

CAZENOVIA COLLEGE

Campus Safety Department



2021 ANNUAL SECURITY AND FIRE SAFETY REPORT

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Campus Safety

At Cazenovia College, safety and security is a shared responsibility. In addition to the uniformed presence of the Campus Safety Department, the best protection against campus crime is an aware, informed, alert campus community which uses reason and caution.

While the majority of our students, staff and visitors will never become the victim of a crime, crimes sometimes occur despite our best efforts. This information is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (the "Clery Act"). We are committed to providing a safe and secure environment for the campus community. We provide this information so that you can make informed decisions regarding your safety. If you have any concerns, questions or comments about federal or state law requirements or Cazenovia College's compliance with these laws, please contact Cazenovia College Campus Safety at 315.655.7555. Campus Safety may also be contacted by texting 315.374.2693.

Policy for Reporting the Annual Disclosure of Crime Statistics

The Campus Safety Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the local law enforcement agencies surrounding our campus, Division of Student Affairs, the Assistant Dean for Residence Life and Conduct and other campus security authorities.

Campus crime, arrest, and referral statistics include those reported to the Campus Safety Department, designated campus officials, and local law enforcement agencies. These statistics include crimes that occur on campus, in residence halls, and on the local streets surrounding the campus. Counseling Services staff informs their clients of the procedures to report crime to the Campus Safety Department on a voluntary and/or confidential basis, should they feel it is in the best interest of the client. There are several procedures in place to anonymously capture crime statistics for the college.

Each year, this report will be made available to all students, faculty and staff. The report may be viewed online at <http://www.cazenovia.edu/campus-resources/campus-safety/annual-report> . Copies of this report may also be obtained at the Cazenovia College Campus Safety Department, located in Watts Hall, or by calling the Director of Campus Safety at 315.655.7299. Crime statistic information may also be obtained directly from the United States Department of Education's web site at: <https://ope.ed.gov/campussafety/#/> .

Campus Security Authority

The Clery Act mandates that certain crimes are reported for inclusion in the annual security report. In an effort to achieve the most accurate statistics possible, the Clery Act has identified Campus Security Authorities as mandated reporters. Campus Security Authority is a Clery Act specific term that encompasses four groups of individuals:

- A campus police or security department
- Any individual(s) who have responsibility for campus security, but do not constitute a campus police or security department
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline and campus judicial proceedings.

Clery Act Exemption for Pastoral and Professional Counselors

There are two types of individuals who, although they have significant responsibility for student and campus activities, are not campus security authorities under the Clery Act:

- **Pastoral counselor:** A person who is associated with a religious order or denomination is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional counselor:** A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Specific Information about Classifying Crime Statistics

The statistics in this report are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and the relevant federal law (the Clery Act). The Clery Act requires institutions to include four general categories of crime statistics:

Criminal Offenses—Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault (*also referred to as Sex Offenses*), including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson;

Hate Crimes—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias;

VAWA Offenses—Any incidents of Domestic Violence, Dating Violence and Stalking (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and

Arrests and Referrals for Disciplinary Action for Weapons Law Violations (Carrying, Possessing, Etc.), Drug Abuse Violation, and Liquor Law Violations.

Crime Definitions

The following definitions are used to report crimes listed in accordance with Federal Bureau of Investigation Uniform Crime Reporting Guidelines and the Violence Against Women's Act of 1994.

Criminal Offenses

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

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

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.
- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of

giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

Robbery: The taking or attempting to take anything of value from the care, custody, or control of another person or persons by force or threat of force or violence and/or putting the victim in fear.

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

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

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

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

When counting multiple offenses, the Clery Act requires institutions to use the FBI's UCR Hierarchy Rule. Under this rule, when more than one Criminal Offense was committed during a single incident you should only count the most serious offense. A single incident means that the offenses were committed at the same time and place. Beginning with the most serious offense, the following list shows the hierarchy for Clery Act reporting: Murder and Non-negligent Manslaughter; Manslaughter by Negligence; Sexual Assault; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft.

There are **exceptions** to using the Hierarchy Rule when counting offenses. They apply to Arson, Sexual Assaults, Hate Crimes and VAWA Offenses. The rules for Arson and Sexual Assaults are defined below.

The rules for counting Arson are:

- Always count Arson regardless of the nature of any other offenses that were committed during the same incident.
- When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.
- Include incidents in which persons are killed as a direct result of Arson as Murder and Non-negligent Manslaughter and Arson or Manslaughter by Negligence and Arson.

The rules for counting Sexual Assaults are:

- If Rape, Fondling, Incest or Statutory Rape occurs in the same incident as Murder, count both the Sexual Assault and the Murder.
- Fondling is recognized as an element of the other Sexual Assaults. Include a Sexual Assault as Fondling only if it is the only Sexual Assault. If Fondling occurs in the same incident as Murder, count both the Fondling and the Murder.

Hate Crimes

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes are a violation of Cazenovia College's community standards and code of conduct, but they are also prohibited under the NYS Penal Law. Under the Clery Act, only the following eight categories are reported:

Race. A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Religion. A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation. A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Gender. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Ethnicity. A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry.

