate Support

Student Health Services – Individuals may get confidential support from our nurse in the Student Health Center during the Spring and Fall semesters. Clinic hours for SHS are Monday Friday 9am-4pm. The nurse can be reached at (518)327-6349.

Student Counseling Services – Students may receive confidential counseling from College Counselors by contacting the Student Counseling Center from 9am-4pm.Monday through Friday, at (518)327-6358. On Saturdays and Sundays, consultation is available by calling the Office of Campus Safety at (518)327-6300. The student will be referred immediately to a source of support.

Sexual Assault Services (SAS) of Planned Parenthood of the North Country New York offers counseling, education, and advocacy for survivors of sexual assault in Clinton, Essex, and Franklin Counties. Whether the assault took place five minutes ago, or five years ago, SAS can provide hotline services, free and confidential counseling, support at the hospital or with law enforcement, information and referrals, and educational programs. The 24-hour hotline can be reached at (877) 212-2323; counseling appointments, advocacy, and education services, can be made by calling (518) 561-4430.

STOP Domestic Violence is available to counsel survivors of intimate partner violence and domestic violence (24 HOUR HOTLINE - 1-888-563-6904). Services include: crisis intervention, safe housing for temporary shelter, various support groups, temporary childcare during office visits, advocacy with law enforcement, medical services, local departments of Soal Services, etc., information and referrals to other local, state and nationwide domestic violence services, information and referrals regarding Human Trafficking, temporary Orders of Protection in Family Court, safety planning, and NYS Office of Victims Services (OVS) applications for victim restitution.

Other Campus Sources of Support - A person may choose to seek support from other members of the college community, such as students, resident assistants, or faculty. Any "campus security authority" must report to the administration information concerning the incident that is not personally identifiable. In cases where a member of the college community is at risk, faculty and staff members may be required to report personally identifiable information concerning the incident to Campus Safety and/or appropriate administrators. RAs are required to report cases of sexual misconduct to the appropriate offices immediately.

Off Campus Support - A person may choose to receive assistance from a non-Paul Smith's source. A list of off-campus confidential resources is set forth in the Sexual Misconduct Policy, found in Chapter 3.

In all cases, the college encourages individuals to preserve evidence for future use. Physical evidence may be necessary for criminal prosecution or for obtaining a Protection Order.

Sexual Assault Forensic Examination

The purpose of sexual assault forensic exam is to collect DNA evidence immediately after a violation. DNA evidence from a violation like sexual assault can be collected from the scene, and it can be collected from a person's body, clothes, and other belongings. An exam, sometimes known as a "rape kit," also connects a person to important medical care. A person who has an exam does not need to report to police, though the process gives the opportunity to safely store evidence should a report be made in the future. In most cases, DNA evidence needs to be collected within 72 hours to be analyzed by a crime lab—but a sexual assault forensic examination can reveal other forms of evidence beyond this time frame.

Travel to a nearby hospital to have the exam performed. Alice Hyde Hospital, in Malone, and CVPH, in Plattsburgh, both employ Sexual Assault Nurse Examiners (SANEs). Adirondack Medical, in Saranac Lake, can also provide exams, though they do not employ a SANE. There is no telling how long the wait period may be, nor how long the exam may take. Individuals should expect to be occupied for a few hours. Individuals interested in pursuing a sexual assault forensic examination can contact the Office of Campus Safety for assistance. Additionally, Campus Safety can arrange for transportation.

Exams are performed at local hospitals by **Sexual Assault Nurse Examiners (SANEs)**, registered nurses who receive specialized education and fulfill clinical requirements to perform the exam. The sexual assault forensic examination is free. If a person is charged

for the exam, they should immediately contact the local Sexual Assault Services hotline (877-212-2323) to pursue receiving compensation.

Sexual Assault Services of Planned Parenthood (24 HOUR HOTLINE SERVICES – 1-877-212-2323) offers advocates who accompany individuals to the hospital for emotional support. People who have advocates present generally report better experiences compared to those who do not have an advocate present.

It is recommended people avoid activities that could potentially damage evidence, as listed below. Though an exam can still be performed regardless.

Place belongings, including clothes wore during the sexual assault, sheets, tissues, or any other relevant materials in a (ideally) paper bag to safely preserve evidence.

The steps below outline the general process for the exam. A person **can stop, pause, or skip a step** at any time. It is entirely their choice.

- **Immediate care.** Injuries that need immediate attention will be taken care of first.
- **History.** A person will be asked about current medications, pre-existing conditions, and other questions pertaining to your health history. Some of the questions, such as those about recent consensual sexual activity, may seem very personal. They are designed to ensure that DNA and other evidence collected from the exam can be connected to the offender.
- **Head-to-toe examination.** This part of the exam may vary based on the experience, which is why it is important to give an accurate history. It may include a full body examination, including internal examinations of the mouth, vagina, and/or anus. It may also include taking samples of blood, urine, and swabs of body surface areas. The trained professional performing the exam may take pictures to document injuries and the examination. They may also collect items of clothing, including undergarments. Any other forms of physical evidence that are identified during the examination may be collected and packaged for analysis.
- **Follow up care.** Treatment may be offered for sexually transmitted infections and other forms of medical care that require a follow-up appointment with a medical professional.

***If a person does not pursue a sexual assault forensic examination, we recommend seeing a health care provider to discuss the risk of sexually transmitted infections, emergency contraception, and possible pregnancy.

5.2 Reporting Emergencies and Criminal Activity

All students, employees, and guests must immediately report criminal incidents, accidents, and other emergencies to the Office of Campus Safety by calling (518) 327-6300. Individuals may also report incidents in person at the Campus Safety Building located on the ground floor of the Administration building rooms, rooms 11 (Director), 12 (Sergeant), and 13 (Officers).

The Office of Campus Safety provides an on-campus safety escorts which are available to any student, employee, or visitor.

The College has an Emergency Management Plan, which provides for the dissemination of information and response to any critical incident, emergency, or disaster. The Emergency Management Plan is reviewed and tested annually and disseminated to the College community.

5.3 Monitoring Off-campus Criminal Activity

The College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving students. The Office of Campus Safety will actively investigate any crime information it receives concerning or involving a member of the campus community. If the Office of Campus Safety is notified of a situation in which a campus community member is a victim/survivor of a crime, the College may issue a Timely Warning or Emergency Notification, detailing the incident and providing tips so that other community members may avoid similar incidents.

If the Office of Campus Safety is notified of a crime or other incident occurring off campus involving Paul Smith's College community members they will forward, for disciplinary action, any information to the Coordinator of Community Standards.

In compliance with the Clery Act, the College request statistics for arrests of individuals within the areas owned or controlled by the College. This information excludes any personal identifiable information and is included in the College's annual report of crime statistics to the US Education Department and available in the Annual Security Report.

5.4 Campus Law Enforcement

Paul Smith's College Campus Safety Officers are responsible for maintaining a safe, secure, and learning friendly environment for students, faculty, and staff, as well as safeguarding College property. Campus Safety Officers are not law enforcement officers or public servants. While the Office of Campus Safety enforces College policy, rules, and regulations, they do not make arrests or issue court appearance tickets.

The Office of Campus Safety works closely with the New York State Police, and the Department of Environmental Conservation. We rely on these relationships for support on several levels. This arrangement gives the College immediate access to mutual aid and support.

5.5 Security of Building and Grounds

Security and access to on-campus facilities are controlled by key. Residence halls are locked 24 hours a day.

