



LIVING SAFELY

Annual Security and Fire Safety Report

OCTOBER 1, 2023



HOBART AND WILLIAM SMITH
COLLEGES

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MESSAGE FROM THE ASSOCIATE VICE PRESIDENT:

Welcome to Hobart and William Smith Colleges, a truly unique and extraordinary student-centered environment where our students prepare to lead lives of consequence.

At Hobart and William Smith Colleges, safety is our top priority, and we believe that it is a shared responsibility. Our campus safety team is committed to working collaboratively with members of the Hobart and William Smith community to provide a safe and secure living and educational environment that nurtures the academic and social growth of our students. This collaboration begins with students, faculty and staff understanding and practicing basic safety and security measures and reporting illegal activity or suspicious circumstances immediately to the Office of Campus Safety.

Our annual security report, which is made available to all students, faculty and staff, is an excellent source of information about our safety and security services, prevention programming and other resources we offer to the campus community. We encourage you to read this information and become an active partner in contributing to the safety and security of our campus.

Please stop by our office, located in the facilities building in Medbery parking lot, or contact me directly at (315) 781-3000 or at corbett@hws.edu if you have any questions about campus safety services or have any safety and security concerns.

Respectfully,

Martin Corbett
Associate Vice President of Campus Safety

VISION STATEMENT

To provide safety, security, essential services and other personalized assistance to the Hobart and William Smith community in a manner that exceeds expectations.

About the Office of Campus Safety

Hobart and William Smith Colleges maintain a full-time Office of Campus Safety that operates 24 hours a day, seven days a week, all year. Led by the Associate Vice President of Campus Safety, the office is staffed with one associate director, operations sergeant/investigator, one CSO II/communications specialist, two patrol sergeants and 12 campus safety officers. Each shift is supervised by a patrol sergeant and provides foot, vehicle and bicycle patrol of all campus residence halls, administrative buildings, grounds and parking areas. All officers are trained in emergency response procedures, are certified in CPR/AED and receive additional professional development and training throughout the year.

Campus Safety officers respond to calls for service from the campus community and are responsible for identifying crime prevention strategies that promote a safe and secure academic, living and working environment.

At Campus Safety, we believe that every interaction with every student or other member of the campus community matters, and often provides an educational opportunity. Rooted in our core values, Campus Safety personnel strive to foster an environment conducive to the diverse educational, professional, and personal growth of all members of the campus community.

Our Core Values

Service

We are dedicated to the vision of service and putting people first. Students, parents, faculty, staff, visitors and members of the Geneva community are our priority. We will always make ourselves available to serve their needs, to go above and beyond and to exceed expectations.

Respect

We value the differences in people as individuals and the richness that diversity brings to our institution. At all times we will display an attitude of respect for, and the protection of, the dignity, worth and rights of all we serve. We will maintain a work environment grounded in respect, support, acceptance and personal accountability.

Impartiality

We will actively strive to respond to all situations and all persons in a fair, unbiased, open-minded and objective manner. We shall maintain an atmosphere of openness and transparency as our responsibility and commitment to the campus community.

Trust/Integrity

We value the trust placed in our organization and its members by our campus community. We will earn that trust by being responsible for our actions, willing to acknowledge our mistakes and recognizing them as opportunities to learn, grow and improve. We will demonstrate integrity by maintaining a sound moral compass and engaging in ethical practices in our interactions with all persons.

Teamwork

We take pride in being members of the Hobart and William Smith community and the Office of Campus Safety. We demonstrate this pride by exhibiting a unified and professional presence in our community. We understand that working in a cooperative and collaborative way with all segments of the campus community enhances our efficiency and our ability to deliver the highest quality campus safety services.

About Hobart and William Smith Colleges

Located on 320 acres in the heart of New York State's Finger Lakes region, Hobart and William Smith are independent liberal arts colleges distinctive for providing highly individualized educations. Guided by an interdisciplinary curriculum grounded in exploration and rigor, the Colleges prepare students to think critically. In partnership with the Geneva and global communities and through robust programs in career development, study-abroad, service, leadership and athletics, the Colleges foster an environment that values global citizenship, teamwork, ethics, inclusive excellence and cultural competence.