National Origin. A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act purposes, Hate Crimes include any of the seven offenses listed under Criminal Offenses, in additions to the four offenses listed below.

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

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Hate Crimes are counted in the same manner that the offenses are when they are not Hate Crimes except that the Hierarchy Rule does not apply to Hate Crimes.

VAWA Offenses

The third category of crime statistics that institutions must disclose are those added to the Clery Act by the *Violence Against Women Act*. These include Dating Violence, Domestic Violence, Sexual Assault, and Stalking. Sexual Assault is included by the FBI as a Criminal Offense.

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

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

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition—

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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

The Hierarchy Rule does not apply to VAWA Offenses.

Arrests and Referrals for Disciplinary Action

The fourth category of crime statistics is the number of arrests and the number of persons referred for disciplinary action for the following law violations: Weapons: Carrying, Possessing, etc., Drug Abuse Violations, and Liquor Law Violations.

Weapons: Carrying, Possessing, Etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

If an individual is both arrested and referred for disciplinary action for an offense, only the arrest is included in the statistics. Arrests and referrals for the law violations are not covered by the Hierarchy Rule used to count Criminal Offenses. Therefore, arrests for Weapons, Drug Abuse and Liquor Law Violations are counted in addition to the most serious Criminal Offense when occurring in a single incident. For example, if an Aggravated Assault is committed with the use of a firearm in violation of a weapons law, both the Aggravated Assault and the arrest or referral for the Weapons Law Violation would be counted.

Geography Definitions from the Clery Act

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

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

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

2020 Clery Crime Statistics

<i>Criminal Offenses</i>	<i>Year</i>	On Campus Property	On- Campus Student Housing Facilities	Non- Campus Property	Public Property
Criminal Homicide					
Murder & Non Negligent Manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Negligent Manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Sex Offenses					
Rape	2018	0	0	0	0
	2019	3	2	1	0
	2020	1	1	0	0
Fondling	2018	4	4	0	0
	2019	5	5	0	0
	2020	0	0	0	0
Incest	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Robbery	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Burglary	2018	0	0	0	0
	2019	1	1	0	0
	2020	1	1	0	0
Motor Vehicle Theft	2018	0	0	0	0
	2019	0	0	1	0
	2020	0	0	0	0
Arson	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

Arrests and Disciplinary Referrals		Year	On Campus Property	On- Campus Student Housing Facilities	Non- Campus Property	Public Property
Arrests						
Weapons-carrying, possession, etc.	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Drug Abuse Violations	2018	1	1	1	0	0
	2019	3	2	1	0	0
	2020	0	0	0	0	0
Liquor Law Violations	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Disciplinary Action						
Weapons-carrying, possession, etc.	2018	0	0	1	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Drug Abuse Violations	2018	10	10	0	0	0
	2019	10	10	0	0	0
	2020	14	14	0	0	0
Liquor Law Violations	2018	102	97	5	0	0
	2019	150	150	0	0	0
	2020	22	22	0	0	0

VAWA Offenses		Year	On Campus Property	On- Campus Student Housing Facilities	Non- Campus Property	Public Property
Domestic Violence	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
Dating Violence	2018	3	3	0	0	0
	2019	3	3	0	0	0
	2020	2	1	0	1	0
Stalking	2018	1	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0

*Due to the worldwide pandemic, remote/hybrid learning 3 months of the year 2020 and on campus residency way down, this drastically reduced our potential for incidents on campus.

***Incidents that occur on-campus in student housing facilities are also counted as having occurred on campus property.

<i>Hate Crimes</i>	On-Campus Property										
	2018	2019	2020	Race	Religion	Sexual Orientation	Gender	Gender Identity	Ethnicity	National Origin	Disability
Criminal Homicide											
Murder & Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses											
Rape	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0	0	0	0

<i>Hate Crimes</i>	On-Campus Student Housing Facilities										
	2018	2019	2020	Race	Religion	Sexual Orientation	Gender	Gender Identity	Ethnicity	National Origin	Disability
Criminal Homicide											
Murder & Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses											
Rape	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes	Public Property										
	2018	2019	2020	Race	Religion	Sexual Orientation	Gender	Gender Identity	Ethnicity	National Origin	Disability
Criminal Homicide											
Murder & Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses											
Rape	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0
Larceny Theft	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism	0	0	0	0	0	0	0	0	0	0	0

No Hate Crimes were reported for Non-Campus Property for 2018, 2019, or 2020.

No unfounded crimes for 2018, 2019, or 2020.

Campus Law Enforcement

Cazenovia College Campus Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Cazenovia College. Campus Safety Officers have the authority to issue parking tickets on Cazenovia College property or property leased by Cazenovia College. Campus Safety Officers do not possess the same arrest powers that police officers have under New York State Law. Criminal incidents are referred to the Village of Cazenovia Police Department, which has jurisdiction on campus. The New York State Police and the Madison County Sheriff's Office also have jurisdiction on campus and will respond when the local police are not available or need assistance. The Cazenovia College Campus Safety Department maintains a highly professional working relationship with the Village of Cazenovia Police Department, the Madison County Sheriff's Office, and the New York State Police. All crime victims and witnesses are strongly encouraged to immediately report crime to Campus Safety and outside agencies. Prompt reporting will assure timely warning notices on campus, timely disclosure of crime statistics, and will assist the appropriate law enforcement agency in its investigation of crimes occurring on campus.