Other security considerations used in maintaining campus facilities include the checking of campus lighting by the Office of Campus Safety and the Facilities

department. personnel. Facilities t checks areas which may be potentially dangerous and takes corrective action.

The Office of Campus Safety provides 24 hour-a-day patrol of campus. Patrols are conducted by vehicle, bicycle, and on foot. The Office of Campus Safety's patrol area, includes the main campus and some nearby off-campus College property, as described in our Annual Security Report (ASR).

Some campus buildings are open to the public, including during the day and evening hours when classes are in session. Some events, including athletic and recreational events, and programs held on campus are open to the general public; however, access is limited only to the facilities in which these events are held.

After evening classes/functions, on the weekends, and during times when the campus is officially closed, campus buildings are locked and only employees and students with proper identification and authorization are admitted. College employees with assigned offices are issued keys and are responsible for reporting missing and stolen keys.

5.6 Crime Prevention Programs

Orientation programs are conducted for all onboarding students to inform parents and prospective students about crime prevention and personal safety.

Crime prevention tips in college publications. as well as brochures distributed throughout the residence halls and department offices. enhance the educational process. The campus conducts campus safety and security surveys on specific areas and buildings of the campus. The reports are submitted to appropriate personnel for review and action. New employees receive a campus orientation and are provided with information on personal safety, crime prevention, emergency procedures, and other prevention measures.

Educational programs about crime prevention and personal safety are offered throughout the year to students and employees.

5.7 Programming on Security and Safety

The Office of Campus Safety educates the College community on crime prevention, safety and security of the campus, and personal safety. The Office of Campus Safety conducts safety and security, crime prevention, and personal safety programs for students and employees throughout the year.

The Residence Life staff is a team of individuals who work closely with the Office of Campus Safety and the campus community to provide a safe and secure environment in which students can live and learn. The Director of Residence Life and Housing oversees the office, and each residence hall has a staff of Resident Assistants responsible for the overall operation of the hall. They work closely with the residents of their floor to develop a sense of community and help students adjust to living in college residences.

Paul Smith's College offers many opportunities for campus-wide programming

throughout the year. These programs, designed to inform students and employees about campus security procedures and practices, including lecture series, residence hall meetings, counseling, health services, classroom discussions, and new employee orientation.

The Facilities Department maintains the entire campus with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made. All safety and security hazards should be reported to the Office of Campus Safety at (518) 327-6300.

The cooperation and involvement of all members of the campus community in a campus safety and security program are essential. Everyone must assume responsibility for their own personal safety and the security of their personal belongings by taking common sense precautions. Residence hall rooms should be always locked. Students and employees should report any suspicious persons who they believe do not belong in their residence halls or offices or any unusual incidents that are observed to the Office of Campus Safety.

5.8 Alcohol and Drugs

Using, consuming, and possessing alcoholic beverages, narcotics, and dangerous drugs is governed by federal law, laws of the State of New York, local laws, and College policy. Every alcohol or drug policy violation will be met with disciplinary action. There is a need to send both a consistent and strong message that illegal consumption of alcohol, alcohol abuse as well as drug abuse and the resulting behavior will not be tolerated. Cannabis use or possession on campus is a violation of College policy.
Any issue related to alcohol, narcotics and dangerous drug violations that are reported receive immediate attention and are thoroughly investigated.

5.9 Drug and Alcohol Abuse Education

As an educational institution, Paul Smith's College believes that the best approach to drug and alcohol abuse is education. The College provides ongoing drug awareness educational programs and dissemination of pertinent information as illustrated in Chapter 9 of this document.

5.10 Definitions of Clery Reportable Crimes

Offenses in the Campus Crime Report use the FBI Uniform Crime Reporting (UCR) Handbook Offenses and their related definitions.

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

Negligent manslaughter: The killing of another person through gross negligence.

Sexual Offenses: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim/survivor is incapable of giving consent. Such offenses include:

- Rape
- Non-consensual Sexual Contact
- Incest
- Statutory Rape

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.

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Arson: 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.

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

Domestic Violence: Any felony or misdemeanor crime of violence between current or former spouses, current or former intimate partners, persons who are cohabitating, or who have cohabitated, with one another as spouses or intimate partners, individuals who share a child in common, or individuals who are similarly situated to spouses and/or individuals who are protected from the other person's acts under the domestic or family violence laws of the jurisdiction in which the acts of violence occurs

Stalking: Engaging in a course of conduct, directed as a specific person, which is likely to cause a reasonable person to fear for their safety or the safety of others or cause that person to suffer substantial emotional distress. Stalking is repetitive and menacing

pursuit, following, harassing, and/or interfering with the peace and/or safety of another person. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or severely annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm them.

A. Course of conduct means two or more acts, including, but not limited to, acts by which the stalker 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.

B. Substantial emotional distress means significant mental suffering or anguish that may, but need not necessarily, require medical or other professional treatment or counseling.

Hate Crime: Also known as a bias crime, a hate crime is a criminal offense committed against a person, property, or society that manifests evidence that the victim/survivor was intentionally selected because of the alleged perpetrator's bias or the perpetrator's perceived bias against a race, sex, gender, sexual orientation, gender identity, gender expression, religion, sexual orientation, ethnicity, national origin, or disability. "Hate crime" shall have the same meaning as section 485.05 of the penal law.

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

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

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

5.11 Timely Warnings/Emergency Notifications

In the event that a situation arises, either on- or off-campus, that, in the judgment of the President, the Dean of Student Life, the Director of Campus Safety , constitutes an

ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through the college BOBCAT-ALERT System by e-mail, phone call and text message system to students, faculty, staff, as well as on the call-in ALERT line at (518) 327-6300 and by postings.

Depending on the circumstances of the event, especially in all situations that could pose an immediate threat to the community and individuals, the College may also post a notice on the campus-wide electronic bulletin board at:
https://livepaulsmiths.sharepoint.com/sites/CampusSafety/SitePages/Home.aspx

Anyone with information warranting a timely warning should report the circumstances to the Office of Campus Safety, by phone (518) 327-6300 or in person at the Campus Safety Office located on the ground floor of the Phelps Administration building.

5.12 Missing Student Policy & Protocol

A missing student is defined as any currently registered student of Paul Smith's College who lives on campus and who has not been seen or have had any form of contact with roommates, friends, family members, employers, professors, or associates for an unreasonable amount of time, and whose whereabouts have been questioned and brought to the attention of a college campus official.

Federal law has required colleges and universities to establish a missing student notification policy. The policy states that the students must be given the option to provide confidential emergency contact information in the event that they are reported as missing. If that occurs, Paul Smith's College will use the information on the emergency contact form for the following purposes:

- Notify the missing student's identified emergency contact
- Notify a student's parent or guardian if the student is under 18
- Notify the appropriate law enforcement officials in the event no contact information is supplied

Missing Student Full Policy Paul Smith's College is committed to creating and preserving a safe and secure environment for its students. In order to support this commitment, the following policy has been developed in order to assist in locating Paul Smith's students living within on-campus housing, who, based on the facts and circumstances known to the College, are determined to be missing.

This policy is in compliance with the Higher Education Opportunity Act (HEOA) of 2008, which requires all institutions of Higher Education that participate in any Title IV program and provide on –campus housing to students to establish both a Missing Student Notification Policy and Official Notification procedure for handling reports of missing students who reside on campus.

A missing student is defined as any currently registered student of Paul Smith's College who lives on campus and who has not been seen or had any form of contact with

roommates, friends, family members, employers, professors, or associates for an unreasonable amount of time, and whose whereabouts have been questioned and brought to the attention of a College official.