Campus Safety Authority and Working Relationships

Campus Safety officers are proprietary security officers of the Colleges and receive their authority to maintain public order on the campus through the New York State Education Law. As such, Campus Safety officers do not have police or arrest authority but do maintain a close working relationship with area law enforcement agencies, including the Geneva Police Department, Ontario County Sheriff's Office, Seneca County Sheriff's Office and the New York State Police.

All required criminal incidents and motor vehicle accidents are reported to the Geneva Police Department for investigative and arrest purposes. In addition, Hobart and William Smith Colleges have a memorandum of understanding with the Geneva Police Department

providing for the investigation of reports of missing students or any violent felony offenses committed on campus, and as defined in subdivision one of section 70.02 of the New York State Penal Law.

While assisting and working cooperatively with area law enforcement agencies during the investigation of campus incidents, the Office of Campus Safety coordinates all on-campus requests for services for law enforcement agencies, fire services, emergency medical services and other emergency response agencies.

In addition to investigating violations of criminal law, Campus Safety is empowered to enforce Hobart and William Smith Colleges' institutional rules and regulations as defined in the HWS Handbook of Community Standards and to investigate and report on any alleged community standards violations. The Office of Campus Safety performs these duties on-campus and at all non-campus locations owned or controlled by the Colleges.

Campus Safety complies with the registration and training requirements of the New York State Security Guard Act for all campus safety officers.

Reporting Crimes and Other Emergencies

Hobart and William Smith community members are strongly encouraged to promptly and accurately report all crimes and safety related incidents to the Office of Campus Safety. Campus Safety dispatchers are available 24 hours a day to answer your calls and will direct campus safety officers and other appropriate emergency responders to your location. The Campus Safety emergency line can be reached from off campus telephones or cellular telephones at (315) 781-3333 or by dialing 3333 from any on campus telephone. When calling, please state the nature of the emergency and provide any requested information to the campus safety dispatcher.

Crimes should be reported to the Office of Campus Safety for the continued safety of all community members, for inclusion in the annual security report and daily crime log, and to evaluate the need to issue a "timely warning" notice to the campus community.

All members of the Hobart and William Smith community have the right to report crimes directly to local law enforcement and members of the Office of Campus Safety will assist with this process when the victim or witness of a crime elects to, or is unable physically and/or mentally, to make such a report. Reports to the Geneva Police Department can be made by dialing 911. Crimes can also be reported directly to the Ontario County Sheriff's Office by dialing 911.

Reporting to Other Campus Security Authorities:

In addition to the Office of Campus Safety, crimes can be reported to:

- Any professional staff member of the Office of Student Engagement (315-781-3880);
- Human Resources Office (315-781-3312);
- Any members of the Office of Title IX Programs and Compliance (315-781-3922).

Other resources available to assist students with questions or concerns on campus include:

- Any academic Dean with the Hobart (315-781-3300) or William Smith (315-781-3477) dean's offices;
- The Associate Vice President and Dean of Student Wellness and Support (315-781-3900).

Blue Light Emergency Phones

In addition, 32 blue light and emergency telephones are strategically placed throughout the campus along commonly used walking routes of travel or at the entrances to most residence halls. These emergency phones dial the Campus Safety emergency line directly and detail the caller's exact location to the Campus Safety dispatcher. Members of the campus community are encouraged to use the blue light telephones to request assistance or report suspicious conditions.

Voluntary, Confidential Reporting

If you would like to report a crime, but do not want to pursue action within the Colleges or criminal justice systems, we ask that you consider filing a voluntary, confidential report. Depending on the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. However, the Office of Campus Safety cannot guarantee confidentiality in all cases. The purpose of a confidential report is to comply with your wish to keep your personal identifying information confidential, while taking steps to ensure your safety and the safety of others. Confidential reports allow the Colleges to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security Report. In limited circumstances, the Office of Campus Safety may not be able to assure confidentiality and will inform you in those cases.

Anyone may call the Office of Campus Safety at 315-781- 3000, or in an emergency, (315) 781-3333 to report a crime or concerning information. Callers may remain anonymous.

Pastoral and Professional Counselors

Confidential crime reports, which allow a person to maintain their confidentiality, may be made to any counselor or psychologist in the Counseling Center or to the Colleges' Chaplain.