Informing the Campus Community of Criminal Activity

Ongoing efforts are made to notify and inform members of the campus community about campus crime and crime-related problems. These efforts include:

Annual Report: A comprehensive Annual Clery Report of crime-related information is compiled, published and widely distributed. This annual report is available online for all interested parties.

Special Alerts: If circumstances warrant, special crime alerts will be announced either selectively or throughout campus as outlined under the timely warnings guidelines and/or CazAlert.

Crime Log: Campus Safety maintains a campus-wide crime log which is located at the Campus Safety Office located in Watts Hall. The crime log is available for public inspection at any time.

General Procedures for Reporting a Crime or Emergency

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the Cazenovia College Campus Safety Department in a timely manner.

To report a crime or an emergency from a campus telephone, call Campus Safety at 7555. From outside the college phone system, call 315.655.7555 or text the Campus Safety cell phone at 315.374.2693. (Non-emergency text messages may also be sent to the cell phone.) Non-emergency telephone calls may be made to the Campus Safety office telephone at 315.655.7555. Campus Safety personnel are available to answer your call 24 hours a day. In response to a call, Campus Safety will take the required action, whether it is asking the victim to respond to Campus Safety to file an incident report, dispatching an officer, or notifying local law enforcement, fire or emergency medical personnel to respond.

All Cazenovia College Campus Safety Incident Reports are forwarded to the Vice President for Student Affairs. Additionally, any incident reports involving students are forwarded to the Assistant Dean for Residence Life and Student Conduct. The Director of Campus Safety will be responsible for all reported incidents that require an investigation. Additional information obtained via investigation will be forwarded to the appropriate college personnel. If a law enforcement investigation is required, the Director of Campus Safety will work with the appropriate law enforcement personnel to complete the investigation. All crimes should be reported to the Campus Safety Department to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the college community, when appropriate.

Reporting of Criminal Offenses/Crimes

Contact Cazenovia College Campus Safety at 315.655.7555 or text 315.374.2693 or by using the emergency “Blue Light” phones located throughout the campus. The location of all emergency “Blue Light” phones are listed in the Guide to Cazenovia College Campus Safety and Security. The guide can be found on the college web site at either the [Blue Light Phone Locations](#), or the [Blue Light Phone Map](#), and copies of the map can be obtained at the Campus Safety office. Any suspicious activity or person seen loitering in or around parking lots, vehicles, buildings, or residence halls should be reported to the Campus Safety Department. In addition, you may report a crime to the following offices:

Director of Health Services	Health & Counseling Center, 315.655.7122
Counseling Center	Health & Counseling Center, 315.655.7121
Vice President of Student Affairs	Campus Center at Watts Hall, 315.655.7348

To report a crime that occurs off campus, call 911 or 315.366.2311. If there is a need to report a crime in person, the Village of Cazenovia Police Department is located in the Village of Cazenovia Municipal Building at 90 Albany Street. The Campus Safety Department and the Village of Cazenovia Police Department have a working agreement as required by Chapter 597, Article 129-A, Subsection 6434 of the Education Law of New York.

Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. With your permission, any member of the campus community can file a report on the details of the incident without revealing your identity. Incidents can also be reported anonymously by calling the T.I.P.S. line (315.655.7600, or ext. 7600 from any on campus telephone). All information left on the T.I.P.S. line is confidential. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving both students and staff, determine if there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the college.

Access Policy

During business hours, the college (excluding residence halls) will be open to students, faculty, staff and guests. Any unescorted visitors should report to the Campus Safety office to obtain a visitor’s pass. During non-business hours, access to all college facilities is by key, if issued, or by admittance via the Campus Safety Department or Residence Life staff. In the case of extended closing, only those with prior approval will be admitted to any college facility.

Residence halls are secured 24 hours a day. Over extended breaks, the doors of all buildings will be secured around the clock. Some facilities may have individual hours, which may vary at different times of the year. Examples are the library, computer labs, Reisman Hall, and Jephson Campus. Emergencies may necessitate changes or alterations to any posted schedules.

Maintenance and Security of Campus Facilities

Cazenovia College maintains a very strong commitment to campus safety and security. Exterior lighting is an important part of this commitment. The parking lots, walkways and building exteriors are well lighted. Formal surveys of exterior lighting on campus are conducted by Campus Safety officers on a regular basis. Members of the campus community are encouraged to report any exterior lighting deficiencies to Campus Safety at 315.655.7555, or by dialing “7555” from any on campus telephone, by text at 315.374.2693. Or by putting a work order with Campus Services giving the location of the deficiency.

Campus Safety officers and Campus Services staff conduct regular surveys of all exterior doors on campus. The purpose of this inspection is to ensure exterior doors and locking mechanisms are working properly. Exterior doors on campus buildings are locked and secured each evening by security officers. Deficiencies in door and security hardware are also reported by these personnel daily.