Most missing person reports in the college environment result from a student changing their routine without informing their roommates and/or friends of the change. Anyone who believes a student is missing should report their concern to the Office of Campus Safety. Every report made to the Office of Campus Safety will be followed up with an immediate investigation lasting up to 24 hours of the initial report. Depending on the circumstances presented to College officials, parents of missing students will be notified. In the event that parental notification is necessary, the Dean of Student Life (or designee) will place the call.

At the beginning of each academic year, residential students will be asked to provide, on a voluntary basis, missing student notification contact information for use in the event they are reported missing. This confidential information will be kept in the Office of Campus Safety, will be updated annually, and will be accessed only by authorized College officials involved in a missing person investigation.

GENERAL PROCEDURE:

1. The Paul Smith's College official receiving the report will collect and document the following information at the time of the report:
    a. The name and relationship of the person making the report
    b. The last date, time, and location of the missing student
    c. The general routine or habits of the missing student (e.g.-visiting friends who live off-campus, working a job away from campus) including any recent changes in behavior or demeanor
    d. The missing student's cell phone number (if known by the reporter)

2. The Paul Smith's College official receiving the report will contact the Office of Campus Safety in order to provide them with the obtained information and turn the incident over to them.

3. Upon receiving a report of a missing student, a Campus Safety Officer will attempt to make contact with the reported missing student, by performing the following:
    a. Go to the student's residence hall room
    b. Call the student's cell phone
    c. Check to see if the student is listed as being on any College trips, and confirm the student is, in fact, on the trip
    d. If the Armory is open, check records to see if the student checked out to go hunting
    e. Email the student
    f. Text the student's cell phone
    g. Talk to the student's RA, roommate, floormates, and friends to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen

h. Check all possible locations mentioned by the parties above including but not limited to the dining hall, library, residence hall lounges, fitness center, etc.
i. Check if the student has a vehicle registered, and if so, attempt to locate the vehicle on campus

4. If the Campus Safety Officer is unable to locate the reported missing student after taking the above actions, they will notify the Director of Campus Safety of the reported missing student. The Director of Campus Safety will then notify the Dean of Student Life

5. The Campus Safety Officer will continue to attempt to contact and locate the reported missing student by performing the following:

    a. Continue to check the student's room
    b. Continue to call the student's cell phone
    c. Secure a current student ID or other photo of the student
    d. Contact and notify Residence Life staff, and request their assistance in locating the reported missing student
    e. Check the student's social media accounts, if known.
    f. Contact the Dining Services staff and request information on when the student last used dining services
    g. Contact the Information Technology (IT) staff and request information on when the student last logged into a campus computer and/or accessed the College's network

6. The Campus Safety Officer will update the Director of Campus Safetyt.

7. The Director of Campus Safety will notify the Dean of Student Life.

8. The Dean of Student Life will contact the emergency contact(s) provided by the student on the submitted Missing Student Notification Form.

9. Once all information is collected and documented and the Dean of Student Life(or a designee) and the Director of Campus Safety are consulted, Paul Smith's College will contact the local police to report the information. (Note: If in the course of gathering information as described above, foul play is evident or strongly indicated, the police will be contacted immediately.) If it is necessary to contact the local or state authorities, police procedures and protocol will be followed by the College.

10. Every report made to the campus will be followed up with an immediate investigation lasting up to 24 hours of the initial report. If is determined that the student is missing, Paul Smith's College will notify local law enforcement within 24 hours of that determination.

5.13 Investigation of violent felony offenses and reported hate crimes

Paul Smith's College is committed to maintaining a safe and secure environment that supports learning and community access to facilities and services. Campus Safety will take the following steps after a report of any hate crime or violent felony offense:

- The Office of Campus Safety will assess the situation and contact the NY State Police if appropriate.
- If the offender(s) are no longer on campus and the immediate threat has ended, officers will take the appropriate measures to provide support to victims.
- If it is determined that the elements of the offense are consistent with any Violent Felony Crime or bias-related crime as defined under New York State Law, Campus Safety will contact the New York State Police.
- Campus Safety will assist the New York State Police or any other law enforcement agencies in any manner requested until the completion of the investigation.

5.14 Hate and Bias Crime Education

Paul Smith's provides hate and bias crime prevention information to incoming students, including information on:

- the applicable laws, ordinances, and regulations of bias related crime, including the provisions and coverage of the hate crimes act of 2000 codified in article four hundred eighty-five of the penal law;
- the penalties for commission of bias related and hate crimes;
- the procedures in effect at the college for dealing with bias related and hate crimes;
- the availability of counseling and other support services for the victims of bias related and hate crimes;
- the nature of common circumstances related to bias related and hate crimes on college campuses; and
- the methods the College employs to advise and to update students about security procedures.

5.14 Notice of Availability of 2023 Annual Security Report & 2023 Annual Fire Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Paul Smith's College 2023 Annual Security Report and 2023 Annual Fire Report is available to everyone by October 1, 2023. It is available on the Paul Smith's College website at Annual Campus Security & Fire Report | Campus Safety

(paulsmiths.edu) and at several on campus offices including Compliance Office, People & Culture, the President's Office, and the Office of Campus Safety. This report includes statistics for the previous three years concerning reported Clery crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by Paul Smith's College and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security and campus fire safety, including policies concerning sexual assault, domestic violence, dating violence and other matters. The Annual Security Report/Fire Report is published each year by October 1st by the Paul Smith's College Clery Compliance Officer, Director of Compliance. This edition of the Annual Security Report covers the years 2020, 2021 and 2022, and 2023.

Paul Smith's College will provide, upon request, the Annual Security Report, Annual Fire Report and all campus crime statistics as reported to the United States Department of Education. The statistics are available on the US Department of Education website http://ope.ed.gov/security/ or on the college website

You can also request a printed copy of the report by contacting the Director of Campus Safety at (518)-327-6300.

5.15 Advisory Committee on Campus Safety

The College has an Advisory Committee on Campus Security , which is comprised of a minimum of six students, faculty, and staff who meet at least twice a year to discuss issues concerning campus safety. This committee is maintained in accordance with New York State mandates.

The committee reviews campus security policies and procedures and makes recommendations for their improvement. Issues may include educating personnel and the campus community about personal safety and crime prevention, reporting crimes and policy violations, supporting students during interventions, referring complaints to appropriate authorities, counseling students on their options, and responding to inquiries from concerned persons.

The committee reports to the President in writing, on its findings and recommendations no fewer than once per year, and makes the report available to members of the College community upon request.

PARKING AND VEHICLE POLICY

Paul Smith’s College's Parking and Vehicle Policy is in place to promote safety and manage the use of vehicles on campus through clear guidelines for vehicle registration, parking assignments, and traffic regulations. All drivers must register their vehicles, display appropriate permits, and park only in their designated lots. Violations—including improper parking, failure to register, or accumulating multiple citations—can result in fines, disciplinary action, towing, or revocation of parking privileges. The Office of Campus Safety enforces this policy and oversees the citation appeal process. Special accommodation exists for visitors, electric vehicles, low-emission vehicles, and emergency or special-use permits.

For full details and specific lot assignments, please utilize this link to view the complete policy: Paul Smith's College Parking Policy .

