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Office of Student
Cazenovia College
www.cazenovia.edu/student-life
315.655.7237 (phone)
INTRODUCTION

ABOUT CAZENOVIA COLLEGE

Cazenovia College is a private, nonsectarian, comprehensive college with an enrollment of approximately 1,000 undergraduate students. The College employs approximately 325 full and part-time faculty and staff.

Cazenovia College traces its birth to 1824, when it was founded as the Seminary of the Genesee Conference, the second Methodist seminary to be established in the United States. It opened with eight students in what had been the Madison County Courthouse. The seminary was a pioneer in coeducation. From the beginning it welcomed both men and women who wanted to prepare for college or complete their education in Cazenovia. In two years there were 145 students. Over the years, the seminary changed its name several times, first to the Seminary of the Genesee and Oneida conferences, later to the Oneida Conference Seminary, then to the Central New York Conference Seminary. In 1894, it became Cazenovia Seminary. Between 1904 and 1931, the institution also functioned as a secondary school for young people in the township, an arrangement that ended when Cazenovia Central High School was built.

In the 1940’s, facing constantly decreasing enrollment, the trustees decided to add a junior college. This change was not pleasing to the Methodists. They withdrew church sponsorship in 1942, and community leaders stepped in to form a new board for Cazenovia Junior College without religious affiliation.

When the College received accreditation in 1961 from the Middle States Association of Schools and Colleges, it dropped the “Junior” and became Cazenovia College for Women. In 1982, the trustees voted to return to coeducational, aiming for one-third male enrollment. The College’s name was shortened. By 1983, there were men back on campus. In November 1988, the New York State Board of Regents awarded Cazenovia College the right to offer bachelor degrees.

Today, the main Cazenovia College campus consists of 35 buildings on a 24-acre site within the picturesque lakeside village of Cazenovia. Major buildings and residence halls surround a centrally located open quadrangle. All College facilities and village amenities are within comfortable walking distance from any point on campus. The athletic complex includes a gymnasium, swimming pool, outdoor playing fields and tennis courts. Cazenovia College also maintains the Campus Farm with a modern equine facility on a 243-acre site.

MISSION STATEMENT

Founded in 1824, Cazenovia College is a small, independent, coeducational college offering baccalaureate programs in the liberal arts and professional studies. Embracing student success as its primary mission, the College comprises a diverse yet close-knit residential community that fosters intellectual, social, and ethical growth. Our experiential and co-curricular learning opportunities and dedicated team of faculty and staff provide for an individualized educational experience that balances academic and student life. Graduates of Cazenovia College possess the knowledge and skills necessary to become informed and successful participants in the global community.
VISION STATEMENT

All members of the Cazenovia College community will share in achieving recognition of Cazenovia as one of the nation’s leading independent colleges. The intellectual, cultural and physical environments of the College; its academic and student life programs; and opportunities developed through its alumni network, will form the foundation of an excellent education with an increasingly global context.

Cazenovia College will integrate state-of-the-art and emerging technologies into the learning environment, concentrating on a traditional and personalized experience that fosters active engagement. Enhancing our interdisciplinary approach to curricular development and delivery will promote life-long learning.

The College community will increase symbiotic partnerships and collaborative relationships, sharing expertise and resources toward mutual advancement. Cazenovia College's learning community will build on its long tradition of making an active, ongoing contribution to the intellectual and economic success of a diverse democracy in our interconnected world.

CORE VALUES

Cazenovia College has traditionally been and will continue to be a community focused on learning, nourished by diversity and strengthened by integrity.

STUDENT LIFE

Cazenovia College strives to accommodate a positive and vibrant campus community experience that serves all of its members. The College aims to encourage an environment that is safe, healthy, and conducive to positive growth and development both in and out of the classroom. The Code of Student Conduct, which articulates expectations of students in the context of community standards to which all students are expected to understand and adhere, is one of many initiatives to promote positive student development.

As an institution of higher learning, Cazenovia College’s faculty, staff, and administration will hold students accountable for their decisions, conduct, and behavior at all times. Students who interfere with the rights of others and engage in behaviors that are disruptive and/or in violation of the College’s Code of Conduct as articulated in this handbook will be subject to disciplinary action for their behavior, both on and off campus.

If you have any questions about the information in this handbook or anything else related to your experience as a Cazenovia College student, please know that you are always welcome to call the Office of Student Life at 315-655-7237 or stop by Chapman Hall.
COMPLIANCE STATEMENT

Under the Student Right to Know and Campus Security Act, colleges and universities produce statistics and/or information on the following subjects: (1) retention and graduation rates; (2) financial assistance available to students; (3) crime statistics on campus; (4) athletic program participation rates and financial support pursuant to the Equity in Athletics Disclosure Act; and (5) other institutional information, including cost of attendance, accreditation information, services available to students with disabilities, and withdrawal/refund policies. Information relating to compliance can be found at http://www.cazenovia.edu/about/institutional-research/directory-consumer-information.

POLICIES

ACADEMIC POLICIES

Information on academic resources and policies are contained in the College Catalog which can be found on-line at http://www.cazenovia.edu/academics/academic-catalog.

ALCOHOL POLICY

Summary of New York State Laws Pertaining To Alcohol:

Legal Minimum Purchase Age: No person shall sell, deliver, or give away or cause or permit or procure to be sold, delivered or given away, any alcoholic beverages to any person, actually or apparently, under the age of 21 years. Persons under 21 are not permitted to purchase, possess or consume alcoholic beverages. Effective January 1, 1990, persons under the age of 21 are prohibited from possessing any alcoholic beverage with intent to consume the beverage.

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

Using False I.D.s: Any person under 21 years of age who is found to have presented or offered false or fraudulent written identification of age for the purpose of purchasing or attempting to purchase alcoholic beverages may be faced with probation for a period of not exceeding one year, and may in addition receive a fine not exceeding $100.00. Effective November 1, 1989, persons under the age of 21 who present falsified or fraudulently altered proofs of age for the purpose of purchasing or attempting to purchase alcoholic beverages are guilty of a violation, punishable by a fine of up to $100.00 and a community service requirement of up to thirty (30) hours. Previously,
violations of this section were punishable only by the imposition of a one-year probationary period and a fine. Additionally, effective October 19, 1989, a person under the age of 21 who presents an altered New York State driver’s license for the purpose of illegally purchasing an alcoholic beverage may be subject to a suspension of that driver’s license for up to ninety (90) days and may also be required to apply to the Department of Motor Vehicles for a restricted use driver’s license following the suspension.

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

**Village Open-Container Law:** The Village of Cazenovia prohibits open containers of alcoholic beverages on streets and/or in cars.

**The Cazenovia College Program to Prevent Alcohol and Drug Abuse:** The Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226; Final Regulations published on August 16, 1990) required all colleges in the United States to certify to the U.S. Department of Education by October 1, 1990, that they adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. This program must include the annual distribution of the following to each student and employee:

- College Standards of Conduct that clearly prohibit, at a minimum, the unlawful possession, use or distribution of drugs and alcohol by students and employees on the institution’s property or as any part of the institution’s activities;
- A description of the applicable legal sanctions under local, state or federal law for unlawful possession, use of distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug and alcohol counseling, treatment or rehabilitation programs that are available to students and employees; and a clear statement that the institution will impose sanctions on students and employees (consistent with local, state, and federal law) and a description of these sanctions, up to and including expulsion or termination of employment and referral for prosecution for violations of these standards of conduct.

Cazenovia College conducts regular reviews of its program to (a) determine its effectiveness and implement changes as they are needed; and (b) ensure that the sanctions developed are consistently enforced.
The College Alcohol Policy

Cazenovia College supports and abides by the laws of New York State which make the selling, serving, and consumption of alcoholic beverages to individuals under the age of 21 an illegal act. The intent of this policy is to permit private and individual use of alcoholic beverages in a legal and responsible way by those students age 21 or older.

Students who enter Cazenovia College are expected to honor the legal restrictions on alcohol use imposed by the State of New York. Observance of the law is the responsibility of each student. Failure to obey the law may subject the student to prosecution by law enforcement authorities, both civil and criminal.

Failure to obey the law may also subject a student to judicial action on campus including but not limited to expulsion from campus. Being under the influence of alcohol shall not excuse any student from the legal and disciplinary consequences of offensive, disorderly, or unlawful conduct.

The College encourages students to seek assistance if they find they are unable to control their consumption of alcohol, or if they find themselves dealing with problems due to their drinking. Confidential assistance is available through the Counseling Center. Transportation to Alcoholics Anonymous (AA) meetings can also be arranged through the Counseling Center.

The College commits itself to educating its constituencies regarding alcohol consumption and its physiological, psychosocial, and behavioral effects. Therefore, in addition to the regulatory policies, the College will conduct educational experiences designed to foster an environment in which people of legal age come to know and respect the power of alcohol as an intoxicant and learn to use it, if they choose to, with care and responsibility.

The sale, serving, consumption and possession of alcoholic beverages are prohibited in all public area of the college unless authorized as an official college event by an appropriate administrative office. This includes but is not limited to areas such as bathrooms, lounges, kitchens, hallways, lobbies, entrance areas, and outdoor campus grounds.

When occupants of campus residential communities are 21 years of age or older, private use for individual consumption is allowed, except that kegs, beer balls, other common source containers are not permitted. Individual residents of legal age may possess no more than twelve, 12-ounce bottles/cans of beer/alcohol (or the equivalent), or 750 ml of liquor or wine at one time. Quantities may not exceed this amount even if you have visitors/guests. Visitors/guests in the alcohol policy are defined as those persons not residing in that room or suite. Alcohol use is limited to the confines of the room/suite/apartment and to those students age 21 or over.
When determining the quantity of alcohol, only unopened and clearly visible recently consumed (wet) cans/bottles should be counted. Cans/bottles in recyclable bins or in tied bags intended for recycling are not to be counted in the total quantity.

If, at any time, students who are twenty-one or older gather in a room with students who are not twenty-one, to avoid confusion, the College expects that all persons present will abstain from drinking alcohol.

Underage students present in a room where alcohol is present, whether consuming or not, will be considered to be in violation of the Alcohol Policy and subject to disciplinary sanctions.

**Specific Guidelines for Use of Alcohol on Campus**

1. These guidelines establish the minimum expectation of the College regarding the use of alcohol on campus. The observance of the laws of New York is a matter of individual responsibility; and students are expected to accept personal accountability for any decision regarding the use of alcoholic beverages on or off campus.

2. Public use or public possession, which includes any open container, is prohibited on campus.

3. Public intoxication and intoxicated behavior associated with it are neither appropriate nor permitted.

4. Related Offenses:
   a. Noise associated with the use of alcohol that disturbs others either on campus or in the community will not be tolerated. Students causing the noise or present with others causing the noise are subject to disciplinary action.
   b. Individuals responsible for damaged property, injury to person or endangering the health and welfare of students while under the influence of alcohol are subject to disciplinary action and will be held responsible for the cost of repairs and/or medical treatment.
   c. Failure to comply with requests made by any College personnel acting in the performance of their duties, while under the influence, will result in disciplinary action.

5. Bulk containers and “common sources” of alcohol are prohibited on campus.

6. Students under the age of 21 years may not consume or possess any open or unopened containers of alcoholic beverages. Collectibles and collections, including, but not limited to shot glasses, wine glasses, and mugs are considered only if actively used at the time of any alleged alcohol violation. Collections of used alcohol bottles (trophy bottles) are not permitted in a room or suite where any resident is under 21.
7. No student shall provide alcoholic beverages to another student or guest under the age of 21 years.
8. Alcohol found in the possession of or in the residential community room assigned to anyone under the age of 21, whether student or guest, will be confiscated and discarded.
9. Persons over 21 years of age in possession of a bulk container and/or serving to minors will have the alcohol confiscated and discarded. Further, alcohol will be confiscated and discarded whenever any of the rules contained in this policy are violated, regardless of the age of the individuals involved.
10. Persistent offenses by any one individual may subject the offender to more serious penalties, including suspension or expulsion from the College.
11. The College reserves the right to have the alcohol confiscated and discarded.
12. Students are responsible for the actions of their guests while they or their guest are under the influence of alcohol. Guests are expected to abide by all policies of the College and New York State law.
13. Alcoholic beverage containers, empty or full, and signs, advertisements, or displays advertising alcohol, may not be visible in windows, ledges, on doors or in general public areas and spaces.
14. Drinking contests or games which center on or encourage binge drinking and the abuse of alcohol, and the paraphernalia associated with such contests or games (such as funnels, beer bongs and pitchers), are not permitted.
15. Students should be made aware that the College may inform parents or legal guardians of incidents involving alcohol violations.
16. The Office of Student Life can, at any time and for any length of time, invoke a substance-free period mandated for any residence floor, hall, suite or living community (ex. Finals Week, Fall Break...) during which all members of the floor, hall, or community may not possess or consume alcoholic beverages.
17. If alcohol is found in a room and the residents of the room are not present, all residents will be held responsible until otherwise determined by college officials.