Security Awareness and Crime Prevention Programs

During orientation, Campus Safety personnel are available to inform students of the services offered by the Campus Safety Department. All new students are issued a copy of "Your Personal Guide to Cazenovia College Campus Safety and Security". The guide is also distributed to all new employees, and the guide is also available upon request to all students, faculty and staff.

Periodically during the academic year, the Campus Safety Department, in cooperation with other departments, presents a sexual assault prevention program and crime prevention awareness sessions. Campus Safety also provides emergency response training to the Residence Life Staff prior to the start of the Fall Semester. Other programs that have been presented include Active Shooter Response, Campus Security Authorities training, and presentations on current drug trends.

A common theme is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

The Campus Safety Department, along with the Office of Student Affairs, is available to provide the following security awareness and crime prevention programs (*including sexual assault education and prevention*) to both students and staff:

- Student Empowerment
- Rape Awareness Program
- Operation ID; Involves engraving the owner's identifying marking on valuable items in an effort to prevent theft of those items and recovery of the items if stolen.
- Drunk Driving / Distracted Driving Program
- Active Shooter Response
- Current Drug Trends
- Bystander Intervention Training
- Relationships 101
- Nonviolent Sexuality: " Making Peace with Passion"
- "Know Your Power"
- "No More Campaign"

Additional security measures include a Security Escort service available to students and staff, emergency blue light phones, video monitoring, and access control systems in the residential halls.

Criminal Activity off Campus

The college does not own or control any off-campus student organization facilities. Some students live in the neighborhoods surrounding Cazenovia College. Local law enforcement agencies provide information to the Campus Safety Department when a student violates existing federal, state or local laws.

Security Alerts/Timely Warnings/Emergency Notifications

In the event that a situation arises, either on or off campus, that in the judgment of the Director of Campus Safety, in consultation with the Vice President for Student Affairs, constitutes an ongoing or continuing threat

to the college community, a campus wide “security alert” or “timely warning” will be issued. Information is released to the college community through timely warnings posted prominently throughout campus and through the college’s electronic mail system.

In such instances, a notice will be posted on the college web site and a copy of the notice will be posted in each residence hall, the student center, outside the dining hall, Student Affairs offices, and the mail room. Anyone with information warranting a security alert should report the circumstances to the Campus Safety office by phone (315.655.7555/ext. 7555, or text 315.374.2693) or in person.

Depending on the particular circumstances of an emergency, especially in all situations that could pose an immediate threat to the college community and individuals, the Campus Safety Department or the College’s Director of Communications and Marketing will also activate the college emergency notification system. Cazenovia College utilizes an emergency notification and alert system called “**CazAlert**” which enables the communication of timely warnings and emergency notifications to the college community. This is a free service provided by the College which is intended to provide real-time, emergency notifications and alerts via text message, e-mail, and voice communication to all subscribers in the event of any incidents that pose a serious or continuing threat to safety which all members of the campus community should be aware of. Individuals can sign up for “CazAlert” at: <https://cazenovia.omnilert.net/>.

Sex Offender Registry Information

In accordance with the Federal Campus Sex Crimes Prevention Act of 2000, Campus Safety is providing a link to the New York State Sex Offender Registry. This law requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by the state may be obtained concerning registered sex offenders. It requires sex offenders already required to register in a state to provide notice, as required under law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

Members of the Cazenovia College community may obtain information concerning registered sex offenders by visiting the New York State Sex Offender registry’s website at: www.criminaljustice.ny.gov/nsor.

Emergency Response and Evacuation Procedures

Incidents/crises can happen anywhere, at any time, and often occur when they are least expected. When a crisis does occur, events usually unfold rapidly, leaving little time for planning. The key to success is to obtain the information, confirm its accuracy, disseminate the information as quickly as possible, and prepare to address the situation as it unfolds. That is why advance preparation is essential, both in responding to an incident and communicating to the campus community and external constituents.

Most incidents on campus begin with a report of an incident to the Campus Safety Department. An officer or officers are assigned and respond to the scene. Upon confirming that an emergency exists, the officer will notify the Director of Campus Safety or their designee. The Director of Campus Safety or their designee will proceed in accordance with the college’s emergency response plan. Upon confirming the existence of a significant emergency or dangerous situation, Cazenovia College will immediately notify the campus community, unless the notification will compromise efforts to assist any victims or to contain, respond to, or otherwise mitigate the emergency.

Notification Procedures

The Director of Communications and Marketing has been charged by the President and the Emergency Planning Team with managing all communications outreach and information dissemination during a crisis.

Immediate Response

- Convene the appropriate members of the College's Emergency Response Team (ERT) to assess the situation and level of impact.
- The President, Leadership of the Response Team, and/or Director of Communications and Marketing will determine if an official statement should be prepared and released to campus. The statement will be reviewed and approved for dissemination when possible.
- Completed templates should be referred to when available/applicable.
- The Director of Communications and Marketing, in concert with the President and ERT Leadership (if time permits) will determine the most effective and efficient method of communications to on-campus and off-campus constituencies. Options include:

E-MAIL: Director of Communications and Marketing will send e-mail out to ALL STUDENTS, ALL STAFF, ALL FACULTY, ALL ADMINISTRATION, using College Outlook mail system. Office of the President staff will forward message to ALL TRUSTEES upon direction of the President.