Chapter 7

On-Campus Living at Paul Smiths

The Office of Residence Life and Housing is charged with supervising and maintaining all residence halls on campus. Each individual building is staffed with Resident Assistants who are directly supervised by the Director of Residence Life & Housing. The Director oversees Residence Life and Housing staffing, training, and evaluating and has trained staff to provide support for students making the adjustment to community living while helping them to understand the regulations necessary to build and support residential communities. The Director of Residence Life Housing lives on campus and shares on-call responsibilities 24 hours a day with the Coordinator of Residential Housing and Community Standards.

MISSION

Residence Life and Housing at Paul Smith's College provides inclusive foundations that engage residents in exceptional living and learning experiences that build a sense of home.

VISION

Residence Life and Housing at Paul Smith's College will create communities in which residents actively learn, confidently lead, and comfortably live.

VALUES

- Diversity & Inclusion
- Collegiality
- Dynamic Leadership
- Identity
- Community Engagement
- Well-Being

RESIDENCE LIFE AND HOUSING

Location: Joan Weill Student Center
Office Hours: 8am-4pm, Monday through Friday
Telephone: 518-327-6493
Web: https://www.paulsmiths.edu/life-in-the-adirondacks/housing-dining/residence-halls/
Email: residencelifeandhousing@paulsmiths.edu

For more information on all Residence Life policies and procedures, please see the Guide to Residential Living here: Housing and Residence Life .

Chapter 8

Student Services

8.1 Student Life

The Dean of Students serves as the primary advocate for students and is responsible for non-academic, student-related matters. The Dean works collaboratively and in full partnership with the Dean of Faculty and the Dean of Curriculum and other senior leaders to design, refine and cultivate the PSC Student Experience with a focus on the living environment, well-being and programs that enhance students' lives outside of their academics. To learn more, please visit Dean of Student Life .

8.2 Office of Residence Life and Housing

The Office of Residence Life and Housing oversees all residence halls by staffing each building with Resident Assistants, who are supervised by the Director for Residence Life and Housing. The Director manages staffing, training, and services within the halls, ensuring students receive support while adjusting to community living and understanding residential policies; for more information, please visit the Housing and Residence Life page on Bobnet.

9.3 Student Engagement

Participation in extracurricular activities at Paul Smith's College offers students the chance to build self-confidence, leadership skills, and meaningful social connections outside the classroom. The Office of Student Engagement provides opportunities for involvement through a variety of student-run clubs, campus events, and the Student Government Association (SGA), which serves as a voice for student concerns and collaboration with faculty and administration. Events such as concerts, speakers, off-campus trips, and academic club activities are designed with student input and open to all. To ensure safety and alignment with College values, all clubs must have an advisor, follow regulations regarding alcohol, travel, and fundraising, and uphold a strict no-hazing policy. Students interested in starting or joining a club, proposing an event, or learning more about engagement opportunities can contact the Student Engagement Office. Follow this link to the Student Engagement Student Engagement page on Bobnet.

Soliciting Business
The Dean of Student Life must approve all acts of solicitation, sales and business ventures, and distribution of sales or advertising materials on the College grounds.

Credit Card Marketing

New York State Education Law (Article 129-A, §6437) requires that each college in New York State prohibit the advertising, marketing, or merchandising of credit cards on

its campus to students, except as provided in said policy, and that the penalties for individuals violating such a policy be clearly set forth therein. Paul Smith's College has established this college credit card marketing policy as its official policy:

Prohibition - The advertising, marketing, or merchandising of credit cards to students on the campus of Paul Smith's College is strictly prohibited, except as set forth below.

Penalty - Any individual visitor, licensee, or invitee on our campus found violating this policy shall be banned from the campus for a period of two years, and any credit card issuer represented by said visitor, licensee, or invitee shall be banned from the campus for a period of one year. Any student, faculty, or other staff found violating this policy shall receive a warning and be subject to disciplinary action through the Office of Academic Affairs.

Restrictions – The following restrictions shall be imposed on any individual wishing to advertise, market, or merchandise credit cards, hereinafter referred to as "marketer", on the campus of Paul Smith's College:

- The marketer shall register with the Office of the Chief Financial Officer and receive express written authorization to be on campus property for the purpose of advertising, marketing, or merchandising of credit cards.
- The marketer shall be restricted to the hours specified by the college administration.
- There shall be no posting of flyers, posters, or other forms of information on any college property for the purpose of advertising, marketing, or merchandising of credit cards, except on the day the marketer is on the campus, provided that it is limited to the immediate vicinity where the marketer has permission to operate.
- There shall be no inducement or gifts provided to the student in exchange for completing a credit card application.
- The marketer shall provide to each student applying for a credit card a pamphlet that provides students with information about good credit management practices, including how to access any information or services provided by the New York State Consumer Protection Board.

Exemptions - This policy does not apply to any advertising, marketing, or merchandising of credit cards by either the college or an agent of the college to non-students, nor does it prohibit the advertising, marketing, or merchandising of credit cards to students through direct mail, newspapers, magazines, or within any banking institution located on the campus or of any affinity-based credit card program to which the college is a party.

Information to Students - Students of Paul Smith's College will be informed of good credit management practices through co-curricular programming, workshops, and seminars.

Advertisement Policy

Community organizations/businesses that wish to advertise events on campus MUST have prior approval for posting that event from the Coordinator of Student Engagement. The advertising of alcohol, whether part of an event or otherwise associated with the activity, is strictly prohibited. Posters indicating the availability of alcohol will not be approved for distribution or posting on campus. Illegally posted advertisements will be removed and destroyed.

Hazing

The Jeanne Clery Campus Safety Act requires institutions of higher education, such as Paul Smith's College, to collect and report crimes and hazing that occur anywhere on campus, in on-campus student housing, on public property within the boundaries of the campus, on public property immediately adjacent to the campus, and in non-campus buildings and property owned or controlled by the organization that are used for educational purposes and frequently used by students, but not a part of the core campus, or those owned or controlled by a student organization officially recognized by the institution.

Definitions

Pursuant to The Stop Campus Hazing Act ("SCHA"), hazing is an intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against a student, regardless of that student's willingness to participate, that was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in, an organization (such as a club, society, association, athletic team, fraternity, sorority, or student government); and causes or is likely to contribute to a substantial risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical training necessary for participation in an athletic team), of physical injury or psychological injury including:

- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, state, tribal, or federal law; and

- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law.

A student organization is any organization at the College (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the College.

Location of Hazing Incidents and Reporting Requirements

Any incident meeting the definition of hazing in this Policy must be reported following the procedure described below. Hazing that occurs at any of the following locations is subject to reporting under this Policy: anywhere on campus, in on-campus student housing, on public property within the boundaries of the campus, on public property immediately adjacent to the campus, and in non-campus buildings and property owned or controlled by the organization that are used for educational purposes and frequently used by students, but not a part of the core campus, or those owned or controlled by a student organization officially recognized by the institution.

How to Report Hazing

Any member of the College community may file a complaint against a student for violating the Hazing Policy. Complaints must be made in writing and directed to the Coordinator of Residential Housing and Community Standards. . Complaints should be submitted as soon as possible after the event takes place, preferably within thirty days.

Depending on the nature of the incident, reports to other offices may be required, such as offices that deal with Clery Act hate crimes, Title VI or Title IX violations, VAWA crimes, state or tribal hazing law violations.

Response to Hazing Reports

Hazing cases are handled according to the same investigation/adjudication procedures used for other code violations as reflected in the Conduct Hearings section of this policy.