Hobart and William Smith Colleges encourage professional psychologists assigned to the Colleges' Counseling Center, as well as the Colleges' Chaplain, to regularly provide those they counsel, and who are victims or witnesses of crime on campus, written notice of their rights and options through the "Know Your Options: Sexual Misconduct Guide to Resources, Responsibilities and Rights" pamphlet, which outlines both confidential and non-confidential crime reporting options. For more information about these options, please visit <https://www.hws.edu/offices/title-ix/default.aspx>

In addition, professional psychologists and the Chaplain regularly provide those they counsel, and who are victims or witnesses of crime on campus, information about reporting a crime anonymously to the Office of Campus Safety. This anonymous reporting option allows those crimes to be included in the daily crime log, the Colleges' annual security report and to be provided to the Department of Education for statistical reporting purposes without disclosing any personally identifying information.

The Counseling Center is located at 91 St. Clair St. To contact the Counseling Center or to make an appointment call (315) 781-3388. The Counseling Center also has walk-in hours from 9 a.m. to noon and from 1:30 p.m. to 4 p.m. Monday through Friday.

The Chaplain's Office is located at the St. John's Chapel on South Main St. Chaplain Nita Byrd, the Colleges' Chaplain and Dean for Spiritual Engagement, is available Monday through Friday 8:30 a.m. to 5 p.m. and may be reached at, (315) 781- 3670 or at byrd@hws.edu.

Anonymous Reporting

Members of the campus community may also report crimes anonymously to the Office of Campus Safety via the anonymous crime reporting link on the Campus Safety webpage at https://cm.maxient.com/reportingform.php?HWSColleges&layout_id=7

Bias related incidents may also be reported anonymously via the Colleges' bias incident reporting form accessible on the Colleges' website at https://cm.maxient.com/reportingform.php?HWSColleges&layout_id=2

Incidents of Title IX and Sexual Misconduct can be reported anonymously via the College's online Sexual Misconduct Report Form at: https://cm.maxient.com/reportingform.php?HWSColleges&layout_id=6

Protecting Personal Identifying Information

In crime reports that are made available to the public by the Colleges, including the Clery Act statistics that are included in the Annual Security and Fire Safety Report and the Daily Crime Log, the Colleges will not disclose personally identifying information about the victim involved in the crimes reflected in the statistics.

Disclosure of Disciplinary Results

The Colleges will, upon written request, disclose to the alleged victim of a crime of violence, 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 the 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.

Timely Warnings

The purpose of a timely warning is to notify the campus community of a criminal incident that represents a serious or continuing threat to members of the campus community, so they may protect themselves and aid in the prevention of similar crimes.

Timely warnings will be issued when a crime is reported to any campus security authority or the local police, and the following criteria are met; 1) a crime defined under the Clery Act is committed; 2) the crime is committed on the Colleges' Clery Act geography (property owned or controlled by the Colleges); and 3) the crime represents a serious or continuing threat to the campus community.

Additionally, the Colleges may issue "Safety Announcements" when a crime occurs off campus and not in the Colleges' Clery Act geography, or for crimes not defined under the Clery Act such as a pattern of crimes against persons or property. The decision to issue a "Safety Announcement" will be decided on a case by case basis.

Timely warnings will not be issued for crimes reported to a professional counselor assigned to the Colleges' Counseling Center or the Colleges' Chaplain.

The Associate Vice President of Campus Safety in conjunction with the Vice President for Campus Life will make the determination to issue a timely warning and will consult with other Colleges' officials when appropriate. However, in the absence of the Associate Vice President of Campus Safety and/or the Vice President of Campus Life, the Associate Director of Campus Safety Administration and/or the Associate Vice President for Campus Life and Dean of Student Wellness and Support will act as their respective designees to make a determination to issue a timely warning.

Once a determination to issue a timely warning has been made, pertinent information about the incident will be provided to the Vice President of Marketing and Communications or the Associate Vice President of Communications. The Vice President or Associate Vice President will then prepare the timely warning ensuring that the warning withholds as confidential the names

and other identifying information of the victim(s). The timely warning will then be reviewed by the Associate Vice President of Campus Safety or designee and the Vice President for Campus Life or designee for accuracy and completeness.