Resources and Information for Students

Cazenovia students are welcome to consult with the Cazenovia College Health and Counseling Center. All information is confidential as set forth by state and federal guidelines.
ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY

Policy Statement

It is the policy of Cazenovia College, in keeping with efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, that the College does not tolerate discrimination (including harassment and all bias-related behavior) because of gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, marital status, military status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, or any other basis protected by federal, state or local law. Together, these personal characteristics are referred to in this policy as “protected characteristics.” The College is committed to taking reasonable steps to prevent such discrimination (including harassment and all bias-related behavior) from occurring and to providing a forum in which anyone who complains of prohibited discrimination (including harassment) may expect to have that complaint expediently and carefully investigated and resolved.

Application

A. This policy applies to all students and all employees of the College including their relationships with students, as well as to third parties visiting the College regardless of their status or position.

B. This policy applies to activities that take place on campus or in connection with any College-sponsored programs and activities, regardless of where they take place. Additionally, off campus conduct may violate this policy if the conduct creates a threatening or uncomfortable environment on the College’s campus or within a College program, or if the incident causes concern for the safety or security of Cazenovia College’s campus.

C. This policy applies to members of one protected category who engage in prohibited discrimination or harassment toward members of the same or another protected category. For example, this policy prohibits males from sexually harassing females or other males, and females from sexually harassing males or other females.

Definitions

Discrimination

Discrimination is an act that disadvantages a person and that occurs because of one or more of the affected individual’s “protected characteristics.” Examples of discrimination include job actions such as lower pay, a failure to promote, denial of a raise, or termination because of one’s gender, race, sexual orientation, or another protected characteristic. Examples of discrimination also include, but are not limited to, denying a student a research opportunity because of the
student’s race, disability, sexual orientation, or other protected characteristic, giving a student a lower grade than he/she deserved because of the student’s gender, military service, religion, or other protected characteristic, etc.

**Harassment**

Harassment is a form of discrimination. Harassment is unwelcome, offensive conduct that occurs on the basis of any of the protected categories set forth above (such as sex, race, age, religion, national origin, physical or mental disability, etc.). When harassment becomes so severe or pervasive as to interfere with an individual’s ability to work, learn or participate in the College’s programs, it is called a “hostile environment.” Whether harassment has occurred in violation of this policy depends on consideration of all of the circumstances, including the severity of the incident(s), whether the conduct was repeated, whether it was threatening or merely annoying, and the context in which the incident or interaction occurred.

Harassment may be verbal, visual or physical. Merely by way of illustration, harassing acts may include racial, ethnic or religious slurs; name-calling that demeans on the basis of gender, age, disability or sexual orientation; unwanted touching of a person’s legs or shoulders; physically harming or threatening another due to racial or religious animosity; or vulgar pictures or ethnically offensive symbols or writings.

Sexual harassment, which is one form of harassment, is defined as unwanted sexual advances, requests for sexual favors or visual, verbal, non-verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made explicitly or implicitly a term or condition of employment or academic advancement; or (2) submission to or rejection of such conduct is used as basis for decisions affecting employment or academic advancement of an individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee’s or student’s work or academic performance or creating an intimidating, hostile or offensive work or educational environment.

The following is a partial list of conduct that may constitute sexual harassment whether or not directed specifically at the complaining party:

- Offering employment or academic benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Unwelcome visual conduct, such as leering or staring, making sexual gestures, or displaying sexually suggestive or derogatory objects, pictures, cartoons or posters.
- Unwelcome verbal conduct, such as making or using sexually suggestive or derogatory comments, epithets, slurs, sexually explicit jokes, or comments about another’s body or dress.
- Unwelcome verbal sexual advances or propositions.
- Unwelcome verbal abuse of a sexual nature, graphic verbal commentary about an individual’s body, sexually suggestive or derogatory words to describe an individual, suggestive or obscene letters, notes or invitations. This includes generalized sexist remarks and behavior, not necessarily designed to elicit sexual cooperation, but which convey insulting, degrading, and sexist attitudes.

- Unwelcome physical conduct, such as unwanted whistling, touching (including pinching and brushing), hugging, assaulting, impeding or blocking one’s movement because of sex.

The College also prohibits “quid pro quo” harassment. Quid pro quo (or “this for that”) harassment occurs when a person in a position of authority or control links the receipt of some benefit (such as a promotion or a grade) to another’s submission to unwelcome sexual advances or sexual conduct, or requires the other to perform or submit to demeaning or degrading sex or sexually-charged acts. Quid pro quo harassment can be expressly stated, but it can also be implied by words, actions or the surrounding circumstances. No person should believe that any other person – no matter their title or position with the College – has the right to pressure another person for sexual activity; they do not.

The College reserves the right to discipline students for offensive conduct that is inconsistent with community standards or the Code of Conduct, even if it does not rise to the level of a hostile environment as defined by applicable law. If you are unsure of whether a certain behavior constitutes discrimination or harassment prohibited by this policy, please contact the Office of Student Life.

**Interim Actions**

Interim actions may be taken by the College to immediately respond to a situation. Interim actions may include, but are not limited to, no-contact orders directing the accused to have no contact with the complainant, changes in class assignments, residence hall assignments, transportation arrangements, or work assignments to assist the complainant in not having to interact with the accused, or other measures to enhance the complainant’s safety, such as escorts or increased monitoring of an area. The College may impose a suspension from the campus or parts of the campus, pending the outcome of an investigation and disciplinary proceeding. The College will review the facts and circumstances of each case, as well as the complainant’s wishes, in deciding whether and what steps are reasonable and appropriate.

**Confidentiality**

A report to the College often does, but need not necessarily, lead to an investigation or disciplinary action. The decision about what action(s) to take depend on many factors, including the complainant’s wishes. A complainant may make a report and request that the College take no investigatory or disciplinary action or may wish to have his/her identity as the complainant kept
confidential. The College endeavors to comply with complainants’ wishes. However, that is not always possible. If a complainant requests that his/her name be kept confidential, the College’s ability to respond to the complaint may be limited. If any number of people could have reported the incident, it may be possible for the complainant’s identity to remain confidential and not shared with the respondent. However, in other cases, it may not be possible to proceed with investigatory or disciplinary action without revealing the identity of the complainant. If a complainant requests either form of confidentiality, the Title IX Coordinator will consult with other appropriate administrators regarding the request. The College’s decision as to responsive action will depend on the seriousness of the offense, whether there was a single accused or multiple, whether there is a reason to believe that the accused has engaged in this or similar conduct previously, whether the circumstances suggest an ongoing or future risk to the campus community or the complainant, 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.

Complaint Process

The College’s complaint procedure provides for a prompt, thorough and objective investigation of any claim of discriminatory treatment or harassment. The College will take appropriate remedial action against any person found to have engaged in prohibited discriminatory or harassing behavior. The discipline will be commensurate with the severity of the offense, up to and including dismissal. Appropriate action will also be taken to deter prohibited behavior from re-occurring.

- Students with concerns about possible discriminatory treatment, harassment by another student, student group, or student organization are encouraged to contact Campus Security (315.655.7271) of the Office of Student Life (315.655.7237). Both offices will review options for addressing the situation. In cases of physical assault or destruction of property, individuals are also encouraged to immediately contact Campus Safety (315.655.7271).
- Students who become aware of discriminatory or harassing conduct toward any student that they believe is prohibited by this policy should immediately report the matter, preferably in writing, to Campus Safety or the Office of Student Life.

The College will promptly investigate all complaints of harassment or other forms of discrimination prohibited by this policy. Campus Safety will assist in investigating incidences consistent with the definition of hate or bias-related crime. The College will, to the extent feasible, maintain the confidentiality of such complaints. However, investigation of such complaints will generally require disclosure to the accused party and other witnesses in order to gather pertinent facts. When the investigation is complete, a determination regarding allegations will be made and communicated to the person claiming discrimination and/or harassment as soon
as practical. The College will also take action that it believes is appropriate under the circumstances. This may include dismissal, and reporting of crimes to local authorities as required by law.

Please note that while this policy sets forth the College’s goal of promoting a workplace and educational environment that is free of discrimination and harassment, this policy is not designed or intended to limit the College’s authority to discipline or take remedial action for conduct which it deems inappropriate, unprofessional, inconsistent with the College’s standards, or otherwise inadvisable, regardless of whether that conduct satisfies the legal definition of unlawful discrimination or harassment (e.g., bullying).

Mediation Option

In some cases, informal resolution, in the form of mediation, may be appropriate. A complaining party who files a complaint may elect to proceed either by mediation or investigation. The election to proceed by mediation requires the concurrence of the complaining party and the accused party, either of whom may decide at any stage during or upon the conclusion of the mediation process to proceed by investigation. The Title IX Coordinator must agree that mediation is appropriate. While a complaining party may elect to resort directly to the investigation process without initially attempting mediation, the College encourages complaining parties to participate initially in the mediation process. If a complaint is filed and the complaining party and the accused agree to proceed by mediation, then the mediation process must be completed within twenty (20) working days of the election to mediate. This timeframe may be extended under circumstances where there is a College break from regular classes.

Investigation

If either party is dissatisfied with the outcome of the mediation process, or if either party or the College elects to proceed directly to the investigation process, then the Director of Human Resources, or a trained individual designated by the vice president in consultation with the President (and the Dean for Student Life where students are involved), undertakes an investigation:

a. An investigation may involve persons other than the complaining party and accused, including witnesses and the accused’s supervisor;

b. A written record will be produced summarizing the written statements of the complaining party, charged party, and any witnesses, which will be made available upon request to the complaining party and the accused; and

c. The record may be used as documentation for the Investigation Report and for any corrective actions recommended to the appropriate vice president.
The investigation and mediation processes will be distinct from each other. The same person may not perform the functions of mediator and investigator in a single case. Statements made in the mediation process are confidential, and, may not be introduced into any proceedings including the investigation process.

The complaining party and the accused will be given an equal opportunity to present information in the context of the investigation. The precise features and steps of the investigation process, which is conducted by the Department of Campus Safety or the designated investigator, are set forth in the full policy and procedures document. The Department of Campus Safety or the designated investigator will endeavor to complete its investigation within thirty (30) working days, but this timeframe may be extended if necessary under the circumstances.

The standard for decisions in investigatory and disciplinary proceedings is a preponderance of the evidence, meaning that it is more likely than not that a violation of this policy occurred. The Department of Campus Safety policies for investigating crimes are available in the department office and in Your Guide to Campus Safety.

**Policy Against Retaliation**

The College strictly prohibits and will not tolerate retaliation against any student or employee by another student or employee or by anyone representing the College for using or participating in good faith in the anti-discrimination/anti-harassment complaint procedure, for reporting in good faith discrimination or harassment prohibited by that policy, or for filing, testifying, assisting or participating in good faith in any investigation or proceeding conducted by a governmental enforcement agency. Prohibited retaliatory acts include, but are not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment or academic decisions, failure to make employment or academic recommendations impartially, adversely affecting working or academic conditions or otherwise denying any employment or academic benefit. Employees and students who become aware of anyone engaging in retaliation prohibited by this policy should immediately report the matter, preferably in writing, to either their supervisor, the department head, the dean, or to the Director of Human Resources. If any further incident(s) of retaliation occur, such incident(s) should also be immediately reported. Any person who engages in retaliatory conduct prohibited by this policy will be subject to appropriate disciplinary action, up to and including termination of employment and/or permanent expulsion.
ATHLETIC POLICIES
Athletic policies and procedures can be found on-line at

COMPUTER USE (APPROPRIATE USE OF TECHNOLOGY)
Cazenovia College provides access to appropriate computer systems to students' for the exclusive use by the student. Information and Communications Technology (ICT) has responsibility for operating a variety of services for employees and students, and for doing so efficiently, correctly, and securely. The College does not ensure privacy of its electronic communication systems for its students. The systems, owned and maintained by the College, may from time to time be monitored and accessed by ICT.