CazAlert: The Director of Communications and Marketing, Assistant Director of Communications, or Director of Campus Safety will send CazAlert text message (voice message) to campus community or select groups within the CazAlert system.

PA System (located in Hubbard, Shove/Shove Suites, Park, Farber, Library, Watts, Eddy/Coleman/Williams, and the Arena at the Equine Education Center) – If the safety of our students and/or employees requires immediate communication via the PA system, a message will be provided to Plant Operations Manager and/or Facility Engineer for announcement via PA.

Bullhorns: If it is necessary to communicate via bullhorns (power outage, building evacuation, lockdown, mass gathering crowd control or direction), a message will be provided to the Incident Commander or equivalent designee.

Hand-Delivery of Messages: If deemed the most effective and safe means of communicating, hand-delivered messages will be drafted by the Director of Communications and Marketing and disseminated accordingly.

Two-way radios: Two-way radios will be used for ongoing communications between Campus Safety, Campus Services personnel (including Housekeeping), and the Resident Director on Duty. The Incident Commander will be issued a two-way radio at the time of the incident, which will allow him/her to communicate with Campus Safety and Campus Services personnel.

- The Office of Communications and Marketing will update information on "MyCaz – Latest Announcements". The Director of Communications and Marketing will consider updating the home page of the College web site under News & Events.
- The Office of Communications and Marketing will determine further response, which could include implementation of the established telephone hotline for the external community to phone in for information and updates.

- The Director of Communications and Marketing will request the implementation of the hotline from the Director of the Information and Communication Technologies Department (“ICT”), and Telecommunications Representative.
- Should this be employed, personnel will be designated to work the hotline until the crisis is over, or a message specifically tied to the occurring incident is recorded for distribution by the Director of Communications and Marketing in tandem with an ICT employee.
- Any hotline telephone number will be published at the time of the crisis and used strictly for emergency purposes. General information will continue to be made available at the 315.655.7000 line. Specific instructions will be given to the operator should questions arise regarding the crisis and/or the availability of the telephone hotline.
- The Director of Communications and Marketing will provide updated messages and statements to the Director of ICT for inclusion on the College television screens.
- The Director of Communications and Marketing will determine if other constituencies need to be communicated with and how.

Cazenovia College has continued to test its ability to respond to emergency situations both on campus and to events occurring in the area that may present a danger to the campus community. Past exercises have included the Village of Cazenovia Police Department, Madison County Sheriff’s Office, New York State Police, Cazenovia Fire Department, Cazenovia Area Volunteer Ambulance Corp (“CAVAC”), and other community partners. Recent exercises included an active shooter scenario at SUNY Morrisville and a long-term power outage on the Cazenovia College campus. The exercise at Cazenovia College included utilization of the college’s emergency notification system, relocating staff, establishment of a command post and the closing of four buildings on campus. A number of fire drills were conducted during the year which required the evacuation of buildings. Cazenovia College will continue to test its emergency response and evacuation procedures on an annual basis.

Disclosures to Victims of Alleged Crimes

Upon written request, Cazenovia College will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

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 have 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, or 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.

The law further requires that the College conduct a biennial review 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 civilly and criminally.

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, or 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(s), 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 of alcohol, 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 bong 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 Affairs 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 at 10 Seminary Street. All information is confidential as set forth by state and federal guidelines. Appointments and consultation can be made available by dialing the College Health Office at extension 7122. Transportation can also be arranged to Alcoholics Anonymous by the Health Center.

Students are also encouraged to seek support from off-campus such as the Drug Hotline (315) 472-3784. The Hotline is staffed and available 24 hours a day

Alcohol Abuse/Alcoholism and Additional Information

315.428.4113 – Alcoholism and Substance Abuse Services of New York State
315.655.7122 – Cazenovia College Health Office
315.655.7122 – Cazenovia College Counseling Center
315.463.5011 – Alcohol Anonymous Service Center
315.471.1359 – Onondaga Council on Alcoholism & Addictions Inc.
315.697.3947 – BRIDGES, Madison County Council on Alcoholism & Substance Abuse
800.721.2327 – Alcohol and Drug Abuse Prevention and Treatment, Madison County

<http://www.drugfreeworld.org/drugfacts/alcohol/short-term-long-term-effects.html>
<https://www.niaaa.nih.gov/alcohol-health/alcohols-effects-body>
<http://drugabuse.com/library/the-effects-of-alcohol-use/>

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 Affairs.

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 or multiple persons accused, 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 Safety (315.655.7555 or text 315.374.2693) or the Office of Student Affairs (315.655.7237). Both offices will review options for

addressing the situation. In cases of physical assault or destruction of property, individuals are encouraged to immediately contact Campus Safety (315.655.7555 or text 315.374.2693).

- 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 Affairs.

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 Vice President for Student Affairs 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".