The Vice President for Marketing and Communications or the Associate Vice President of Communications will, in a timely manner, disseminate the timely warning to the entire campus community through the Hobart and William Smith email system. Any other means of communicating with the campus community as necessary and appropriate, such as flyers posted in campus buildings, etc. will be delivered and posted by members of the Office of Campus Safety.

Monitoring and Recording of Non-Campus Criminal Activity

Hobart and William Smith Colleges do not have any officially recognized student organizations that have non-campus locations or non-campus residential facilities. Hobart and William Smith Colleges' Office of Campus Safety does not provide campus safety services to non-campus locations not owned or controlled by the Colleges. Criminal activity at non-campus locations are monitored by local, county, state and federal law enforcement agencies. These agencies provide Hobart and William Smith Colleges with information of non-campus criminal activity involving students. The Handbook of Community Standards is applicable to all students while at non-campus locations and the Colleges may enforce its policies through judicial sanctions.

Campus Security and Access

Most academic, recreational and administrative buildings are generally accessible to members of the campus community, guests, and visitors during normal business hours, excluding holidays. Certain facilities may also be open after normal business hours and during weekends. The public is welcome to attend cultural and recreational events held on campus or to use certain facilities. Access is limited to the facilities in which events are held, or buildings generally open to the public, such as the College Store. Solicitation in any building is prohibited without the express consent of the Office of Campus Life or a President's senior staff member. This includes small residential houses located on streets next to the campus. Report any solicitation violations to the Office of Campus Safety. Academic, recreational facilities and administrative buildings are locked and secured after their normal hours by Campus Safety officers. Access to these buildings outside of normal hours is by persons who are issued keys and others with proper permission. Permission for admittance must be sent in writing to Campus Safety who controls the access to buildings after normal operating hours.

Residence Halls and Houses

The exterior doors of all residential housing are locked 24 hours a day except during special events; in some residence halls, public spaces also occupy residential buildings and access to the residence is locked via elevator and stairwell. Campus Safety checks doors frequently to make sure they are secure. Students who live in a residence are issued a key or HWS OneCard that permits access to that building. At times, students may have access to another residence hall to access amenities such as a kitchen or laundry facilities. Courtesy phones are located at the entrance to many residence halls so visitors may call their host for admittance. In the event a student loses their key or OneCard, it should immediately be reported to Student Engagement, or after business hours to the Office of Campus Safety. Campus Safety has the ability to deactivate lost or stolen one-cards and issue temporary cards after hours. For interior doors, locks will be changed, and the students issued new keys to prevent any unauthorized access.

Security Considerations in the Maintenance of Facilities

Campus lighting is another important part of the Hobart and William Smith commitment to safety and security. Lighting problems or inefficiencies are immediately reported to Buildings and Grounds for repair. A comprehensive survey of lighting is conducted annually by members of Campus Safety and Buildings and Grounds evaluating parking lots, walkways and building exteriors. Members of the student body, faculty and staff are encouraged to make suggestions for improvement. Landscaping on campus is maintained by trimming shrubbery and trees to enhance the safety through visibility of walkways, roadways, parking lots and building exteriors. All members of the campus community are encouraged to report all door hardware problems to the Buildings and Grounds or Campus Safety departments for repair. The maintenance of facilities also encompasses broken windows for which access may be gained along with life safety equipment such as fire detection and suppression systems. The Office of Campus Safety is available 24 hours a day to respond and evaluate any facility condition which is reported as unsafe. The Office of Campus Safety works closely with the Buildings and Grounds Department to resolve any condition deemed unsafe.

Crime Prevention

The Office of Campus Safety takes a proactive approach to preventing crimes and providing crime prevention services. A primary goal of crime prevention programming is to eliminate or minimize the opportunity for criminal activities whenever possible by seeking community involvement and diligence. Following the institutional

mission to educate, crime prevention programming encourages students, faculty and staff to be proactive and aware of their own safety and the safety of others within the campus community. Crime prevention and the safety of others is a responsibility shared by all members of the Hobart and William Smith Colleges' community.