Hazing Prevention and Awareness Programs

All employees and students will participate in research-informed and evidence-based online training. The program includes primary prevention strategies intended to stop hazing before it occurs and focuses on strategies to:

- overcome barriers to reporting hazing
- develop skill building for bystander intervention for preventing and responding to hazing

- develop a campus-wide effort for faculty, staff and students to identify warning signs of hazing, understand how to report hazing, and how to take steps to respond to and prevent hazing
- focus on ethical leadership strategies to give students and staff tools to build group cohesion to discourage hazing

The following individuals must attend hazing prevention and awareness programs:

- Campus Security Authorities
- Officers of recognized student organizations
- Officers of student government
- Residence Hall Staff
- Campus police or public safety officers
- Coaches of intercollegiate athletic teams

The hazing prevention and awareness programs at the College will be evidence based and be included in online orientation, which has an anti-hazing component. Student clubs, organizations, and teams will also be educated on what constitutes hazing and alternative activities that foster unity and belonging will be promoted.

Institutional Reporting Requirements

Incidents that meet the definition of hazing in this Policy will be included in the College's Annual Safety Report, which is released every fall.

Federal and State Laws

The federal Stop Campus Hazing Act, enacted on December 23, 2024, (20 U.S.C. §1092(f)), Amended the Jeanne Clery Campus Safety Act by adding certain provisions regarding hazing. The laws of the State of New York also define hazing and provide for civil and criminal sanctions for individuals who engage in hazing:

- **§ 120.16 Hazing in the first degree**. A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury. Hazing in the first degree is a class A misdemeanor.
- **§ 120.17 Hazing in the second degree.** A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person. Hazing in the second degree is a violation.

8.4 Athletics; Recreation & Intramurals

Saunders Sports Complex is the home to not only the College's athletic teams but much of the campus's recreation and fitness opportunities. The two gymnasiums (Saunders Sports Complex and Buxton Gymnasium) anchor the complex are supported by several specialized spaces to allow varied use including: fitness center, group movement space, rock climbing wall, athlete's lounge, and locker rooms.

The athletics department sponsors basketball, cross country, soccer, rugby, women's volleyball, bowling, golf, hockey, and a variety of other sports. For those looking for recreational opportunities outside of intercollegiate play, the college offers a limited intramural and robust recreation program. The recreation department runs outdoor adventures throughout the school year including rock climbing, canoeing, backpacking, and multiple other trips to help the campus get outside in our beautiful location.

Part of the recreation and intramurals mission is to encourage students and employees to establish healthy lifestyles. During fall and spring semesters the fitness center is open from 6:00 am to 10:00 pm on weekdays and 8am to 8pm on weekends - ample time to gain/maintain strength, flexibility, and cardiovascular endurance. The rock wall provides equipment and instruction –and is a welcoming environment for beginners through seasoned rock climbers. As the entire complex has Wi-Fi, the athlete's lounge provides the perfect setting to gather with friends to study, watch sports on the large screen, or simply kick back and relax.

The recreation and intramurals department has an inventory of snowshoes and Nordic skis/boots/poles that may be borrowed during wintry days or rented for overnight use. Many trails begin on campus, while others may be accessed just off the property. Those who have successfully participated in Canoe Safety Training may borrow a canoe or kayak for day use during the summer or the fall semester.

To access Saunders Sports Complex, use the front doors and show a valid Paul Smith's College student or employee ID. An ID is also used in order to borrow equipment. Gymnasium, fitness center and dance room surfaces require users to wear clean, dry athletic shoes. Please come over and enjoy all that is available to the entire college community through this wonderful complex.
Schedules for all the facilities and recreational offerings can be found on the college's website.

> *Every institution shall require that each student leader and officer of student organizations recognized by or registered with the institution, as well as those seeking recognition by the institution, complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to receiving recognition or registration, and each institution shall require that each student athlete complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to participating in intercollegiate athletic competition. All athletes require*

training in prevention of sexual assault, intimate partner violence and stalking through the Compliance Office before any intercollegiate play.

Name, Image, and Likeness (NIL) Policy

Paul Smith's College does not limit or prevent a student-athlete from earning compensation or representation for name, image, or likeness. Paul Smith's College does not provide compensation to a prospective student-athlete for name, image, or likeness. The institution will adhere to the regulations set forth by the State of New York and the national governing bodies each sport is a member of.

The above-mentioned rules & regulations can be found here:

NYS : N.Y. Education Law section 6438-c

USCAA: NIL Resource Center - USCAA (theuscaa.com)

9.5 Campus Dining Services

Sodexo operates the Morehouse Dining Hall, located in the Joan Weill Student Center.

A. **Meal Plans Campus Dining Services**
Meal plans are offered for residential and commuter students. All residential students are enrolled in a Meal Plan. Students looking for additional information about residential meal plans should contact the Student Account Office directly at (518)-327-6204. For more information regarding a commuter meal plan, contact Sodexo Dining at (518) 327-6311.

Commuter students are encouraged to participate in one of the following meal plans:
- 25 meal plan blocks
- 50 meal plan blocks

Commuter students and visitors to the College may eat in the Morehouse Dining Hall.

B. Morehouse Dining Hall ID Cards
All students must show a valid PSC ID card at the door to enter Morehouse Dining Hall. If an ID card is lost or stolen, it must be reported to Campus Dining Services immediately. A replacement ID card may be obtained at the Campus Safety Office.

C. **Special Meals**
Theme meals are provided on a regular basis.

Students may request a bag lunch if they will be missing a meal on a regular basis due to class conflicts. Order forms are available at the Campus Dining Services Office in The Joan Weill Student Center.

D. **Sick Pass**

Students who are ill may also receive a sick plate with authorization from Student Health Services. Documents from Student Health Services is also needed if students require dietary needs or supplements or special diet items. A student will NOT be released from the obligation to subscribe to a meal plan unless the Dining Services absolutely cannot obtain the necessary dietary supplements and provides written notification to the student.

E. **Food Take-Out Policy**
Morehouse Dining Hall is an "all you can eat" facility. Other than bag lunches and sick trays, food, beverage and utensils may NOT be removed from the dining hall. Morehouse Hall supports sustainability by providing reusable to-go containers. These containers are available for $5 each and can be turned back in to the cashier to be washed each time for unlimited use. These are high quality containers that will contain enough food for a large meal. Some students prefer to bring their own, which is permitted, though they must be of a reasonable size – similar to the reusable containers sold by Dining Services.

To ensure that meals are a pleasant and orderly experience for everyone, all students should respect the rules of the Dining Hall by taking turns in line, bussing their own plates and being polite to staff and other students.

Dining Services can be reached at (518)-327-6311 for further assistance or information.

Students will be notified of in a reasonable time frame should any changes in the hours of operation during the semester. This is likely around vacations or for construction issues. Notices will be posted on the College's website, www.paulsmiths.edu.

8.6 Student Health Services

A. Vision:
Student Health Services (SHS) envisions an environment in which students understand the importance of good health and the value in making good life choices that may impact their health (and that of others). An emphasis is placed on increasing the student's sense of independence and self-determination to encourage self-advocacy when it comes to their overall wellbeing.

B. Mission:
The SHS mission is to keep students fully engaged in the learning environment at PSC while addressing their health and wellness concerns and/or challenges. Great care is taken not to over-assist the student, providing care only to the degree necessary, in order to promote self-care and growth. SHS enables rather than hinders the process of becoming a fully functioning, independent adult capable of making sound decisions and managing the consequences of choices.

SHS is intended to function as an acute care clinic, providing assessment, testing, diagnosis, and treatment for unanticipated medical situations. Students with chronic

medical issues and/or who require ongoing prescriptions or treatment should maintain or establish a relationship with a primary care provider, either at home or in the community. In the event of an urgent matter, SHS will work with the student's regular physicians to provide continuity of care on a temporary basis until the student can see their regular provider.