Review Panel

If a complaint of harassment or an investigation warrants additional review, the Director for Human Resources may solicit advice on the case, a general report, and any data to be made available to the community annually from the Title IX Committee or a panel of trained individuals. At any time during the complaint or investigatory process, the Director and the review panel have the option of recommending an investigation be conducted by a third party if warranted.

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. Both parties will receive simultaneous written notice of the outcomes of all disciplinary proceedings, to the extent permitted by law. The College endeavors to complete the investigatory phase and disciplinary proceeding within sixty (60) days, but this timeframe may be extended if necessary, under the circumstances.

Consensual Relationships

Sexual and/or dating relationships when they occur between any faculty, supervisor, or officer of the College and any person for whom he or she has a professional responsibility pose inherent risks. Additionally, professional responsibilities are assumed to exist between students and all employees of the College. The danger that sexual harassment will occur is particularly strong in relationships between faculty or staff members and students they are teaching, tutoring, advising, supervising or mentoring. The relationship puts the student in a vulnerable position and creates a problematic learning environment for other students who become aware of the relationship. Even where the staff or faculty member is not teaching, tutoring, advising, supervising or mentoring a student or other staff member, he or she should be aware of the constant possibility that he or she may unexpectedly be placed in a position of such responsibility. Administrators, staff, and faculty members of the College thus need to hold themselves to a high professional standard and avoid dating and/or sexual relationships with students and subordinates with whom they work, recognizing that such relationships pose a professional conflict of interest that make it difficult, if not impossible, to carry out their role as educators, supervisors, or support staff. Professionalism within the College demands that those with authority not abuse, nor seem to abuse, the power with which they are entrusted. This policy thus prohibits individuals employed by Cazenovia College from pursuing sexual and/or dating relationships with students and prohibits dating and/or sexual relationships with any subordinate employee whose work the individual supervises.

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.

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, bongos, 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 Federal/State Laws 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.

Additional Information

315.655.7122 – Cazenovia College Health Office

315.655.7122 – Cazenovia College Counseling Center

800.721.2327 – Alcohol and Drug Abuse Prevention and Treatment, Madison County

<https://www.healthyplace.com/addictions/drug-addiction/effects-of-drug-addiction-physical-and-psychological/>

<https://recoverygateway.org/substance-abuse-resources/drug-addiction-effects/index.aspx>

<https://easyread.drugabuse.gov/content/effects-drug-use>

<https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/addiction-health>

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 Affairs, 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 Affairs 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 Affairs 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.

Resources

Police/CAVAC: 911

Campus Safety: 315.655.7555 or text 315.374.2693

Campus Safety TIPS Line: 315.655.7600

Health & Counseling: 315.655.7122

Residence Life: 315.655.7237

MISSING STUDENT CONTACT AND NOTIFICATION

The 2008 Higher Education Opportunities Act requires that every student living in an on-campus student housing facility be given the option to register a confidential missing student contact. The registered person indicated would be notified within 24 hours of the determination that the student is missing. If the student is under 18 years of age and is not an emancipated individual, Cazenovia College is required to notify the custodial parent or legal guardian after the determination has been made that the student has been missing for more than 24 hours.

MISSING STUDENT POLICY

In compliance with the Higher Education Opportunity Act and the Clery Act, it is the policy of Cazenovia College to actively investigate any report of a missing resident who is enrolled at Cazenovia College and residing in college-owned/leased housing. Each resident will be notified of the Missing Student Policy and notifications through the Student Handbook.

For purposes of this policy, a student may be considered to be a “missing person” if the person’s absence is contrary to his/her usual pattern of behavior and/or unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, where there are concerns for drug or alcohol use, is in a life-threatening situation, or has been with persons who may endanger the student’s welfare.

Every student living in an on-campus student housing facility shall be given the option to register a confidential missing student contact. The registered person indicated would be notified within 24 hours of the determination that the student is missing. If the student is under 18 years of age and is not an emancipated individual, Cazenovia College is required to notify the custodial parent or legal guardian after the determination has been made that the student has been missing for more than 24 hours.

If a member of the College community has reason to believe that a student is missing, Campus Safety should immediately be notified. Campus Safety and/or Student Affairs will make reasonable efforts to locate the student to determine his or her state of health and well-being. The student’s cell phone will be the first contact. Additional efforts may include checking the resident’s room, access control card history and campus wide account usage, class schedule, on campus vehicle, friends, and coaches.

If all the above attempts to locate or establish contact with the missing student are unsuccessful, the College will contact the Village of Cazenovia Police Department immediately and report the student as a missing person. The Director of Communications and Marketing will be contacted and notified of the missing student report.

Once Campus Safety has determined that a student has been missing for more than 24 hours, the following notification will occur:

1. If the missing student is under the age of 18, Cazenovia College will notify the custodial parent or legal guardian;
2. If the missing student is 18 or older and has identified an emergency contact, Cazenovia College will contact the emergency contact identified by the student.

Student residents planning to be absent from the campus for an extended period of time should be sure to notify friends and family with information about their whereabouts. Student residents are also cautioned to regularly check their on-campus mailbox as uncollected mail, in conjunction with other information, may cause concern that a student is missing. Any concerns or questions regarding a student who is missing or appears to be missing should be referred to Campus Safety.