Students are expected to use the technological resources of the College in an ethical manner, and to adhere to high moral, legal, and professional standards. Unacceptable use of Cazenovia College’s electronic communication systems includes:

- Attempting to access password-protected systems for which you do not have an assigned password.

- Sharing your password(s) with anyone. Each student is responsible for all actions performed on his/her account and is expected to take precautions necessary to prevent its unauthorized use.

- Attempting to access personal or confidential information unless authorized to do so. Students are expected to respect the privacy rights of others, to not disclose confidential information without permission of the owner, and to use data for legitimate academic purposes only.

- Impersonating other individuals or misrepresenting yourself in any way when using College technological resources.

- Using computers, computer networks, data, and other College technological and information resources to harass, threaten, defame, or otherwise cause harm or damage to another person, institution, or constituency within or outside the College community.

- Compromising compliance with the copyright laws and provisions of the licensing agreements that apply to software, printed and electronic materials, graphics, multimedia, and all other technological resources licensed and/or purchased by the College or accessible over network resources provided by the College.
• Creating, installing, or disseminating software (e.g., viruses, Trojan horses) or communication (e.g., chain letters, broadcast messages) that may disrupt, overcrowd, or otherwise harm or degrade College technological and information resources.

• Using ICT services to support inappropriate activities on any network, even if the activities don't interfere directly with ICT services. ICT will pursue allegations of inappropriate network activities with the utmost diligence.

• Using ICT technology, services, network, or supplies for personal gain, or for promoting personal interests or disseminating information that is contrary to the mission and objectives of the College.

The College regards the improper or unauthorized use of a computer or computer network, including actions such as invasion of privacy, conversation, trespassing, fraud, or pirating as illegal under federal law. Failure to abide by this policy will result in discipline, up to and including dismissal.

DRUG POLICY

Cazenovia College seeks to maintain a work and educational environment that is safe for its employees and students, and conducive to work standards that support an effective workforce. To that end, and in accordance with the appropriate legislation (the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act Amendments of 1989), the College prohibits the unlawful manufacture, distribution, conveyance, possession, sale, or purchase of controlled substances, including illegal drugs, designer and synthetic drugs, prohibited drugs, and drug-related paraphernalia [including but not limited to synthetic drugs, bongs, pipes, rolling papers, filter tubes, etc.] on College property (including private vehicles), at College functions, or at any other time and place.

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

Students should be made aware that the College considers itself obliged to inform parents or legal guardians of incidents involving possession, use, or distribution of illegal drugs and drug
paraphernalia. The intent of this policy is to promote a healthy environment and to provide safe and secure residences that support the academic and personal growth of our students.

Cazenovia College stands willing to assist in the resolution of problems associated with the use of alcohol and drugs, and encourages students to seek medical help by contacting the Health Office at 315.655.7122.

ELECTRONIC COMMUNICATION POLICY

The College’s electronic communication systems such as voicemail, e-mail, Web site, computers (desktop, laptop, iPads, tablets, etc.), mobile devices (smartphones, blackberry’s, PDAs, etc.), network and Internet access systems, both internal and external, are to be used primarily to advance the College’s mission of education, research, and public service. The College recognizes that academic freedom is an essential aspect of the College’s mission and will interpret and carry out this policy so as to respect that principle. Communications transmitted through these systems should have a legitimate College-related business purpose. These electronic communications resources may only be used for legal purposes and may not be used in any manner or for any purpose that is illegal, dishonest, disruptive, threatening, damaging to the reputation of the College, inconsistent with the mission of the College, or likely to subject the College to liability.

The use of College electronic communications systems or facilities for private or personal commercial purposes is strictly prohibited, including any sort of non-College related solicitation. The College’s existing policies prohibiting discrimination and harassment apply to the use of all College electronic communications systems. Therefore, the electronic communications systems are not to be used in any way which has the effect of unreasonably interfering with anyone else’s educational or work performance or which creates a discriminatory, intimidating, hostile, or offensive educational or work environment (whether or not based upon race, color, gender, disability, religion, national origin, sexual orientation, age or any other characteristic protected by applicable law). Sending unwanted and/or offensive e-mail messages may constitute harassment. Impermissible harassment also includes making unwelcome sexual advances and requests for sexual favors.

The electronic communications systems also shall not be used to post or send obscene, pornographic, sexually explicit, or offensive material unconnected to a student’s, academic performance, or scholarly pursuits. Nor shall the electronic communications systems be used to commit fraud or misrepresentation, to libel or slander anyone, or to facilitate any unauthorized copying or transmission of copyright protected materials. In addition, students should not attempt to disrupt electronic communications, to violate computer system security, or to gain access to another student’s personal electronic files or e-mail messages without the latter’s expressed permission.
Policy Violation Examples

Violations of this policy may involve the use of electronic communications to:

Harass, threaten, or otherwise cause harm to a specific individual(s), whether by direct or indirect reference

- Sending, saving or viewing offensive material (i.e., sexual comments, jokes or images, racial slurs, gender-specific comments, or any comments, jokes or images that would offend someone on the basis of his or her race, ethnicity/national origin, religion, gender, pregnancy, sexual orientation, age, or any other characteristic protected by applicable law
- Sending repeated and unwanted (harassing) communication by electronic mail or other electronic communications that is sexual in nature
- Sending repeated and unwanted (harassing) communication by electronic mail or other electronic communications that is motivated by race, ethnicity/national origin, religion, gender, pregnancy, sexual orientation, age, or any other characteristic protected by applicable law
- Posting or otherwise disseminating personal or sensitive information about an individual(s)

Impede, interfere with, impair, or otherwise cause harm to the activities of others

- Propagating electronic chain mail
- Interfering with freedom of expression of others by "jamming" or "bombing" electronic mailboxes
- Forging, fraudulently altering, or falsifying electronic mail headers, electronic directory information, or other electronic information generated as, maintained as, or otherwise identified as College records in support of electronic communications
- Using electronic communications to forge an academic document
- Using electronic communications to hoard, damage, or otherwise interfere with academic resources accessible electronically
- Using electronic communications to steal another individual's works, or otherwise misrepresent one's own work
- Using electronic communications to collude on examinations, papers or any other academic work
- Using electronic communications to fabricate research data.

Download or post to College computers, or transport across College networks, material that is illegal, proprietary, in violation of College agreements, or otherwise is damaging to the institution
- Electronically distributing or posting copyrighted material in violation of license restrictions or other contractual agreements
- Launching a computer worm, computer virus or other rogue program
- Downloading or posting illegal, proprietary or damaging material to a College computer
- Transporting illegal, proprietary or damaging material across Cazenovia's networks

**Harass or threaten classes of individuals**

- Posting hate speech regarding a group's race, ethnicity, religion, gender, sexual orientation, age or any other basis protected by applicable law.

The network administrators perform periodic security and maintenance checks of the College electronic communications systems, facilities, and other computing resources. As a matter of routine system maintenance, the College may store electronic communications on magnetic media for a period of time after the communication is created. The College may override any applicable passwords or codes to inspect, investigate, or search a student’s or an employee’s files or messages. All passwords must be made available to the College upon request.

The College cherishes the diversity of values and perspectives in an academic institution and so is respectful of freedom of expression. The College does not condone censorship, nor does it endorse the inspection of electronic files unless necessary. Nevertheless, all information, including e-mail messages and files, that is created, sent or retrieved over the College’s electronic communication systems is the property of the College, and should not be considered private or confidential. Students and employees have no right to privacy as to any information or file transmitted or stored through the College’s electronic communication systems. The College reserves its right to monitor, inspect and examine any of its owned or operated electronic communication systems, electronic resources, and/or files or information contained therein without prior notice. The contents of any electronic resource, message, and/or files or information, which has been inspected under this policy, will not be used or disseminated more widely than is necessary. However, all information, including text and images, may be disclosed to law enforcement or to other third parties without prior consent of the sender or the receiver.

**Student and Employee use of the College’s electronic communication systems constitutes consent to the College’s accessing, intercepting, monitoring, and disclosure of any matter stored in, create, received or sent over these resources.**

Violation of any portion of this electronic communications policy may result in disciplinary action, up to and including dismissal.

The College may restrict the use of its computers and network systems for electronic communications, in response to complaints presenting evidence of violations of other College
policies or codes, or state or federal laws. Specifically, the College reserves the right to limit access to its network through College-owned or other computers, and to remove or limit access to material posted on College-owned computers.

The restrictive actions pertaining to this policy conform to the Electronic Communication Privacy Act of 1986. In exceptional cases, the network administrator may detect evidence of a violation while performing his or her duties operating or maintaining a system. In such instances, the system or network administrator will contact the Office of Student Life and/or Office of Human Resources for further guidance.

**Reporting Violations**

If you believe that a violation of this policy has occurred, contact the Office of Student Life or Campus Safety. If an individual's health or safety appears to be in jeopardy, please contact College Health Services and/or the Cazenovia College Campus Safety Department.

**HATE CRIMES**

**Policy Statement**

Members of the Cazenovia College community have the right not to be discriminated against for reasons of age, creed, ethnic or national origin, gender, disability, marital status, political or social affiliation, race, religion, or sexual orientation. It is the policy of Cazenovia College to ensure that all bias or hate related incidents are investigated thoroughly in a sensitive manner that provides support for, and minimizes the trauma experienced by the victim. Students, faculty, and staff shall be notified of Campus Safety policies and procedures as well as penalties for violating laws, rules, and regulations. This notification process shall be accomplished annually through the use of brochures, mailings, websites and links to websites, and student and employee handbooks and orientations.

**Definitions**

**Hate Crime** – A hate crime can be generally defined as a crime, which in whole or part, is motivated by the offender's bias toward the victim's status. The offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct (Section 485.05 of the New York State Penal Law).
Hate Crimes Act of 2000 - A person commits a hate crime when he or she commits a specified offense and either: (Section 485.05 of the New York State Penal Law).

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

Examples of hate crimes may include, but are not limited to: threatening phone calls, hate mail (including electronic mail and instant messaging), physical assaults, vandalism, destruction of property, and fire bombings. A complete listing may be found in Section 485.05 of the New York State Penal Law.

Response

As soon as any member of the campus becomes aware of a hate crime Campus Safety should be contacted immediately. If the victim requires medical attention, it is preferred that CAVAC be called otherwise the College staff member should arrange for an escort to a local area emergency room for evaluation.

Procedure

The initial complaint of a hate crime may be made to the police or any member of Campus Safety, Office of Student, Health and Counseling, Faculty, or any other member of the campus community. Complaints may also be made by calling the T.I.P.S. line (315.655. 7600) if the caller wishes to remain anonymous. Campus Safety shall immediately respond and interview the victim and any witnesses. The responding officer should:

1. Determine if the victim requires medical attention and arrange for such attention. Aid and comfort the victim.
2. Contact a staff person from the Counseling Center. If the victim does not wish to speak to a counselor, suggest contacting someone that the person knows for emotional support.
3. Interview the victim and any witnesses to determine:
a. if a hate crime actually occurred.
b. the identification of the guilty person at the scene or in immediate flight, and
   the initial crime scene processing and recording of all relevant evidence and
   information.
4. Make notifications to the appropriate college officials.
5. Prepare all necessary reports and documents to assist the Office of Student Life in the
   judicial process or the police in the criminal prosecution.
6. Once it has been determined that the incident is a hate crime, Cazenovia Police must
   be notified, whether or not the victim requests prosecution.
7. If it is determined that the case will be turned over to the police for prosecution, the
   Director of Campus Safety or his designee will coordinate any police investigation with
   the chief of police or investigating officer of the police agency taking control of the
   investigation.
8. Investigations by the College as well as the police are possible and may be concurrent.
   Violators are subject to penalties resulting from both investigations.

The Office of Student Life will act to facilitate any judicial proceedings resulting from any hate
crime in which the suspect is a student. The College will do everything possible to ensure a safe
living environment for all involved persons.

Although the victim may not wish to proceed with formal judicial or criminal proceedings, the
College reserves the right to protect members of the campus community.