Safety Services

Safe Ride Program

The safe ride program provides transportation for students who may feel unsafe or uncomfortable walking after dark. Students are advised to call the Office of Campus Safety from a safe location and wait there until picked up by a uniformed Campus Safety Officer. Campus Safety considers this to be an important service and will respond to all requests as quickly as possible while also meeting our responsibility to respond to emergency calls as a priority.

Medical Transports and Escorts

Students who require special needs assistance to move about campus due to a medical condition may receive a medical transport and escort by a member of the Office of Campus Safety.

Campus Shuttle Service

The shuttle operates a fixed route with fixed stops, including Wegmans and downtown Geneva throughout the academic year. Campus Safety organizes the operation of two shuttles, one of which is handicap accessible. The shuttles are owned by Finger Lakes Limousine Service and operate from 7 p.m. daily until 12:30 a.m. Sunday through Wednesday, Thursday, 1 a.m. and on Friday and Saturday 2 a.m.

Blue Light Emergency Phones

The Colleges have a series of outdoor emergency telephones that are marked by blue lights. The blue light phones are located throughout the campus along commonly used routes. Pushing the button on an emergency phone connects you to the Campus Safety Dispatcher. Campus Safety immediately dispatches a uniformed officer to any blue light phone based on a visual readout of the phone that was activated. Additional emergency telephones are located at the entrance of many residence halls.

Campus Safety publishes Paths of Light

The Paths of Light brochure provides a map of safe routes of travel along with the location of the blue light emergency phones. The brochure is available at the Office of Campus Safety or as a link from the Campus Safety web page. Blue light phones are checked daily for proper operation by Campus Safety officers. Any damage or malfunction is reported to the HWS Information Technology Department for prompt repair or replacement.

Security of Buildings

The Office of Campus Safety patrols campus on a continuous basis, 24 hours a day, seven days a week, 365 days a year. The officers ensure buildings are locked and unlocked according to predetermined times. Residential living quarters are secured 24 hours a day and are checked regularly by officers. In addition, through the OneCard system, Campus Safety monitors the status of residence hall and house doors equipped with OneCard readers or alarms. When a residence hall or house door is propped in the open position, an alarm sounds through the OneCard system monitor alerting the Campus Safety Dispatcher. A Campus Safety Officer is then dispatched to the location to investigate and secure the door.

Prevention Programs

First-Year Student Orientation

This presentation is provided annually to all incoming first-year and transfer students by Campus Safety personnel. Techniques to provide a safe and secure residence hall by students in conjunction with the Office of Campus Safety are discussed. Students are also made aware of safety and security programs that prevent crime such as blue light phones and their operation; safe rides and what to do when you feel unsafe; and the reporting of criminal activity or suspicious activity to the Office of Campus Safety. Students are also trained about the potential of a serious emergency on campus and what they can expect from a Timely Warning or Emergency Notification. Emergency planning and preparedness are discussed, students are introduced to the run-hide-fight best practice active shooter response, learn what it means to lock-down, shelter-in-place and evacuate and are instructed on where to locate the Colleges' emergency actions plans (EAP's) on the Colleges' website.

CA Training

This training is provided annually to student Community Assistants (CAs) by the Office of Campus Safety. The CAs are trained by Campus Safety personnel on how to protect themselves when responding to an incident and procedures for notifying the Office of Campus Safety. This training teaches CAs how to oversee incidents that they can manage, as well as explain what is expected of CAs during incidents being responded to by Campus Safety. Among the topics discussed are incident management in conjunction with Campus Safety for several types of crimes, and crime prevention techniques to protect the resident students within their residence halls. All CAs participate in the Colleges' Campus Security Authority (CSA) training program.

Returning Student Sunday Night Floor Meeting Programs

The "Returning Student Floor Meeting Programs" are provided annually to all returning students by the Office of Campus Safety. This training discusses the techniques to provide and maintain a safe and secure residence hall by students in collaboration with the Office of Campus Safety. Personal safety tips and self-awareness techniques are provided in conjunction with Campus Safety programs of safe rides, shuttle service and blue light phones. The run-hide-fight best practice active shooter response is reviewed, fire safety and community standards as they relate to drug and alcohol possession and use are also discussed during this training.

Campus Safety Awareness Program

The Campus Safety Awareness Program is an interactive safety session presented to students through CA floor meetings and other venues. The program provides information about personal safety, safeguarding personal property, protecting community property, fire safety, bias incident reporting and response as well as how and who to report suspicious conditions and criminal activity.