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 315.655.7555 or text 315.374.2693.

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:

- Rape: penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.
- Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

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 315.655.7555 or text 315.374.2693, 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:

Lori Mulligan, counselor

315.655.7207 or lamulligan@cazenovia.edu

Health Office Nursing Staff:

315.655.7122

Julianne Thomas (Enough Is Enough Advocate, Help Restore Hope Center / Liberty Resources Inc.)

315.363.0048, ext. 2149 or jthomas@liberty-resources.org

24/7 Hotline Support: 855.966.9723

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:

Help Restore Hope Center

Liberty Resources

218 Liberty Street

Oneida, NY 13421

24-Hour Hotline: 855.966.9723

*Access to a certified Sexual Assault Nurse Examiner (SANE) at Community Memorial Hospital in Hamilton can be coordinated through the Center between **Thursdays at 6PM and Mondays at 8AM.***

St. Joseph's Hospital
315.448.5101

University Hospital
315.464.5611

Crouse Hospital
315.470.7111

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, Help Restore Hope Center (855.966.9723) 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, Ben Baughman, 315.655.7795 or bmbaughman@cazenovia.edu
- Deputy Title IX Coordinator & Professor of Biology, Barbara Hager, 315.655.7146 or bhager@cazenovia.edu
- Assistant Dean for Residence Life and Conduct, Tiffany Varlaro, 315.655.7237 or tsvarlaro@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 Village of Cazenovia Police Department can be reached by calling 315.366.2311. New York 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 Village of 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's Office at 315.366.2236.

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 Vice President for Student Affairs 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 deemed 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 Respondent, witnesses, any parties with potentially relevant information, review video footage and/or text messages, 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 for distribution to the appropriate College official/body.

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

(Complaints will be investigated and adjudicated under the procedures in place at the time the investigation begins.)

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 their 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 (*i.e. campus email via read receipt, campus mail via delivery/read receipt, home address via certified mail, etc.*).

Procedures for Student Cases

The Vice President for Student Affairs will receive the investigatory report for all cases involving students. The Complainant and Respondent shall be notified by the Vice President for Student Affairs of the conclusion of the investigation and shall be given the opportunity to review on campus the investigatory report and relevant information in the case file. A requesting party shall be given a 5-day period during which to access the material during a scheduled review. Access is limited to the requesting party, who may not make photocopies or take photographs of the materials. The College reserves the right to redact material from the file as permitted and/or required by law.

The Title IX Coordinator will convene a Review Panel consisting of the Assistance Dean for Residence Life and Conduct and 2 additional faculty/staff members of the College who have been trained in Title IX and the College's policy. No member of the review panel shall have a conflict of interest. Both parties have the right to raise any issues of conflict of interest related to individuals serving on the review panel by notifying the Title IX Coordinator in writing.

The Review Panel shall have the responsibilities of making the decision as to whether the Respondent is responsible for a violation of this policy and determining appropriate sanctions and remedies based on the preponderance of evidence (*i.e.*, whether the charged conduct is "more likely than not" to have occurred). Circumstantial information can be sufficient in some instances for the College to determine that a violation was "more likely than not" to have occurred.

The Review Panel may, if deemed necessary, meet with the investigator(s) and/or any party or witness. The Review Panel will not be bound by the investigatory report; rather, it is advisory. The Review Panel 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 Review Panel, including the right to submit a written statement for consideration and/or request to meet individually with the Review Panel to provide any other relevant evidence. Any written statement provided by any party may be reviewed by the other party, who will have 24 hours to submit a response. If the Review Panel 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 Review Panel prior to the determination of an appropriate sanction(s). In making a determination regarding sanctions, the Review Panel 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 Review Panels' decision 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 a Review Panel shall sit on the appeals panel for that same case. No member of the appeals panel shall have a conflict of interest. Both parties have the right to raise any issues of conflict of interest related to individuals serving on the appeals panel by notifying the Title IX Coordinator in writing. 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 Review Panels' decision, and may, if the appeals panel deems it necessary, communicate with the investigator(s), the Review Panel, 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 Review Panel, and pertinent documentation regarding the grounds for appeal. A preponderance of the evidence standard will be applied on appeal. The appeals panel may affirm the Review Panels' decision, alter the decision of the Review Panel (with respect to finding of responsibility and/or sanctions), or return the case to the investigator(s) for further investigation.

Sanctions imposed by the Review Panel 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 crimes of violence, including, but not limited to, 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 Vice President for Student Affairs. Any

retaliation is subject to disciplinary action, up to and including dismissal/termination. Complaints of retaliation under this policy will be handled pursuant to the applicable disciplinary procedures (above) and any other applicable disciplinary procedures as stated in the Employee Handbook and/or Student Handbook Student Code of Conduct.

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, who 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. Help Restore Hope Center 24-hour hotline (855.966.9723)
 - b. St. Joseph's Hospital (315.448.5101)
 - c. University Hospital (315.464.5611)
 - d. Crouse Hospital (315.470.7111)
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 resources 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, 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.