**Victim’s Rights**

1. to protection from intimidation and harassment on campus after the alleged incident.
2. to be provided with information pertaining to criminal and campus judicial processes and
   to choose whether or not to pursue either.
3. to due process within any criminal or campus judicial proceedings.
4. to withdraw from legal or campus judicial proceedings at any time.
5. to receive counseling.
6. to be treated with dignity and compassion by all institutional personnel dealing with
   victims of violence.
7. to privacy.
8. to be accompanied by a faculty or administrative advisor of one’s own choosing who can
   provide support and assistance throughout every phase of the process.

**Rights of the Accused**

1. to be considered innocent until an admission of guilt or proof of responsibility by a
   preponderance of the evidence presented in a formal judicial hearing or criminal trial.
2. to a fair and objective investigation.
3. to hear and respond to testimony of complainant and witnesses.
4. to present witnesses on his/her behalf as outlined in the formal judicial procedures.
5. to be advised by a member of the Cazenovia College community during formal judicial procedures and to have a Cazenovia College faculty or administrative advisor to assist throughout both the investigative and procedural stages.

False Charges

Cazenovia College, as an institution of higher learning, is dedicated to the discovery, advancement and diffusion of truth. A false statement, especially the filing of false charges by a member of the College community, violates the institution’s dedication to truth. The filing of charges of a hate crime is a very serious allegation and will be expeditiously investigated. If the allegations are proven false, the person who filed the charges will be subject to severe disciplinary action through formal judicial procedures as outlined in the Codes of Conduct and Judicial Process.

Penalties

College Internal Penalties

1. Student Violators: Due to their serious nature, Hate Crimes are Level B violations of the Student Code of Conduct and are subject to the maximum penalty of suspension or dismissal from Cazenovia College.
2. Employee Violators: Due to the serious nature of Hate Crimes, employees found to have committed such violations are subject to the maximum of dismissal from employment from Cazenovia College as stated in the Employee Code of Conduct.

Criminal Penalties

Persons convicted of Hate Crimes in New York State (listed in section 485.05 of the New York State Penal Law) are subject to sentencing according to Article 70 of the New York State Penal law.

Details of all Hate Crimes shall be considered confidential. Any personal information obtained during the investigation or adjudication of the matter will be subject to disclosure only to the extent required by law.

NO SMOKING POLICY

Cazenovia College is committed to providing a safe and healthful environment for its staff and students, and will endeavor to control involuntary exposures to the harmful substances produced by tobacco smoking. Federal legislation and municipal by-laws have been enacted to regulate
smoking in the workplace and in post-secondary educational institutions. The College must comply with the law. In addition, as an educational institution, the College should endorse practices that promote health, and should provide leadership to the community by endeavoring to eliminate a controllable health hazard from its property. It is the policy of Cazenovia College that smoking is prohibited on/in all College property. Electronic cigarettes, vaping devices and hookahs are banned from use in College owned or leased residence halls.

Enforcement

This policy applies to all users of Cazenovia College and its property to include employees, students, vendors, contractors and visitors. All supervisors are responsible for the enforcement of this policy in the same manner as other College policies and rules. Students will be sanctioned according to the Student Code of Conduct. Employees will be subject to discipline, up to and including termination of employment. Area supervisors will be notified. Campus Safety will, if necessary, enforce the No Smoking Policy. Littering of cigarette butts will be considered a violation of the No Smoking Policy.

Education and Smoking Cessation Programs

Many smokers are still unaware of or do not accept important health risks related to smoking. The College will undertake education efforts to inform members of its community as to the serious health effects of direct and secondhand smoke. To assist staff members and students who wish to stop smoking, the College will provide educational information. Medical care is available for smoking cessation and counseling according to Campus Health Service policies.

NO SOLICITATION POLICY

The general public and campus visitors are not allowed to solicit or distribute literature on Cazenovia College property without prior written authorization from the Vice President for Institutional Advancement or Vice President for Financial Affairs and must be in furtherance of the College’s business and/or educational purpose. Student requests for permission to make campus solicitations should be directed in writing to the Dean for Student Life for approval and must be in furtherance of the College’s business and/or educational purpose. No student is permitted to offer any product or service for purchase on the campus or in the residence halls.
NOTIFICATION OF E-MAIL AS OFFICIAL COMMUNICATIONS FOR STUDENTS

Electronic mail (e-mail), like postal mail, is a mechanism for official College communication with students. The College will exercise the right to send e-mail communications to all students, and will expect that students will read them in a timely manner.

RESIDENTIAL/HOUSING POLICIES AND GUIDELINES

The Dean for Student Life and Office of Student Life professional staff members work in promoting a positive living community. Office of Student Life staff members directly administer the College judicial process, policies and procedures relating to safety, training, programming, and management of student support staff. Resident Advisors serve as role models to students in their residence halls and work toward the creation of positive and healthy living/learning communities.

Cazenovia College is primarily a residential community. Experience and national studies demonstrate that the majority of traditional-age students living on campus develop better socially, personally, and academically than their peers who live off campus. Therefore, all full-time freshmen, sophomores and juniors (under 90 credits) are required to live in College residential facilities, except for those who live within commuting distance and reside with parents, legal guardians or have been granted exemption from the Dean for Student Life. “Full-time” is defined as maintaining at least twelve (12) credit hours per semester.

Juniors have priority for exemptions based upon space availability.

All students requesting an exemption from College housing must submit a written petition to the Dean for Student Life. Failure to do so will result in a housing assignment and associated fees.

The minimum requirements necessary for consideration of an exemption(s) are:

- Good academic standing, a cumulative GPA of at least 2.0 or written endorsement from the student’s Academic Advisor.
- Written endorsement of the request from a parent or legal guardian.
- Exceptions can only be granted for extraordinary reasons.

Academic Responsibilities Which Affect On Campus Housing

A student must be enrolled full-time and maintain at least the equivalent of 12 credit hours per semester to live in College-owned or leased housing.
Students wishing to live in Village Commons must have a cumulative 3.0 GPA or higher at the time in which they select a room during housing lottery and keep the cumulative GPA while residing in Village Commons. Failure to do so may result in relocation to another residence hall.

Removal from Residence Halls

Residency in a College facility is a privilege. Failure to abide by College policies and procedures as outlined under Student Code Conduct in the Student Handbook may result in a student being removed from residency.

Residence Hall Damage

Individual Responsibility
Cazenovia students are held financially responsible for damage to College property incurred by their own actions or those of their guests. In cases where the damage is intentional or malicious, additional disciplinary action may result.

Floor Damage
When damage occurs in a common floor area, such as a hallway or bathroom, and no individuals are found responsible, the charge will be absorbed/shared by all residents of the particular hallway, suite or floor.

Community Damage
In cases where damage occurs in an area such as a main lobby, staircase, or lounge, and no individual or individuals are found responsible, all residents in that residence hall shall absorb the cost.

For more information on Residence Life, visit http://www.cazenovia.edu/student-life/residence-life.

Housing Agreement Policies

Additional residential regulations and policies are contained the Housing Agreement which can be found at http://www.cazenovia.edu/student-life/residence-life/room-assignment-and-selection.
SEX DISCRIMINATION, SEXUAL HARASSMENT AND SEXUAL MISCONDUCT POLICY

I. Introduction

Cazenovia College is committed to equal opportunity and a tolerant, supportive learning environment. Cazenovia College complies fully with all applicable federal and state legislation and regulations, including Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Violence Against Women Act, and the New York Human Rights Law. Pursuant to these statutes and regulations, the College prohibits all forms of sex discrimination, sexual harassment, sexual violence and sexual misconduct. This policy is intended to educate the College community about these issues and also explain the way in which the College will respond to these incidents promptly and thoroughly in the event that they do occur.

Cazenovia College is committed to addressing all forms of sex discrimination, sexual harassment and sexual misconduct by enacting preventative measures, educating the campus community and establishing and enforcing this policy.

II. Scope of the Policy

This policy applies to all students, faculty, and staff of Cazenovia College. This policy also applies to conduct by third parties that include visiting speakers, contracted professionals, guests of enrolled students, visiting athletic teams, conference attendees, etc. Any member of the Cazenovia College community found in violation of these policies may be subject to disciplinary action. This policy also applies regardless of the Complainant’s or Respondent’s race, creed, color, gender, gender identity, gender expression, ethnicity, national origin, religion, marital status, familial status, pregnancy, age, sexual orientation, veteran status, disability, genetic predisposition status, domestic violence victim status, criminal conviction or any other protected characteristic under applicable local, state or federal law.

This policy applies to conduct on campus and in connection with any College-sponsored programs or activities, regardless of whether it occurs on or off campus. Further, even conduct that occurs outside a College-sponsored program or activity may violate this policy if the conduct creates a threatening or hostile work or learning environment on the College’s campus or within a College program, or if the incident causes concern for the safety or security of Cazenovia College’s campus.

The disciplinary actions the College may take will differ depending on the level of control the college has over the accused. Regardless of the level of disciplinary action that can be taken, Cazenovia College is committed to remedying the effects of any sex discrimination, sexual harassment or sexual misconduct and preventing its’ recurrence.
III. Title IX Coordinator

The Title IX Coordinator for Cazenovia College is Janice Romagnoli, Director of Human Resources. She can be reached at jaromagnoli@cazenovia.edu or 315.655.7274. To reach her after hours or in an emergency, please contact Campus Safety at 315.655.7271.

The Title IX Coordinator’s duties and responsibilities include monitoring and overseeing the overall Title IX compliance at the College, including coordination of training, education, communications and administration of grievance procedures for faculty, staff, students and other members of the College community. The Title IX Coordinator is responsible for ensuring that the College carries out its Title IX responsibilities.

IV. Definitions

**Sex Discrimination** - Sex discrimination is an act that disadvantages a person and that occurs because of the affected individual’s gender, sexual orientation, gender identity, or gender expression. Examples of sex discrimination include, but are not limited to, denying a student a research opportunity because of the student’s gender; giving a student a lower grade than they deserved because of the student’s gender; denying an employee a raise because of the employee’s sex. A person who believes that they have been discriminated against with respect to an academic or employment decision is generally entitled to bring a complaint pursuant to this policy in addition to any other College process or procedure that may be available (such as a grade appeal policy or appeal procedures for work performance or promotion).

**Sexual Harassment** - Sexual harassment is unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education
3. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment

Sexual Harassment may be verbal, written or physical and includes:

- **Quid Pro Quo** harassment (or “this for that”) occurs when a person in a position of authority or control links the receipt of some benefit (such as a grade or promotion) to another’s submission to unwelcome sexual advances, requests for sexual favors, or requires the other person to perform or submit to demeaning or degrading sex or sexually-charged acts. “Quid pro quo” harassment can be
expressly stated, but it also can be implied by words, actions, or the surrounding circumstances. No person should believe that any other person – no matter their title or position with the College – has the right to pressure another person for sexual activity.

✓ **Hostile Environment**: when sexual harassment becomes so severe and pervasive that a reasonable person would view the environment as hostile, offensive or abusive and the conduct interferes with an individual’s ability to work, learn or participate in the College’s programs, it is called a “hostile environment.” The College reserves the right to discipline offensive conduct that is inconsistent with community standards even if it does not rise to the level of a hostile environment as defined by applicable law.

Some examples of Sexual Harassment include, but are not limited to:

✓ Offering employment or academic benefits in exchange for sexual favors.
✓ Making or threatening reprisals after a negative response to sexual advances.
✓ Unwelcome physical touching of a person’s legs, shoulders or back, leering, making sexual gestures, or displaying sexually suggestive or derogatory objects, pictures, cartoons or posters.
✓ Unwelcome physical affection (such as hugs or kisses)
✓ Repeated, unwelcome sexual advances, requests for dates, or romantic interaction.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this policy. Instead, the determination is based on a “reasonable person” standard and takes into account the totality of the circumstances. Cazenovia College considers the context of a communication or incident, the relationship of the individuals involved, whether the 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. The above definitions and examples are provided for educational and illustrative purposes. A person reporting an incident of concern need not worry about whether all elements of a particular definition have been met. The College will assist the Complainant in determining whether the incident may constitute a violation of this policy.