C. New Student Health Requirements:
Any new student taking six or more credits at PSC must is required to meet certain state-mandated and college-mandated health requirements to attend class and/or move into residential housing. These requirements, listed here, should be uploaded via the Student Health Portal by August 1 for Fall semester and by January 1 for Spring semester.

Requirements include a physical performed by a licensed medical provider within 12 months prior to the student's first day of class and an immunization history including NYSDOH mandated immunizations. The College recognizes medical and religious exemptions as defined by New York State Public Health Law 2165. However, in the event of an outbreak of measles, mumps, or rubella, those students with medical and religious exemptions will be excluded from campus and classes to protect them from exposure for as long as they could be at risk.

Any student who either graduates or leaves the college and decides to return is treated as a new incoming student and must re-submit their health requirements via the Student Health Portal and complete the onboarding process for SHS prior to the start of classes. A physical obtained in the 12 months prior to re-entry and immunization history is part of the requirements.

Any student who is seeking a medical withdrawal, has medically withdrawn, or is seeking a medical single room, must submit the proper forms to the chair of the MAP Advisory Board for consideration. Please see Section 11.1 below. Any student participating in a sport while at PSC must complete a yearly sport physical after the initial entry physical provided for their freshman year. Sports physicals cannot currently be obtained through SHS due to the medical provider being via telehealth.

Any student athlete who has been injured must be cleared by a medical representative prior to returning to practice or play. A medical representative includes SHS medical providers or the athletic trainer from Adirondack Health. The required paperwork from either office must be in place for a student to return to practice and/or play. If treatment was received from an off-campus medical facility, all documents for diagnosis, treatment, prognosis, and plan must be forwarded to SHS and an appointment made to review with the Director of Student Health Services and the in-house medical representative prior to return to practice and/or play.

D. Contact Information:
Mailing Address: Paul Smith's College
Attention: Student Health Services
7777 State Route 30
JWSC-003

Paul Smiths, New York 12970

Office Manager/Student Wellness Coordinator: Heather Allard
(518)-327-6319 (P)
(518)-327-6319 (F)
hallard@paulsmiths.edu

Director of Student Health Services: Shannon Portal , R
(518)-327-6349(P)
(518)-327-6349(F)
cbrennan@paulsmiths.edu

E. Basics of SHS:
Student Health Services (SHS) at Paul Smith's College offers a range of healthcare services during the academic year, with office hours Monday through Friday, 9am–4pm. Services include basic assessments, immunizations, reproductive health care, rapid testing, prescription coordination, and more. Visits with the registered nurse or telehealth medical provider. Students may incur costs for outside services such as prescription medications, lab work, or medical imaging. . SHS does not bill insurance directly, so students are encouraged to submit claims independently and stay informed about their insurance coverage.

Students can make appointments through the Student Health Portal, and walk-ins are accepted based on urgency and provider availability. SHS also supports coordination with outside healthcare providers, prescription refills, and proper disposal of medications and medical waste. While the clinic does not issue class excuses for routine health issues, it may confirm visits or notify faculty in cases of emergencies. Students are expected to manage their own medical needs responsibly and consult with faculty regarding missed coursework. For more information, including current clinic hours and services, visit the Student Health Portal or the Student Health Services page on Bobnet.

8.7 Student Counseling Services

Student Counseling Services (SCS) at Paul Smith's College offers short-term, trauma-informed mental health care to support students' well-being in a rural, hands-on educational environment. Services include individual and group counseling, crisis support, assessments, and educational outreach. Students can receive up to eight sessions per semester, with flexibility based on need and availability. SCS also partners with Citizen Advocates to provide after-hours mental health support via a confidential third-party hotline at 518-483-3261. All enrolled PSC students living in New York are eligible for services at no cost. Additionally, SCS collaborates with Community Standards to offer educational assessments for students with alcohol or drug violations to promote informed choices and academic success.

For more information, **click here to access Student Counseling Services**.

8.8 Campus Safety

The Office of Campus Safety is responsible for enhancing the living, learning, and working experience at Paul Smith's College by protecting life, maintaining order, and safeguarding property.

Located on the ground floor of the Phelps Administration Building, the Office of Campus Safety is open 24 hours a day, 365 days a year. Campus Safety can be reached by calling (518) 327-6300 or by dialing 6300 from any campus phone. The Office of Campus Safety can and should be contacted for emergencies, calls for service, to report incidents, and for non-emergency calls.

The department consists of trained professional Campus Safety Officers dedicated to providing best-in-class service to the Paul Smith's College community. The Office of Campus Safety is also staffed with trained professionals who monitor fire alarms; register vehicles, canoes/kayaks, bicycles, and other motor vehicles; issue ID cards; sign out keys and equipment; and dispatch Officers and other emergency services to incidents as needed.

Campus Safety Officers conduct patrols of the campus (including all parking lots, buildings, and other areas of campus) on foot, by bicycle, and in vehicles. Campus Safety Officers respond to calls for service, including room/office lock-outs, vehicle lock-outs, vehicle jump-starts, and safety escorts; respond to reports, incidents, and emergencies; conduct investigations; protect college property; and direct, control, and enforce traffic and parking.

The Office of Campus Safety is one of the rules and regulation enforcement agencies for the campus; however, Campus Safety is not a law-enforcement agency. While Campus Safety Officers enforce College policy, they do not make arrests or issue court appearance tickets. If anyone requires medical or law-enforcement assistance, Campus Safety Officers will assess the situation and make appropriate referrals. Neither the Office of Campus Safety nor Residence Life staff can transport students to the hospital.

<u>Credentials</u>
All Campus Safety Officers are licensed as New York State security guards.
All Officers are trained/certified in basic first aid, blood-borne pathogens, emergency oxygen administration, CPR, automated external defibrillator (AED), Narcan administration, Mental Health First Aid, OSHA 10 Hour General Industry, and incident command. Officers also receive additional training on topics including, but limited to verbal de-escalation; responding to incidents; interviewing and conducting investigations; the neuro-biology of trauma and trauma-informed care; responding to disclosures of sexual misconduct; crisis response for suicide ideation and attempts; working with students on the autism spectrum; working with LGTBQIA+ individuals; cultural competency and unconscious bias; securing a scene, evidence collection, and chain of custody; fire safety and fire systems; electrical and natural gas safety and response; hazardous materials awareness and response; explosive hazard recognition and response;

drug identification and clandestine lab awareness; active shooter preparedness and response; weather spotting; and local, state, and federal laws and regulations, including the Federal Education Rights and Privacy Act, the Clery Act, Title IX, and New York State Education Law 129. A and B "Enough is Enough".

Vision
The vision of the Office of Campus Safety is to enhance the living, learning, and working experience at Paul Smith's College by protecting life, maintaining order, and safeguarding property.

Mission
We fulfill this purpose by providing our community with a full range of services that meet the highest professional standards of campus public safety. We are committed to working with the community to define our priorities and build lasting partnerships. Our core values guide us in this mission.

Core Values
Integrity – We firmly adhere to the values set forth in this document and our professional ethics, as outlined in the Campus Safety Code of Conduct and Security Guard Code of Ethics. We expect every member of this office to always uphold the highest ethical standards.

Respect – We treat all members of the community and each other with courtesy, fairness, and dignity.