ANNUAL FIRE SAFETY REPORT

The Higher Education Act, as amended by the Higher Education Opportunity Act specifies new campus safety requirements, including an annual fire safety report and fire log. Statistics must be collected and reported, in the annual fire safety report and the Department of Education’s web-based data collection system, for each on-campus housing facility. An on-campus housing facility is defined as any student housing facility that is owned or controlled by the institution or is located on property owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus. For the purposes of fire safety reporting, a fire is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

FIRE STATISTICS

Facility	Calendar Year								
	2018			2019			2020		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Watts Hall	0	0	0	0	0	0	0	0	0
Park Hall	0	0	0	1	0	0	0	0	0
Farber Hall	0	0	0	0	0	0	0	0	0
15 Sullivan Street	0	0	0	0	0	0	0	0	0
Shove Hall/Suites	0	0	0	0	0	0	0	0	0
9 Sullivan Street	0	0	0	0	0	0	0	0	0
Village Commons	0	0	0	0	0	0	0	0	0
Hubbard Hall	0	0	0	0	0	0	0	0	0
Village Suites	0	0	0	0	0	0	0	0	0

FIRE SAFETY SYSTEMS

Facility	Fire Alarm System	Smoke Detectors	Sprinkler System	Fire Extinguishers
Watts Hall	X	X	X	X
Park Hall	X	X	X	X
Farber Hall	X	X	X	X
15 Sullivan Street	X	X	X	X
Shove Hall/ Suites	X	X	X	X
9 Sullivan Street	X	X	X	X
Village Commons	X	X	X	X
Hubbard Hall	X	X	X	X
Village Suites	X	X	X	X

X – indicates that the facility is equipped with the equipment

Each on-campus housing facility has smoke detectors and sprinkler heads in each living space, lounge, corridor, and mechanical rooms. Fire extinguishers are positioned in accordance with NFPA guidelines. The smoke detectors and sprinkler system are tied into the fire alarm panel in each on-campus housing facility. When the alarm panel is activated an audible signal sounds throughout the facility. The fire alarm system is monitored 24 hours per day by a contracted service. When an alarm is received, the service contacts the Madison County 911 Center and Cazenovia College Campus Safety.

KERRY ROSE FIRE SPRINKLER NOTIFICATION ACT (A. 5715-A/S. 4180-B)

The Kerry Rose Fire Sprinkler Notification Act of 2013 requires the College to provide a written fire safety notification to each student living in a college-owned or operated housing facility, both on and off campus. The notification consists of a description of the fire safety system for the student's housing facility, including whether or not the housing facility is equipped with a fire sprinkler system. The notification also includes information on how to access the College's Campus Fire Safety Report required by federal law. In accordance with the Kerry Rose Fire Sprinkler Notification Act, the written notification is provided to students when they are issued their room key.

Fire Drills

Fire drills are conducted by the Student Affairs staff with assistance from Campus Safety and Campus Services. Each on-campus housing facility conducts four fire drills per year, two in the fall semester and two in the spring semester. As per New York State Office of Fire Prevention and Control guidelines, one drill is conducted the first full week students are on campus. During fire drills, students and staff are required to evacuate the facility. Professional Staff checks all rooms in the facility to ensure that the building has been evacuated.

Evacuation of On-Campus Housing Facilities

All students living in an on-campus housing facility receive instruction from the Residence Life staff as to the evacuation procedures, the routes that are to be used, and the student's central meeting location at the beginning of each semester. In addition, this information is posted in each on-campus housing facility and at each fire alarm panel.

Students are instructed to leave the building in the event of any fire alarm activation. When a fire alarm activation occurs, the Residence Life staff, Campus Safety and Campus Services personnel respond to the fire panel in the facility. Staff members assist with the evacuation and ensure that all occupants have evacuated the facility.

Fire Safety Related Policies and Rules

Cazenovia College is a smoke free campus. Smoking is not permitted anywhere on the campus including all on-campus housing facilities. The Student Code of Conduct bans the use or possession of fireworks or other highly combustible material, liquid or gas. Any open flame, appliances with exposed heating elements, halogen lamps and decorative/string lights are prohibited. Any electrical items not listed must be UL approved. In addition, any intentional or reckless initiation of any false report, to include activation of fire alarms, warning of or threat of fire or explosion, are violations of the Student Code of Conduct. Misuse or damaging any fire safety equipment is also a violation of the Student Code of Conduct.

Students receive training from the Residence Life staff at the beginning of each semester as to evacuation procedures and routes. Prior to the students return to campus, New York State Office of Fire Prevention and Control provides fire safety education training to the Student Affairs staff and to Campus Services personnel. Cazenovia College will continue to provide the best training possible and follow recommendations for improvement made by New York State Office of Fire Prevention and Control.

Reporting Fires in On-Campus Housing Facilities

After a fire has occurred on campus the following college personnel must be notified:

Roberta A. Comerford
Director, Department of Campus Safety
315.655.7299/Ext. 7299

Jeffrey Slocum
Facility Operations Manager
315.655.7192/Ext. 7192