**Non-Consensual Sexual Offenses** - Cazenovia College expects that any sexual activity or contact will be based on mutual affirmative consent to the specific sexual activity. Affirmative consent is defined as the following:

**Affirmative Consent** - A safe and respectful learning community requires that sexual activity be premised only on affirmative consent. Whenever the word “consent” is used in this policy, it should be understood to mean affirmative consent as defined here. Affirmative consent is a
knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of affirmative consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression.

Certain conditions prevent a person from being able to consent. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol or drugs or other intoxicants may be incapacitated and therefore unable to consent. A person who has been drinking or using drugs is still responsible for ensuring that he or she has the other person’s affirmative consent and/or appreciating the other person’s incapacity to consent. It is not an excuse that the person accused of sexual misconduct was himself or herself under the influence of alcohol or drugs and, therefore, did not realize the incapacity of the other.

Consent to some sexual contact cannot be presumed to be affirmative consent for other sexual activity. A current or previous sexual or dating relationship is not sufficient to constitute affirmative consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

Sexual activity as the result of coercion is non-consensual. Coercion is a threat, undue pressure, intimidation, force or threat of harm to engage in sexual activity.

Sexual relationships between faculty and students and staff and students are problematic due to the inherent power differential. Therefore, sexual or romantic relationships between faculty and students and between staff and students are prohibited.

**Sexual Offenses**

**Sexual Assault** - Consistent with federal law, Cazenovia College defines sexual assault as including:

- **Non-Consensual Sexual Contact**: Any intentional sexual touching, however slight, with any private body part or object, by a person upon a person, that is without affirmative consent and/or by force.
- **Non-Consensual Sexual Intercourse**: Any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by a person upon another person that is without affirmative consent. Sexual assaults of this type can be sub-defined by the following:
Sexual Exploitation - occurs when, without affirmative consent, an individual takes sexual advantage of another for his/her own advantage or benefit. Examples of sexual exploitation include, but are not limited to: invasion of sexual privacy, non-consensual video or audio-taping of sexual activity, engaging in voyeurism, prostitution, acts of incest, 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, or exposing one’s genitals in non-consensual circumstances.

Dating Violence - refers to violent behavior (including, but not limited to, sexual or physical abuse or the threat of such abuse) by a person who is or has been in a romantic or intimate relationship with the victim. The existence of such a relationship will be determined based on Complainant’s statement and with consideration of the length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence - refers to misdemeanor or felony crimes of violence committed by the victim’s current or former spouse, current or former cohabitating romantic partner, individuals who share a child in common, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Stalking - refers to a course of conduct directed at a specific person that would cause a reasonable person under similar circumstances and with similar identities to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

Sexual Misconduct - For purposes of this policy, the term “sexual misconduct” is a term used to more conveniently refer to any form of sex discrimination; sexual harassment; non-consensual sexual activity or sexual offense; dating violence, or domestic violence if between current or former spouses or romantic partners; or stalking, if the circumstances of the stalking suggest gender-based animosity, hostility or occurs in the context of a romantic or sexual pursuit. Sexual misconduct may occur between members of the same or opposite sex and in heterosexual and homosexual relationships. While sexual misconduct can constitute a criminal offense under New York State law, a person’s conduct may violate this policy even if it does not violate State law.

Complainant - The term Complainant refers to the person who allegedly experienced the
discrimination, harassment, sexual misconduct or other violation of this policy. That person is usually, but not always, the person who made the initial report to the College. In the case of complaints that are pursued when the alleged victim does not want to participate in the process, the College may pursue a complaint without such individual in which case a designated College representative will be the Complainant.

**Respondent** - The term Respondent refers to the person alleged to have committed the alleged discrimination, harassment, sexual misconduct or other violation of this policy.

**V. Options for Assistance**

A member of the College community who believes that they have experienced or are experiencing sexual harassment, sex discrimination, dating/domestic violence, or any other form of sexual misconduct, should speak to someone for help or advice. If you are in any danger, or if you believe you may soon be in danger, do not hesitate to call for help. Securing your immediate safety is the first priority. Campus Safety is available 24 hours/7 days a week by contacting 315.655.7271 and the local police department can be reached by calling 911. A Students' Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking is set forth at the end of this policy.

**Reach out to someone:**
You don’t have to go through this alone. Contact someone you trust for guidance and support. It can be someone you know, or someone who is trained to help. Cazenovia College encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the College can respond appropriately.

Certain employees can maintain complete confidentiality (unless there is a concern for your safety or the safety of others) and are not required to share the details of the incident with anyone else. Other employees, such as those listed below under Section V (B) or those defined as Campus Security Authorities under the Clery Act (*Resident Advisors, Coaches, Club Advisors, etc.*) are considered non-confidential and are required to share your report with the Title IX Coordinator so that Cazenovia College may take steps to offer support services and prevent the recurrence of the sexual misconduct. If you are unsure of an individual’s reporting obligations, please ask. This policy is intended to make individuals aware of the various reporting and confidential disclosure options available so that individuals can make informed choices about where to turn should they become a victim of sexual misconduct.
A. Reporting To Confidential Resources

On-Campus Confidential Resources
A victim is encouraged to seek support for his/her emotional and physical needs. A student seeking confidential emotional or medical care may contact the following resources:

Nancy Adamy
Counseling/Therapist
nadamy@cazenovia.edu
315.655.7253

Rev. Betty Burlew
College Chaplain
ejburlew@cazenovia.edu
315-655-7375

Health Office Nursing Staff: 315. 655.7122

These individuals can connect you with other resources and explain the other reporting options that are available to you as well. These Confidential Resources can provide assistance and information regarding medical assistance and treatment (including information about sexually transmitted infections, and sexual assault forensic examinations), resources available through the New York State Office of Victim Services, academic and other campus support options, campus disciplinary proceedings and law enforcement options. The health and counseling services noted above are available to students free of charge.

If you choose to file a formal report with the Title IX Coordinator and/or local law enforcement, these Confidential Resources may accompany you and support you through those processes if you so desire. Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the College community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim’s permission.

Off-Campus Confidential Resources
There are also off-campus, confidential community resources which may be available to you; contacting any of the resources listed below does not constitute notifying the College. These confidential resources, which may or may not charge services fees, include:
Victims of Violence
Liberty Resources
218 Liberty Street
Oneida, NY 13421
24-Hour Hotline: 315.366.5000

St. Joseph’s Hospital University Hospital Crouse Irving Hospital
315.448.5101 315.464.5611 315.470.7411

National Sexual Assault Hotline
1.800.656.4673

NYS Domestic Violence Hotline
1.800.942.6906

The hospitals listed above have access to a SANE nurse (Sexual Assault Nurse Examiner). In Onondaga County, Vera House (315.468.3260) can provide a Sexual Assault/Rape Advocate while at the hospital. In Madison County, Liberty Resources (316.366.5000) can be contacted for assistance. During normal business hours the Title IX Coordinator can assist you in arranging transportation to the hospital. After hours, Campus Safety can assist you in arranging transportation to the hospital.

B. College’s Non-Confidential Resources: Responsible Administrators
Cazenovia College encourages all members of the campus community to report instances of sex discrimination, sexual harassment, sexual assault, domestic/dating violence, stalking or any other forms of sexual misconduct. Reports may be made by the victim, someone on behalf of the victim, or anonymously. We encourage you to make a report so we may provide you with support, assistance and resources. Campus personnel can also assist you in contacting other resources both on and off campus.

The following offices and individuals have been trained to receive and respond to allegations of violations of this policy.

- Title IX Coordinator and Director of Human Resources, Janice Romagnoli, 315.655.7274 or jaromagnoli@cazenovia.edu
- Deputy Title IX Coordinator & Associate Professor of Criminal Justice, Stewart Weisman, 315.655.7795 or sweisman@cazenovia.edu
- Deputy Title IX Coordinator & Professor of Biology, Barbara Hager, 315.655.7146 or bhager@cazenovia.edu
Each of the individuals listed above, and any Campus Security Authority, will share all information reported to him/her with the Title IX Coordinator and may share your information with other college administrators, as needed. These individuals are not a Confidential Resource. However, even Cazenovia College offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary and on a need-to-know basis for the Title IX Coordinator to investigate and/or seek a resolution.

While other individuals may also report any violation of this policy to any other College employee, if a complaint is made to anyone other than the individuals listed above or a Campus Security Authority, the Complainant risks the possibility that it will not come to the attention of the proper College officials and may, therefore, not be acted upon. In addition, unless a report is made to someone listed above in Section V (A) as a Confidential Resource, confidentiality cannot be assured.

C. Law Enforcement

A victim of a crime is encouraged to, but not required to, report the incident to local law enforcement and pursue criminal charges. The criminal process and the College’s disciplinary process are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint or College complaint or both.

The Cazenovia Police Department can be reached by calling 315.366.2311. NY State Police Sexual Assault Hotline can be reached by calling 844.845.7269 or, in emergency situations, by calling 911. If you choose to file a report with the local law enforcement authorities, a member of Campus Safety can assist in making a report of a crime to local law enforcement. The police will either meet you on campus or ask you to come to the police station to discuss the incident and create a report. The law enforcement officials will explain your legal rights. The law enforcement officials will contact Campus Safety to let them know that they are on campus as part of their investigation and/or that you have reported an incident.
Preservation of Evidence:

The preservation of evidence relating to a sexual assault is essential for both law enforcement investigations and campus investigations. All involved parties are encouraged to preserve all evidence relating to the incident. For example, in cases of rape or sexual assault, it is important not to shower, douche, change clothes or even brush your hair or teeth, as physical evidence may be lost. If possible, stay in the clothes you were wearing at the time of the sexual assault. Other examples of relevant evidence include electronic communications (e.g., e-mails, Twitter, Instagram and text messages), photographs, clothing, bedding, and medical information. The Cazenovia Police Department can also assist in securing an appropriate medical examination (i.e. a rape kit) by a Sexual Assault Nurse Examiner.

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 Cazenovia College community member or other person. In appropriate circumstances, an order of protection may be available that restricts the accused’s right to enter or remain on College property, and the College will abide by a lawfully issued order of protection. College officials will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:

- a copy of an order of protection or equivalent when received by the College and providing that person with 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 local law enforcement to effect an arrest for violating such an order of protection.

Any internal College investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in the College’s internal process may be requested by local law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay shall not last more than ten (10) days, except when
local law enforcement authorities specifically request and justify a longer delay. The College will cooperate with any criminal proceedings as permitted by law.

Reporting individuals should understand that not all sexual misconduct under this policy is a crime and that the standard law enforcement employs in processing complaints 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 or the Madison County District Attorney.

**Note:** The criminal process is separate from the Cazenovia College disciplinary process. A Complainant can pursue one or both options. The Title IX Coordinator or Campus Safety can provide victims with information concerning their options and rights and will assist them in making reports to law enforcement.

### VI. Interim Measures/Accommodations

The College may implement interim measures and/or accommodations in order to immediately respond to a situation. These measures are to protect individuals as soon as a report is made to the College. Interim measures mean action can be taken even before a judicial process has finished. Upon receipt of a report of sexual misconduct, the College can impose reasonable and appropriate interim measures designed to eliminate the reported hostile environment and protect the parties involved. Interim measures may be imposed regardless of whether formal disciplinary action is being pursued by the Complainant or the College.

Interim measures may include, but are not limited to:

- Access to counseling services and assistance in accessing available resources both on and off campus such as mental health counseling, physical health care providers, and victim advocacy services.
- Imposition of an on-campus “no contact order”
- Change in academic, housing, employment, transportation or other circumstances
- Assistance from the College staff in completing housing relocation
- Measures to enhance the Complainant’s safety or the safety of the campus community (e.g., escorts or increased monitoring of an area)
- Suspension from the campus or parts of the campus
- Academic accommodations such as assignment rescheduling, taking an incomplete in a class, transferring class sections, temporary withdrawal, alternative course completion options, etc.

Upon request, the Complainant or accused may request a prompt review of the need for and terms of any interim measures and accommodations imposed or requested that directly affects
him/her, including the potential addition, modification or elimination of those measures. Such a request may be made by submitting a written request for review to the Title IX Coordinator, providing the basis for that request and any evidence in support of the request. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Title IX Coordinator may, in his/her discretion in consultation with the Dean for Student Life or external counsel, may modify or suspend the interim measures or accommodations on a temporary basis while the parties are submitting their information and responses. The Title IX Coordinator will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties’ submission of any evidence.