Professionalism – We will continually develop our knowledge, skills, and abilities to the highest levels possible to enable us to provide the finest public safety services to the Paul Smith's College community. Our approach is based on a commitment to excellence, innovation, and continuous improvement.

Accountability – We value the opportunity to serve the community and will ensure that our conduct always merits trust and support. We will accept full responsibility for our actions and will take appropriate actions to meet community and professional expectations.

Service – We are committed to enhancing public safety and increasing the community's sense of security. We will work in partnership with the community to identify and solve problems that affect the quality of life on campus. We demonstrate our commitment to serve by placing the needs of others ahead of our own.

Mentoring – We recognize that individual and team contributions are essential to a high performing department. By sharing insight and guidance, and creating learning opportunities, we acknowledge that each member of our department makes a valuable contribution to our purpose and vision.

Appreciation – We are proud of our profession, our colleagues, our office, and Paul Smith's College. We recognize the sacrifices our members make to ensure the safety and security of the community. We will do all that is possible to ensure all members of the College community feel appreciated and duly rewarded for their contributions.

8.9 Student Financial Services

The Office of Student Financial Services provides students with comprehensive information about both their personal student accounts and financial aid. Students with questions or concerns about their financial standing with the College or financial aid awards and opportunities should visit the offices on the main floor of Phelps Smith Administration Building.

8.10 The Center for Academic & Career Success, TRIO, Student Support Services and HEOP

The Center for Academic and Career Success (CACS) seeks to assist students in achieving their academic and career goals by offering an integrated suite of support services. From freshman year through degree completion, our programs and services help students transition to college, succeed academically, and develop the skills needed to excel in their chosen career field.

The Center for Academic & Career Success is located on the second floor of the Joan Weill Adirondack Library. It is open Monday-Friday; 8am-5pm and further information can be found online at https://www.paulsmiths.edu/academicsuccess For general questions or assistance phone 518.327.6046 or email academic_success@paulsmiths.edu And visit the Bobnet page for full resources:
https://livepaulsmiths.sharepoint.com/sites/CACS

TRIO Student Support Services:
All program services are provided at No Cost to participants. The location of the project is Room 207 of the Joan Weill Adirondack Library. For more information, contact (518) 327-6061 or trio-sss@paulsmiths.edu and here on our Bobnet:
https://livepaulsmiths.sharepoint.com/sites/TRIO

HEOP (Higher Education Opportunity Program): The Arthur O. Eve Higher Education Opportunity Program (HEOP) is a collaboration between the New York State Department of Education and Paul Smith's College. It provides academic and financial support to New York State residents who meet academic and income eligibility guidelines and are then selected for the program based on application materials. (Students who meet the academic and income eligibility are not automatically considered or selected for HEOP).
The HEOP office is located in Pickett Hall room 203 and here on Bobnet:
https://livepaulsmiths.sharepoint.com/sites/HEOP

8.11 Emergency Management Office

The Director of Campus Safety and Emergency Management is responsible for developing and maintaining emergency response and continuity plans for the college's response to emergency situations on campus. This includes procedures for informing the campus community of events that may have an impact on the college's ability to meets its stated mission.

The College currently maintains an emergency notification system known as Bobcat-Alert. This system is used to help guide the campus and its constituents during times of minor emergencies and/or large-scale disaster.

The Bobcat-Alert system is maintained by the Director of Compliance in conjunction with the Office of Campus Safety.

In an emergency situation the campus community will be informed and advised as to how to respond via multiple methods.

- The Bobcat-Alert system will send an email, phone call, and text message to those individuals who have provided that information to the system.
- Accessing the ALERT voicemail at (518)-327-6219
- Visual displays throughout our buildings and website (e.g. posters and banners)
- At www.paulsmiths.edu/emergency-information

This process affords us the ability to inform our campus community of current situations ranging from power outages to large scale evacuations.

For more information, contact the Director of Campus Safety and Emergency Management at (518) 327-6300 or campussafety@paulsmiths.edu.

Chosen Name Policy

Chosen Name Policy – Paul Smith's College

Paul Smith's College supports current students, former students, faculty, and staff in using a chosen name to identify themselves regardless of whether they have legally changed their name.

The purpose of the chosen name policy is to foster a campus environment that both encourages self-expression and affirms identity.

Incoming/New Students:

Students who indicated their chosen name on their Paul Smith's College application will see their chosen name used in all compatible systems (listed below).

Current Students:

Students who would like to indicate a chosen name should complete a **Chosen Name Form.** Please visit the Registrar's Office (Administration Building, Room 113) to complete this form or submit it via email to registrar@paulsmiths.edu.

Legal Name Changes:

Students who have legally changed their name should submit legal documentation to the Registrar's Office (Administration Building, Room 113). Examples of legal documentation include:

- Name change judgement from State Court
- Certified marriage certificate
- Final decree of divorce

Questions? Contact:

Registrar's Office- Phelps Smith Administration Building, Room 113

518-327-6231 | registrar@paulsmiths.edu

Where will my chosen name be used?

- College mailings to your permanent address
- Starfish (Tutoring/Academic Support System)
- Canvas (Learning Management System)
- Email
- Residence Life & Housing
- ID Badge
- PyraMED (Health Services/Counseling Center)
- Office 365

There are some spaces where a student's legal name is required by law:

- Background checks
- Employment information and timecards
- Responses to enrollment inquiries such as verification requests
- Official Transcripts
- Licensure Paperwork
- Student Billing/Accounts

- Financial Aid & Scholarship Records
- Medical Records
- Immigration Documents
- Admissions Records
- Email Account & Active Directory Authentication (Email display name will be chosen name)

Because of some technological barriers, there are some technology systems where a student's legal name will still appear:

- Self-Service
- Raisers Edge
- PowerFAIDS

**Note: The institution is in the process of updating technology systems, which will allow for a chosen name to be used in some of the above systems in the future*

What qualifies a student to use a chosen name?

There are no specific criteria that qualify a student to use a chosen name. Any student who prefers to use a name other than their legal first name may choose to do so. Examples of reasons to use a chosen name can include:

- Student's legal first name is inconsistent with their gender identity
- Student primarily uses their middle name instead of their first name
- Student goes by a nickname significantly different from their first name
- International students or other students who wish to adopt an English language nickname during their course of study

**Note: Nicknames that are common abbreviations of first names (such as "Joe" for "Joseph" or "Kate" for "Kaitlyn") are not covered under this procedure.*

Chosen name changes are not to be used for purposes of misidentification, fraud or misrepresentation. A student's chosen name must meet community standards (i.e. not profane, obscene, or derived from hate-speech).

What is a chosen name?

A chosen name is a <u>first name</u> other than the student legal first name. A student cannot choose a different last name other than their legal last name at the College without going through the legal name change process and providing proof of same.

Class Rosters

Chosen names will appear on class lists on Canvas, however class rosters on Self Service will reflect a student's legal name. Paul Smith's College is currently unable to add the chosen name to the Self-Service class rosters due to technology limitations. This is a project under review. In the meantime, students can utilize the letter below to assist in having this conversation with their course instructors.

Dear [Name],

I am a student in your [insert course name]. The purpose of this email is to inform you that I would appreciate it if you referred to me as: CHOSEN NAME: _____ PRONOUN: _____

On your class roster, you'll see _____, which is my legal name. Please refer to me by my chosen name instead of by my legal name.

If you have any questions regarding this request, please contact the Title IX Coordinator. Thank you for your understanding, and I look forward to seeing you in class.