When a student accused of sexual assault, domestic or dating violence or stalking is determined to present a continuing threat to the health and safety of the campus community, he or she is subject to interim suspension pending the outcome of any proceedings under this policy. Both that student and the subject of any such misconduct will, upon written request, be afforded an opportunity for a review of the need for and terms of an interim suspension, including potential modification, by submitting a written request to the Title IX Coordinator, providing the basis for that request and any evidence in support. When the accused is not a student, but is a member of the College community, he or she is subject to interim suspension and/or other measures in accordance with College employment policies and practices.

VII. Confidentiality: How Confidentiality and Decisions About Taking Action Are Handled

A report to a College official 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, particularly in cases of sexual assaults or other sexual offenses. A Complainant may wish to have his/her identity as the Complainant kept confidential or request that no investigation into a particular incident be conducted or disciplinary action taken. The College must weigh that request against the College’s obligation to provide a safe, non-discriminatory environment for the campus community. Cazenovia College endeavors to honor Complainant’s wishes with respect to confidentiality and/or whether responsive action is taken. However, that is not always possible.

If the College honors the request for confidentiality, a Complainant must understand that the College’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

When weighing Complainant’s request for confidentiality or that no investigation or discipline be pursued, the College will consider a range of factors, including the following:
  - whether there have been other sexual violence complaints about the same alleged perpetrator;
whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
whether the sexual violence was committed by multiple perpetrators;
whether the sexual violence was perpetrated with a weapon;
whether the victim is a minor;
whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the College to investigate and, if appropriate, pursue disciplinary action. If, for example, the College has credible information that the alleged perpetrator has committed one or more prior rapes, the balance of factors would compel the College to investigate the allegation and, if appropriate, pursue disciplinary action. Decisions with respect to whether a request for confidentiality can be honored will be made by a Responsible Administrator. If the College determines that it cannot maintain a Complainant’s confidentiality, the College will inform the Complainant prior to starting an investigation.

VIII. Investigation Procedures

If a report appears to allege a plausible violation of this policy, the College will conduct an investigation. An investigation may occur because a Complainant wishes to proceed with a complaint, or because the College determines that this is necessary despite the wishes of the Complainant.

Formal investigations are necessary for campus disciplinary proceedings and those conducted with willing participants provide the most thorough and effective process. The investigation will be performed by an appropriate, trained investigator(s) appointed by the Title IX Coordinator. The investigator(s) may interview the Complainant, the accused, witnesses, any parties with potentially relevant information, review video footage, and investigate any other appropriate avenues that may provide pertinent information. The Complainant and Respondent will be given an equal opportunity to present separately information in the context of the investigation and to request that witnesses having relevant information be included in the investigation process. The investigator(s) retains discretion to determine the order and method of investigation and what, if any, witnesses will be interviewed as part of the investigatory process. The Complainant and Respondent will have the right to have irrelevant information concerning their character or other past incidents not directly related to the complaint excluded from the investigation. In addition, both the Complainant and Respondent shall have the right to exclude their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or
treatment from admittance in any disciplinary proceeding held under this policy. Information will be obtained from each party separately. The investigator(s) will keep both the Complainant and the Respondent apprised of their rights and the status of the investigative process.

At the conclusion of the investigation, the investigator(s) will issue a written investigatory report to the Title IX Coordinator (or the Dean for Student Life in cases involving students) that sets forth a summary of the facts discovered during the investigation, an assessment of the credibility of the Complainant, Respondent and/or witnesses (as relevant) and the investigator’s recommendation as to responsibility based on a preponderance of the evidence.

All individuals involved in an investigation and/or adjudication process will be informed of the importance of confidentiality and asked to sign a confidentiality statement. Conversations and information that result from an investigation or disciplinary proceeding are private and should not be shared outside the approved process outlined in this policy.

Informal Resolution

In some cases, an informal resolution may be appropriate. Mediation is one form of informal resolution. Informal resolution may be appropriate in instances of more minor acts of insensitivity or misunderstandings. Serious sanctions, such as suspension, dismissal or termination, are not possible as a result of the informal resolution process, but lesser sanctions may be agreed to.

A person who desires informal resolution should contact the Title IX Coordinator. Informal resolution must be agreed upon by both parties, and the Title IX Coordinator must agree that it is appropriate. Informal resolution is not appropriate in cases of sexual assault or sexual violence of any kind. In the event mediation is used, the Title IX Coordinator will select a mediator. The mediation must be conducted by a third-party; mediation between just the Complainant and Respondent is not acceptable. A campus mediator will begin mediation efforts promptly and will report to the Title IX Coordinator that the mediation occurred. At any time during the mediation process the Complainant or the Respondent has the right to terminate the process and proceed to an investigation.

If the parties reach agreement and this agreement is deemed by the College to be appropriate, the informal resolution is considered successful. Both parties will sign a statement agreeing that the informal resolution was successful, and the matter will be considered resolved.

If the informal resolution is unsuccessful, the Complainant can proceed with a formal complaint. A copy of the signed statement will constitute the record of the informal resolution. If a party with obligations pursuant to an informal resolution fails in his/her obligations, the other party may ask
the College to enforce the terms of the resolution or may proceed with a formal complaint process.

IX. Adjudication Procedures

This policy applies campus-wide and sets forth the behavioral expectations for all. However, the applicable disciplinary procedure that will be applied in a particular case depends on whether the accused is a student, faculty member, employee, or a non-community member. The following disciplinary procedures will apply:

- A complaint against a faculty member will be processed in accordance with the Employee Handbook and any other applicable College policies and procedures, such as the Faculty Handbook.
- A complaint against a College employee will be processed in accordance with the procedures set forth in the Employee Handbook.
- A complaint against a non-community member (e.g., a visitor, an alum, a vendor, etc.) will be investigated but no formal policy or procedure applies. The College may opt to ban the non-community member from College property or take other appropriate responsive measures. The Complainant and Respondent will be notified in writing of the outcome of such a complaint.
- A complaint against a student will be processed in accordance with the procedures set forth below. See Procedures for Student Cases.

A non-member of the campus community may make a report that a College community member has violated this policy. A non-community member’s complaint will be processed in accordance with the applicable disciplinary procedure (above).

Notwithstanding anything to the contrary in any other policy or procedure, in any case involving a decision regarding an alleged violation of this policy, the following shall apply:

- At their own expense, both the Complainant and the Respondent each may have an advisor of choice present during the investigatory and disciplinary proceeding and any related meeting. In cases involving sexual assault, domestic violence, dating violence or stalking, the advisor may be an attorney. Investigations and/or disciplinary hearings will not be delayed based on the availability of a party’s desired advisor.
- The Complainant and Respondent will have an equal opportunity to present relevant information and evidence.
- The College endeavors to complete the investigatory and disciplinary process within sixty (60) days of the date the College received the complaint, but this timeframe may be extended if necessary under the circumstances, such as where there are multiple complainants and/or respondents, where delays are necessitated by involvement of local law enforcement, College breaks or other reasons of unavailability.
- Both parties will receive simultaneous written notice of outcomes of all disciplinary
proceedings, to the extent permitted by law, via the method the Complainant and Respondent have indicated on record as the best method of notification (ie. campus email via read receipt, campus mail via delivery signature, home address via certified mail, etc.).

Procedures for Student Cases
The Dean for Student Life will receive and review the investigatory report. The Dean for Student Life may, if deemed necessary, meet with the investigator(s) and/or any party or witness. The Dean for Student Life will not be bound by the investigatory report; rather, it is advisory. The Dean for Student Life may request additional investigation by the investigator(s). Both the Complainant and Respondent will be provided with the same opportunity to share information with the Dean for Student Life, including the right to submit a written statement for consideration and/or request to meet individually with the Dean for Student Life to provide any other relevant evidence. If the Dean for Student Life concludes that the Respondent is responsible for a violation of this policy, both the Complainant and Respondent shall have the opportunity to make a written impact statement to the Dean for Student Life prior to the determination of an appropriate sanction(s). In making a determination regarding sanctions, the Dean for Student Life may consider the parties’ impact statements, if any, and may also consult with the Title IX Coordinator and other appropriate College officials. The student’s disciplinary history, including past findings of domestic violence, dating violence, stalking or sexual assault, may be considered for purposes of determining an appropriate sanction.

Both Complainant and Respondent will receive simultaneous written notice of the outcome to the extent permitted by law. The final outcome letter shall include factual findings supporting the determination, the decision and sanction, if any, as well as the rationale for the decision and sanction.

Either party, Complainant or Respondent, may appeal the decision of the Dean for Student Life to an appeal panel comprised of at least three members of the Cazenovia campus community who have been trained in Title IX and the College’s policy. The appeal panel will be appointed by the Title IX Coordinator. No member of the appeals panel shall have a conflict of interest. The parties will be given equal access to review any party or witness statements and the investigatory report, to the extent allowed or required by law. The appeal must be submitted to the Title IX Coordinator in writing within three (3) business days of receiving the decision letter, unless otherwise specified in the decision letter. The appeal shall consist of a written statement outlining the grounds for appeal and all relevant information to substantiate the basis for the appeal. The grounds for appeal are limited to:

- A procedural irregularity occurred so substantial as to have likely altered the outcome, or
- New information has come to light that could not have been known before or during the investigation and/or disciplinary process and which could have had a direct impact on the outcome, or
• The finding of responsibility or the finding of no responsibility was not supported by a preponderance of the evidence, or
• A claim that the sanction imposed is substantially disproportionate to the severity of the violation.

The appeals panel will have access to the investigatory report, the decision of the Dean for Student Life, and may, if the appeals panel deems it necessary, communicate with the investigator(s), the Dean for Student Life, and/or any party or witness directly as part of the appeal process. However, appeals are not intended to be full re-hearings of the complaint. In most cases, appeals will be considered upon a review of the written documentation or record of the investigator(s) and/or Dean for Student Life, and pertinent documentation regarding the grounds for appeal. A preponderance of the evidence standard will be applied on appeal. Prior to issuing a decision, the appeals panel may consult with the President of the College. The appeals panel may affirm the decision of the Dean for Student Life, alter the decision of the Dean for Student Life (with respect to finding of responsibility and/or sanctions), or return the case to the investigator(s) for further investigation.

Sanctions imposed by the Dean for Student Life are implemented immediately unless the Title IX coordinator stays implementation in extraordinary circumstances, pending the outcome of the appeal. The appeals panel will normally render a written decision on the appeal to the Complainant and Respondent within fifteen (15) business days from the date of the submission of all appeal documents by both parties. The appeals panel decision will be final and binding.

X. Sanctions

The sanction(s) for a violation of this policy will be based on a consideration of all of the circumstances, including the severity of the conduct and the Respondent’s disciplinary history. The range of sanction(s) imposed may include, but are not limited to, any one or more of the following:

• Written Warning
• Additional Educational Requirements and/or Community Service
• Removal of Housing or Other Privileges
• Loss of Attendance and/or Participation Privileges for Social Functions or College Programs
• Probation
• Suspension
• Dismissal
• Letter of Censure
• Letter of Reprimand (employee)
• Change of Job Assignment and/or Work Location (employee)
• Demotion or reduction in pay (employee)
• Termination (employee)
If the conclusion reached is that there has been no violation of this policy but other inappropriate conduct has occurred, the College retains the right to address that inappropriate behavior in accordance with College policy and practice.

For those crimes of sexual violence that Cazenovia College is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and appeal, if any, shall include the following notation:

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

Cazenovia College reserves the right to prohibit withdrawal of a Respondent until the conclusion of all College judicial proceedings. Transcript notations for suspensions may be removed at the discretion of the College, but no earlier than one (1) year after the conclusion of the suspension. Transcript notations for student dismissal shall not be removed.

**XI. Standard of Proof**

The standard used for all investigatory and disciplinary proceedings under this policy will be a preponderance of the evidence, meaning that it is more likely than not that an allegation is true.

**XII. Time Limits**

There is no time limit for reporting sexual misconduct. However, services may be the most effective when incidents are reported immediately. The passage of time may make effective responsive action difficult. Further, if the Respondent is no longer a member of the College community, the College’s ability to respond may be limited. It is at the discretion of the Title IX Coordinator to determine the action the College will take concerning complaints which are filed after a substantial amount of time has passed. Individuals are encouraged to bring complaints forward in a timely manner.

**XIII. Retaliation**

The College prohibits retaliation against any individual who files a good-faith complaint of sex discrimination, sexual harassment, sexual assault or any other form of sexual misconduct or assists or participates in good-faith in any manner in any investigation or proceeding conducted pursuant to this policy by the College or by an external agency. Any such acts of retaliation should be reported promptly to the Title IX Coordinator, either of the Deputy Title IX Coordinators, the Director of Campus Safety, or the Dean for Student Life. Any retaliation is subject to disciplinary
XIV. Amnesty

The health and safety of every student at Cazenovia College is of utmost importance. Cazenovia 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. Cazenovia 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 College officials or law enforcement will not be subject to Cazenovia College’s code of conduct action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking or sexual assault.

XV. Prevention and Education

Cazenovia College has implemented an extensive Primary Prevention program and an Ongoing Awareness & Prevention Campaign in an effort to prevent incidents of sexual misconduct and to educate the campus community. These educational programs include, but are not limited to, training on bystander intervention, sexual violence awareness and the reporting and investigation procedures of this policy.

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to the College of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for further campus-wide education and prevention efforts, and the College will provide information about individuals’ Title IX rights at these events.

XVI. Training

Cazenovia College is committed to ensuring all responsible administrators and individuals involved in investigating and/or adjudicating alleged violations of this policy will receive annual training on relevant topics, including discrimination, harassment, sexual misconduct, stalking, domestic violence, and dating violence and how to conduct investigations and disciplinary proceedings that protect the safety and respectful treatment of all parties and promote
accountability to the College community. The Title IX Coordinator assures that training programs are conducted in collaboration with external experts as necessary.

XVII. Coordination with Other Policies

A particular 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.

XVIII. Clery Act Compliance

The College is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). Names of individuals involved in incidents are not reported or disclosed in ASRs.

Federal Timely Warning Reporting Obligations
Victims of sexual misconduct should also be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. In such circumstances, the name of the alleged perpetrator may be disclosed to the community, but the name of the victim/Complainant will not be disclosed.

XIX. Policy Compliance

Any person with a concern about the College’s handling of a particular matter should contact the Title IX Coordinator, Janice Romagnoli, at jaromagnoli@cazenovia.edu.

The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100 or (800)421-3481.

XX. Students’ Bill of Rights

Cazenovia College prohibits all forms of sex discrimination, sexual harassment, sexual violence and sexual misconduct. Pursuant to Article 129-B, Section 6443, of the New York State Education Law, in matters related to sexual assault, domestic violence, dating violence and stalking, all students have the right to:

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

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

1. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
   a. options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), local law enforcement, and/or the New York State Police or choose not to report; to report the incident to the College; to be protected by the College from retaliation for reporting an incident; and to receive assistance and resources from the College, as set forth in the Cazenovia College Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy, which can be found at http://www.cazenovia.edu/student-life/sexual-misconduct-resources;
   b. where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
c. that the criminal justice process utilizes different standards of proof and evidence than the College’s judicial procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
d. whether the person they are reporting to is authorized to offer the confidentiality or privacy;
e. any other reporting options.

2. If they are a student, to contact the Counseling Center staff or Health Office Nursing staff, where they can be offered confidential resources pursuant to applicable laws/policies and can be assisted in obtaining services for reporting individuals; if they are not a student but are otherwise a member of the College community, to contact non-College confidential resources, including:
   a. Victims of Violence (315.366.5000)
   b. St. Joseph’s Hospital (315.448.5101)
   c. University Hospital (315.464-5611)
   d. Crouse Hospital (315.470-7411)

3. Disclose confidentially the incident and obtain services from the state or local government;

4. Disclose the incident to the College’s Responsible Administrators who can offer privacy or, appropriate cases determined by the Title IX Coordinator, confidentiality, subject the College’s Sex Discrimination, Sexual Harassment and Sexual Misconduct, and can assist in obtaining resources for reporting individuals;

5. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate College personnel for information and assistance. Reports shall be investigated in accordance with Cazenovia College policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the College’s obligations under the law and its Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy;

6. Disclose, if the accused is a College employee of the institution, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources;

7. Receive assistance from appropriate College representatives if interested in initiating legal proceedings in family court or civil court;

8. Withdraw a complaint or involvement from the College processes at any time, with the understanding that in appropriate cases, the College may nonetheless be required to proceed even if the reporting individual does not wish to do so.

Information about available resources, including intervention, mental health counseling and medical services that might be available to anyone reporting an incident can be found at http://www.cazenovia.edu/student-life/sexual-misconduct-resources. In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from
the Health Center if a student, or from the hospitals listed above, if an employee. Certain resource are also available to victims of crime through the New York State Office of Victim Services, www.ovs.ny.gov.

**WEAPONS POSSESSION POLICY**

A weapon means any deadly weapon as described in the New York State Penal Law, Articles 10 and 265 and shall include any firearm, switchblade knife, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, billy, blackjack, plastic knuckles or metal knuckles. Also included are dangerous instruments which are described as “any instrument, article or substance, including a ‘vehicle’... which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury”. *(New York State Penal Law Article 10).* Additional prohibited weapons include any instrument capable of firing a projectile including, but not limited to, air guns and paint ball guns, chemical weapons, including mace and pepper spray, any other substance or device designed to harm or incapacitate, and any folding knife with a blade length in excess of 3 inches.

Unauthorized use, possession, manufacture or storage of any type of weapon on any Cazenovia College property or vehicle is strictly prohibited. Firecrackers, fireworks, flares, flammable liquids, gases, and other explosives materials/devices are also prohibited on campus. Students found in possession of such items may face immediate suspension, or dismissal, according to the Code of Conduct/Student Handbook. Employees in possession of such items are subject to immediate discharge or termination of employment.
STUDENT CODE OF CONDUCT

Being a member of the Cazenovia College community is a privilege that carries with it responsibility for the well-being of all other members of the community. It is understood that by the action of matriculation and registration at Cazenovia College, students voluntarily enter this educational and residential community with the highest regard for the establishment and maintenance of a campus environment characterized by interpersonal care and personal responsibility. Only when such a community exists can the College fulfill its goal to foster the intellectual, ethical, social and spiritual development of its students.

Students are expected to adhere to Cazenovia College’s community standards as rules and guidelines for responsible living. To this end, all students are expected to know and respect the Student Code of Conduct and accept the consequences of their actions in all phases of their lives. The disciplinary process serves as an educative mechanism by which students are confronted with regard to harmful or insensitive behaviors, held appropriately accountable, and offered an opportunity to modify behaviors. Through the College’s judicial process, students are expected to learn the importance of accepting personal responsibility for behavior that violates community standards. In some instances of misconduct, Cazenovia College, in accordance with its procedures for adjudication, reserves the right to withdraw from any student the privilege of residing on campus or attending the College. The Code of Conduct also extends to student behaviors both on and off campus. Procedures used to enforce standards should contribute to teaching appropriate individual and group behaviors as well as protecting the rights of individuals and the campus community from disruption and/or harm.

The following provisions define the [mis]conduct for which students may be held accountable. The College may hold students accountable through the College judicial process for any action(s) listed or for comparable actions. The influence of drugs or alcohol will not in any way mitigate the consequences of inappropriate behavior or minimize the responsibility of individuals charged through the disciplinary process. A student attending an off-campus College function, living or visiting in the area surrounding the Cazenovia College campus is subject to the same standards of conduct expected on campus. Likewise, students are responsible for the behavior and actions of their guests at all times.

Misconduct Subject to Disciplinary Action

Level A: Students engaging in any of the following acts may be subject to disciplinary sanctions not to exceed Deferred Residence Suspension and/or Deferred College Suspension:

1. Violation of the campus alcohol policy.
2. Disorderly conduct / Disturbing the peace

3. Violation of quiet hours.

4. Violation of visitation/guest policies.

5. Appropriation of common or public furniture in private rooms or suites.

6. Littering in a public area or on campus grounds.

7. Unauthorized / unapproved room change.

8. Engaging in indoor hall sports.

9. Violation of the campus "No Smoking" policy.

10. Propping open of residence hall doors.

**Level B:** Students engaging in any of the following acts may be subject to the maximum penalty of Suspension or Dismissal from Cazenovia College:

1. Repeated violations of any Level “A” offense(s).

2. Known violation of the terms of any disciplinary sanction imposed in accordance with this code.

3. Failure to comply with the directions of College personnel acting in the performance of their duties and/or harassment of College personnel.

4. Unauthorized use or possession of fireworks or other highly combustible material, liquid or gas.

5. Indecent conduct including, but not limited to, streaking, profanity, lewd or obscene expressions, racial or ethnic slurs, disrespectful behavior or statements toward College personnel or students.

6. Verbal harassment defined as abusive or threatening language or behavior that intentionally or recklessly abuses, ridicules, or puts down a person and adversely affects his or her living, working or learning environment.

7. Physical Harassment. Any action or situation that produces physical discomfort of an individual or group, or that places the individual or group in danger of physical injury including, but not limited to, punching, kicking, scratching, biting, pushing, slapping, etc.,
or the threat thereof. Students are expected to handle conflict appropriately. In the event of physical threat, students should pursue every means possible to avoid physical retaliation.

8. Unauthorized entry, presence in or use of College premises, facilities or property.

9. Intentional or reckless causing of physical harm to any person, or intentional or reckless causing of reasonable apprehension of such harm.

10. Intentional or reckless initiation of any false report, (including the activation of fire alarms for non-emergency, non-administrative reasons), warning of/or threat of fire, explosion or other emergency.

11. Intentional or reckless misuse or damage of fire safety equipment. Intentionally or carelessly starting a fire.

12. Unauthorized use, possession, manufacture, or storage of any weapon or firearm, as defined in the Student Handbook, "Weapons Possession Policy."

13. Unauthorized use, possession, manufacture, or distribution of any controlled substance or illegal drug.

14. Stigmatizing or disparaging statements related to race, gender, ethnicity, sexual orientation, religious preference, age or people with disabilities.

15. Any comment designed to incite violence.

16. Theft or possession of stolen property / Theft of Services.

17. Destruction or defacing of property.

18. Intentional or reckless interference with the freedom of expression of others.

19. Dishonesty, such as the known falsification of official records or the giving of false information.

20. Forgery, unauthorized alteration or unauthorized use of any document or instrument of identification.

21. Misuse or abuse of the campus telephone, voicemail or computer system.

22. Tampering with campus or United States mail.
23. Refusing to show or surrender a College ID card upon request by College agents or employees acting in the performance of their duties or providing false information regarding one’s identity.

24. Disruption of teaching, research, or other College activities.

25. Engaging in acts or deeds that violate existing Federal, State, County or City laws or ordinances and/or other College policy, rules, and regulations.

Any violation of published College regulations or policies stated in the Housing Agreement(s), or actions not covered in the lists of Level A and B offenses, will be sent to the Assistant Dean for Student Life for determination of severity and the appropriate course for adjudication.

**JUDICIAL PROCESS***

*Adjudication procedures for cases involving sexual assault, domestic violence, dating violence or stalking are outlined under the Sex Discrimination, Sexual Harassment and Sexual Misconduct Policy.

**Disciplinary Process**

The judicial system consists of the following options for adjudication:

- Formal Mediation
- College Judicial Board
- Administrative Hearing
- Appeal Process

Preliminary decisions regarding the severity of a disciplinary case and the format for adjudication will be determined by either the Assistant Dean for Student Life or the Dean for Student Life. In minor disciplinary cases [Level A], adjudication can occur through the appropriate Area Coordinator, Director of Residence Life, Assistant Dean for Student Life, mediation, or an administrative hearing. In cases involving more serious offenses [Level B] any of the above mentioned formats, as well as the College Judicial Board, may be used to hear a particular case. Finally, if an individual charged through the disciplinary process chooses to acknowledge and accept responsibility, that individual has the option of having sanctions imposed by either an administrative hearing or a College Judicial Board.
Formal Mediation

Formal mediation may be assigned in cases involving a conflict between individuals in an attempt to resolve such matters outside of the traditional hearing setting. Mediation is not an option for cases where there has been a clear and blatant violation of College policy. Student Life administrators conduct proceedings. Mediation sessions result in a written (binding) agreement between the involved parties. The parties are subject to further disciplinary action for failure to comply with this agreement. The Student Life administrator has the option to refer a case to the Assistant Dean for Student Life if a mutual settlement cannot be achieved.