Sincerely, [chosen name]

Pronouns

Paul Smith's College seeks to cultivate a community in which the asking, sharing, and respecting of a person's pronouns is a common practice. Referring to people by their identifying pronouns is an easy and fundamental way to give meaning to a core Paul Smith's College value. In contrast, referring to people by the wrong pronouns, especially intentionally, can have a negative, devaluing impact. The English language has a number of pronouns that are used to describe an individual, which include and are not limited to she/her/hers, he/him/his, and they/them/theirs. As we seek to sustain the practice of sharing, asking for, and respecting pronouns, Paul Smith's College is providing pronoun pins and stickers. They can be found in the Counseling Center, JWSC 017.

Chapter 9

Student & Campus Employment

9.1 Federal Work Study and Student Employment

All students are eligible to seek a job on campus through Student Employment. Some students may qualify for Federal Work Study employment, and the Financial Aid Office can help students determine if they are eligible for this funding.

A listing of available positions can be found on the College's website https://livepaulsmiths.sharepoint.com/sites/PeopleandCulture/SitePages/Student-Employment.aspx To be compliant with Federal and State laws, employment documentation (such as I-9, W-4, and Work Authorization forms) must be completed and submitted to the Human Resources Office prior to beginning work.

For further information on Student Employment at Paul Smith's, please review the Student Employment Handbook on the College's web site. https://livepaulsmiths.sharepoint.com/sites/PeopleandCulture/SitePages/Student-Employment.aspx

9.2 Non-Discrimination Notice

Consistent with Title IX and other applicable federal laws and with applicable state laws, and as an Equal Opportunity Employer, Paul Smith's College does not discriminate based on race, color, creed, religion, ethnicity, national origin, sex/gender, gender identity/expression, sexual orientation, marital status, pregnancy, disability, age, citizenship status, veteran status, military status, familial status, predisposing genetic characteristics, conviction record, status as a victim of domestic violence, sexual violence, or stalking, or any other legally protected status, in any phase of its employment process, in any phase of its admission or financial aid programs, or other aspects of its educational programs or activities. Diverse candidates are encouraged to apply.

Questions concerning Title IX, Section 504, ADA, or other aspects of Paul Smith's College Equal Opportunity or Affirmative Action programs should be directed as follows:

Director of Compliance, Title IX Coordinator, Isabella Lambert
(518) 327-6565 or ilambert@paulsmiths.edu

Coordinating Officer, Section 504/ADA Compliance: Coordinator of Accommodative Services, (518) 327-6414, accommodativeservices@paulsmiths.edu

Affirmative Action Officer: Chief People and Culture Officer, Kelly Ashline, (518) 327-6242, kashline@paulsmiths.edu

9.4 Drug Free Workplace Policy

Paul Smith's College is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee of the College, whether on- or off-campus, illegally uses drugs or alcohol on the job, comes to work with these substances present in their body, or possesses, distributes, or sells drugs in the workplace. Therefore, Paul Smith's College has established the following policy:

- It is a violation of College policy for any employee, including work-study and student employees, to possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs or alcohol on the job.
- It is a violation of College policy for anyone to report to work under the influence of illegal drugs or alcohol -- that is, with illegal drugs or alcohol in their body.
- It is a violation of College policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medication.)

Violations of this policy are subject to appropriate personnel action against the employee, up to and including termination, or requiring the employee to participate satisfactorily in a drug-abuse assistance or rehabilitation program approved for such purposes.

It is the responsibility of the College's supervisors to counsel employees whenever they see changes in performance or behavior that suggests an employee is under the influence of alcohol or other drugs. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who uses alcohol or other drugs in the workplace to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is to offer a helping hand to those who need it while sending a clear message that illegal drug use and alcohol abuse are incompatible with employment at Paul Smith's College.

As a condition of employment, employees must abide by the terms of this policy, and must notify the College in writing of any conviction or a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction. The Human Resources Office will receive violation reports and forward them to appropriate agencies and offices.

The College offers an Employee Assistance Program (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral, and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance, but the costs of such outside services are the employee's responsibility.

Student Counseling Services, located in the Joan Weill Student Center room #017, provides students with confidential counseling, personal development, and health education at Paul Smith's. All services are free to students of the College. The counseling activities are designate to help students lead healthy lives, better understand themselves, deal with important decisions, and resolve personal, social, career, and study problems that can interfere with their educational goals. Services include counseling (for issues such as depression, anxiety, relationships, family concerns, grief, academic concerns, harassment, etc.), crisis intervention, referrals, and outreach programming. Support and educational counseling for alcohol and other drug issues is available. Student Counseling Services also offers Alcohol/Other Drug outreach and programming for the campus.

Chapter 10

Accommodative Services & Students with Disabilities

Accommodative Services (AS) Office
10.1 Students with Disabilities

Paul Smith's College recognizes its responsibility to provide equal access to opportunity for students with disabilities under Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act of 1990 (as amended). The College will provide reasonable adjustments and/or accommodation to ensure that students will have equal opportunity to learn, grow, and succeed during their time at PSC. The entire college community (faculty, staff, and students) has broad responsibility to adhere to this philosophy of equal access to opportunity.

Paul Smith's College has charged the Accommodative Services (AS) office with providing leadership for our efforts to assure equal access for our students. The current best practices and compliance for disability support services are presented on the Accommodative Services webpage. The office is located in Pickett Hall room 101 A.

To initiate recognition and consideration as a student with a disability, students should:

- Submit an application for services via Bobnet. Click on 'Academics', 'Student Support', Accommodative Services', and then 'Disability Disclosure/Application for Accommodations'
- Request accommodations they feel are needed or have been used in the past
- Meet with the Coordinator of Accommodative Services as needed to finalize an accommodation plan

Students may always contact the coordinator at accommodativeservices@paulsmiths.edu for assistance with the application process

All services are completely voluntary, and it is the student's responsibility to request them. Students are encouraged to identify themselves early to ensure timely accommodation.

10.1 Philosophy

You are an expert on your own disability. While the College challenges students with disabilities to accept the freedom and responsibility of directing their own lives, we also believe that all students deserve the opportunity to succeed to the best of their abilities. Learning specialists help people with disabilities exercise more control over their own

education, increase their independence and self-determination and complete degree requirements.

The Accommodative Services office offers alternatives and options that allow students to fully participate in academic pursuits at Paul Smith's. It is up to students to make their own decisions and to initiate actions that ultimately lead to success and enable them to contribute to, as well as share responsibility in, the Paul Smith's College community.

Services will not be initiated until students request them. Students have the right at any time to discontinue services. They may refer themselves to the Center for Academic and Career Success for extra help in any subject. Professors may refer students, as well. The academic support coordinator obtains information from students about how they are doing in their courses before assigning a student tutor.

10.2 Policies & Procedures

Here is a list of policies and procedures for acquiring academic acommodations.

- Complete the application for academic accommodations.
- Provide disability documentation which supports specific accommodations requested.
- The coordinator reviews the application and documentation and determines eligibility.
- An email is sent stating the status of the application.
- The student meets with the coordinator to set up academic adjustments and begin the faculty notification process to request adjustments needed in classes for the semester. Academic adjustments may begin once the process is complete.
- The faculty notification form will be emailed to each professor and the student will be copied – the student requests a new faculty notification form each semester and gives permission for which professors may receive notification – the student is able to review their faculty notification and their file at any time by logging in to the Student Health Portal or asking the coordinator directly for a copy.

10.5 Handling Disputes

Disputes involving students receiving services through the Accommodative Services Office use the dispute-resolution plan outlined on the Handling Disputes page on Bobnet.

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