College Judicial Board

The College Judicial Board has the authority to review cases involving Level B violations or offenses in which the potential sanction is suspension or dismissal from Cazenovia College and/or its residence facilities.

College Judicial Board Membership

The Board shall be selected from a judicial pool by the Assistant Dean for Student Life and composed as follows: one faculty chairperson, one faculty member, two members of the administration and/or faculty, and two full-time Cazenovia College students. The chairperson conducts the proceedings and is a non-voting member of the board.

The judicial pool consists of students, faculty, and administrators who are selected and trained to serve on the various judicial boards and committees. Individuals who serve on any of the judicial boards and committees are selected from this pool. The Assistant Dean for Student Life coordinates the selection of the judicial pool. Current members of the pool are evaluated and reappointed at the end of the spring semester. Selection of new members takes place at the beginning of the fall semester. The Assistant Dean for Student Life selects the pool.

Sanctions of Suspension or Dismissal

The decision by the Board to impose the sanctions of suspension or dismissal must be made by a four/fifths vote. Suspension and dismissal are severe sanctions that are imposed only in cases where there is a serious or persistent violation of the written community expectations and standards. The student must be suspended from the College or residence units for at least the remainder of the semester (i.e. students cannot be suspended temporarily within a given semester). While under College suspension, students may not take courses at other institutions with the intention of transferring them to Cazenovia College following their reinstatement. A student's campus visitation and guest privileges are also suspended during this period.
Hearing Procedures

Rights of the accused:

The rights and responsibilities of students accused of violations of the Code of Conduct are
designed to assure that decisions in disciplinary cases will meet essential standards of fairness
and, equally important, that involved parties will be assured that their case has been processed in
a fair and judicious manner.

1. Students against whom allegations have been made shall be considered innocent until
given an opportunity to be heard.

2. Students accused of violating College policies and regulations shall be notified of the
specific charge before the case is considered. Notice shall also inform students of their
right to assistance on their behalf by a Cazenovia College student, faculty, or staff
member. Subsequently, the accused shall be notified of the time and place of their
hearing.

3. The accused shall have an opportunity to prepare a defense and to be advised by a
Cazenovia College student, faculty, or staff member of his or her choice. The role of
advisors shall be limited to consultation with the specific parties they are advising; and
they may not address the Board or question witnesses. A violation of this limitation may
result in an advisor being removed from the hearing at the discretion of the Chair.

4. Generally, the accused shall be free of disciplinary sanction, pending conclusion of the
hearing. However, where the nature of the case indicates that there may be a danger to
the immediate well-being of the College community, appropriate interim measures may
be taken by the Dean for Student Life including, but not limited to, a requirement to stay
away from particular individuals or areas of campus, temporary residence suspension,
temporary college suspension, etc.

5. When applicable, the accused shall be provided, in advance, a copy of the incident report
underlying the complaint.

6. The accused shall have an opportunity to present evidence on his or her behalf.

7. The accused shall have his or her case heard within a reasonable amount of time.

8. The accused shall receive the final decision of a hearing board within a reasonable amount
of time after the hearing.
9. Finally, all students should have the right to expect an appropriate level of confidentiality in disciplinary proceedings:

No board member or mediator will discuss the evidence, testimony, deliberations, decisions, or sanctions that make up the hearing process with anyone outside the hearing itself except:

1. In cases where harm to self and others is discussed or threatened.

2. In cases where the accused provides written release to the Assistant Dean for Student Life and/or the Dean for Student Life.

3. In cases where it is appropriate for the sanctioning body, finding a student in violation, to be informed of prior violations.

4. As permitted by law.

Students should know that disciplinary records are kept in the Office of Student Life and Residence Life and are managed according to Federal legislation guided by the Family Educational Rights and Privacy Act (FERPA). In most minor disciplinary cases, the guidelines listed above will be implemented with a minimum of formality. But in all cases, it is essential that steps to promote fairness should govern procedures, providing the accused with an opportunity for defense against the charge of misconduct.

**Hearing Agenda**

- The following agenda will be used to promote fundamental fairness in all formal disciplinary hearings before the Judicial Board.

- All hearings shall be closed to the public, other students, parents, and the press.

- The College Judicial board chairperson will have full authority over the proceedings.

- Only those persons recognized by the chair may speak at the hearing.

All formal hearings shall proceed in the following sequence:

1. The Chairperson and the Assistant Dean for Student Life insure that the appropriate judicial board members are present.
2. The Assistant Dean for Student Life starts the tape recording of the proceedings and informs everyone accordingly.

3. Introductions of Board members and involved parties.

4. The Chair reads the Civility Statement. This statement reads:

   The nature of the College Community judicial board is to afford the accused an opportunity to be heard, and to respond to charges of violation of the Student Code of Conduct. These proceedings are formal and should be afforded the respect and dignity required to ensure a fair and judicious process for all parties involved. Should at any time any party or other individual engage in language that is offensive or indulge in any behavior that can be construed as threatening, disruptive, or inappropriate, the party or individual will receive one warning from the hearing officer or chair. Should the behavior or language continue after that one warning, the case may be tabled. If it is the accused that engages in such behavior the accused may lose their opportunity for a judicial hearing and be referred for an administrative determination.

5. The chair reviews the hearing procedures for all parties.

6. The chair reads the rights of the accused into the record.

7. The chair reads the charges against the accused into the record.

8. The chair reads the incident/Campus Safety report into the record.

9. The chair asks the accused if they wish to enter a plea for each charge. The plea choices are responsible, not responsible, responsible with explanation, or no plea. Note that even if the accused pleads responsible the hearing will continue so that the judicial board may be made aware of all pertinent information.

10. The accuser states his/her case. This is his/her primary opportunity to present testimony, present documentary evidence, and call witnesses on his/her behalf.

11. The accused states his/her case. This is his/her primary opportunity to present testimony, documentary evidence, and call witnesses on his/her behalf.

12. Following testimony from the accused, accuser, or any witnesses present, the hearing officer, chair, board, or parties may ask questions of that individual.

13. Accuser may make final closing statement.

15. The chair asks if there are any final questions.

16. Chair adjourns the hearing and the board deliberates. The board’s finding will be based upon a preponderance of the evidence. The standard of proof used in all investigatory and disciplinary proceedings will be a preponderance of evidence, meaning that it is more likely than not that an allegation is true.

17. Parties will be informed of the board’s decision within a reasonable amount of time.

18. The hearing officer/chair reserves the right to alter the hearing procedure as circumstances dictate.

**Administrative Hearing**

An administrative hearing involves the same level of authority as a College Judicial Board. The primary difference is that a single Cazenovia College administrator conducts the proceedings instead of an entire board. On occasion, one or more administrator(s) may serve to assist in the proceedings. The Assistant Dean for Student Life can assign a case to an administrative hearing due to time restrictions, the need for a high level of confidentiality, or other circumstances deemed appropriate. The administrative hearing will follow the same basic procedure as the judicial board outlined above.

**DISCIPLINARY SANCTIONS**

One or more of the following sanctions may be imposed after a finding of misconduct. An accused student should be aware that one or more sanctions may be imposed, and that records of prior misconduct may have an influence on the sanction(s).

1. **Written Warning:** The student may receive official written notice of misconduct with the additional admonition that further incidents may be cause for more severe disciplinary action.

2. **Restitution:** The student may be ordered to make restitution for destruction of, damage to or misappropriation of College or personal property. Restitution may be in monetary terms or may take the form of appropriate service or other compensation.

3. **Fines:** May not exceed $150.00 per occurrence.
4. Community Service Hours: The student shall be assigned a specific number of hours to work for a community or College organization.

5. Social Probation: Social privileges (to an individual, group or College activity/activities) may be forfeited for a specified period of time.

6. Disciplinary Probation: A student may be placed on disciplinary probation for a serious misconduct or repetitious minor misconduct. A student on disciplinary probation who is found to be responsible for further violations of College policy during the time period stipulated will be subject to more severe disciplinary action including suspension or dismissal from Cazenovia College.

7. Deferred Residence Suspension: A student may be placed on deferred residence suspension for serious misconduct or repetitious minor misconduct. A student on deferred residence suspension found to be responsible for further violations of College policy during the time period stipulated will be suspended from all College owned or leased housing and subject to further sanctions including College suspension or dismissal.

8. Deferred College Suspension: A student may be placed on deferred College suspension for serious misconduct. A student on deferred College suspension who is found to be responsible for further violations of College policy during the time period stipulated will be suspended from the College and subject to further sanctions including dismissal.

9. Suspensions/Dismissal from College Residence Facilities: Suspension or dismissal is imposed in cases of extremely serious misconduct when it is believed that the student should be removed from College residence units. Suspension is a penalty given for a stated period of time (not less than the remainder of the current semester). Dismissal implies that a request for readmission to residence would not be granted. Any student who is suspended or dismissed from the College residence units is required to leave the residence units within 48 hours (or sooner if so ordered by the Dean for Student Life), unless the Dean for Students Life or Assistant Dean for Student Life grants special permission. Any student suspended or dismissed from the residence halls may not enter any College owned or leased housing during the time of the suspension or dismissal. This sanction may be combined with other disciplinary sanctions when appropriate.

10. Suspension from the College: Suspension from the College is imposed in cases of extremely serious misconduct when it is believed that the student should be removed from the College community. This penalty is given for a stated period of time (not less than the remainder of the current semester). Readmission requires appropriate letters of recommendation describing the student’s activities during his or her absence from the College. Any student who is suspended from the College is required to leave the campus within 48 hours (or sooner if so ordered by the Dean for Student Life), unless special
permission is granted by the Dean for Student Life. While under College suspension, a student may not take courses at other institutions with the intention of transferring them to Cazenovia College following his or her reinstatement.

11. Dismissal from the College: Dismissal from the College is imposed in cases of extremely serious misconduct when it is believed that the student charged should be permanently removed from the College community. This penalty implies that a request for readmission would not be granted. Any student who is dismissed from the College is required to leave the campus within 24 hours (or sooner if so ordered by the Dean for Student Life), unless special permission is granted by the Dean for Student Life.

Additional Options

Generally, one or more of the following sanctions is placed upon a student in conjunction with the above mentioned sanctions. These additional sanctions may be imposed for varying lengths of time as part of an overall sanction.

1. Loss of attendance privileges. This sanction may deny a student access to the social functions of any group or organization for a specified period of time.

2. Letter(s) of apology from the student to the complainant or to a part of the College community.

3. Development and implementation of a relevant educational program under the supervision of a faculty or staff member. The intent is to respond to the specific violation and to alert other students to the problems with the violation.

4. Permission to be on College property only insofar as and to the extent that the student’s class schedule and residence on campus require.

5. A meeting between a designated College official, the student and parent(s) or guardian(s) of the student.

6. Denial of the privilege to participate in all co-curricular activities and, if an officer of any College organization, the requirement that the student resign. This includes intercollegiate athletics and Student Government Association related activities.

7. Loss of campus drinking privileges otherwise allowed under the alcohol policy. This sanction may be given in the case of misconduct when alcohol was involved.

8. Disciplinary provisions other than those listed above may be made if they are deemed more appropriate to a particular case.
9. Community service hours.

10. Loss of visitation and guest privileges.

11. Loss of student employment.

12. Loss of privilege to participate in Intercollegiate Athletics or Intramural Programs.

**APPEAL PROCEDURES**

In all decisions of the formal judicial system the accused has the right to request an appeal by either party. Appeals will be considered only if appropriate grounds are found as outlined below.

Letters of appeal must be submitted to the Dean for Student Life within three days of receipt of the formal written decision. The appeal must be in writing and must be based on:

1. Questions of improper procedure.

2. New evidence uncovered after the hearing. This must be information that was not available or known at the time of the original hearing.

3. Claims of excessive and/or disproportionate sanctions.

The Dean for Student Life will consult with the President of the College as appropriate and respond in writing to the student involved.

The following options are possible whenever an appeal is requested for consideration:

1. Uphold all findings and sanctions as originally imposed.

2. Uphold the finding of responsibility but reduce the sanction.

3. Overturn the finding of responsibility.

4. Return the matter to the hearing body for further action or for new proceeding.

**ADDITIONAL RESOURCES**

Additional student resources can be found at [http://www.cazenovia.edu/campus-resources](http://www.cazenovia.edu/campus-resources).