Students in Distress Training

This training program is presented by the Counseling Center and provides faculty, staff, and student leaders with skills to respond effectively to students in distress and to make appropriate referrals. The training is provided each semester for faculty, staff and student leaders. Through frank dialogue, this training prepares members of the campus community for the challenging and anxiety-provoking situations of encountering students in crisis. Warning signs and threats of suicide are discussed to properly involve those who are best able to respond and provide immediate help to the student in distress.

Social Host Training

This crime prevention training is provided to students semi-annually by the members of the Office of Student Engagement, the Office of Campus Safety and the Director of Community Values and Conflict Resolution collaboratively. This crime prevention training reviews NY State laws regarding alcohol and drugs. The *Hobart and William Smith Colleges Handbook on Community Standards* is reviewed, and topics of discussion focus on the prohibition against serving alcohol to underage students, possession and use of a fake identification, dram shop liabilities and possible consequences for violations.

Behind Closed Doors

This crime prevention training is provided annually to student CAs collaboratively by the Office of Student Engagement. This training is designed to prepare student CAs to respond to a variety of policy violations they may encounter. Behind Closed Doors allows CAs to role-play the handling of various situations and involves potential outcomes that depend on each encounter.

CAs are trained to properly involve other departments to successfully resolve the potential encounters and policy violations.

In addition, Campus Safety personnel are available through the Community Resource Officer Program to provide safety and crime prevention programming on request to student groups, faculty, staff and visitors by calling the Office of Campus Safety at (315) 781-3000.

HWS Aware "Preparing our Community to Respond to Emergencies on Campus"

The HWS Aware program focuses on building awareness among the campus community about how to be prepared for and respond to natural and human-made emergencies that may occur on campus. A review of the different types of emergencies that could occur on campus, where to find information about emergency action plans (EAPs), emergency notification methods and what to do if a lock-down, shelter-in-place or evacuate command is given are presented. In addition, the run-hide-fight best practice active shooter response is reviewed. The HWS Aware program is provided to students, faculty and staff and also by appointment for requesting campus departments or groups.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as Amended by the Violence Against Women Reauthorization Act of 2013

Hobart and William Smith Colleges (the Colleges) do not discriminate on the basis of sex in their educational programs. Sexual harassment and sexual violence are types of sex discrimination, and dating violence, domestic violence, and stalking are forms of sex-based discrimination. The Colleges prohibit the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirm their commitment to maintaining a campus environment emphasizing the dignity and worth of all members of the Colleges' community. This statement of policy is intended to inform the community of our comprehensive plan related to sexual misconduct, including educational programs and procedures that address sexual assault, domestic violence, dating violence, and stalking reported to the Colleges or of which the Colleges become aware, whether the incident occurs on or off campus.

For a complete copy of Hobart and William Smith Colleges' policy governing Title IX and Sexual Misconduct, visit <https://www.hws.edu/offices/pdf/smp.pdf>.

Dating Violence, Domestic Violence, Sexual Assault and Stalking (Sexual Misconduct)

Statement of Intent

Hobart and William Smith Colleges (the Colleges) are committed to fostering a welcoming, safe, non-discriminatory and harassment-free educational, living and working environment for all members of the HWS community. The Colleges do not discriminate on the basis of sex in any of their education or employment programs or activities. This Policy prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1972 ("Title IX"), Title VII of the Civil Rights Act of 1964 ("Title VII"), New York's Enough is Enough law, and the New York State Human Rights Law. This Policy complies with these laws as well as requirements under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 ("VAWA"). The Colleges also comply with all federal and state civil rights laws banning discrimination in private institutions of higher education. The protections of this policy apply without regard to race, color, sex, pregnancy, religion, creed, national origin, familial status, disability, age, marital status, sexual orientation, gender identity, gender expression, veteran status, military status, predisposing genetic characteristics, domestic violence victim status, criminal conviction or any other protected category under applicable local, state, or federal law.

The Colleges require all community members to conduct themselves in a manner that does not infringe upon the rights of others. The Colleges will not tolerate Prohibited Conduct. The Colleges expect all members of our community to foster a safe, welcoming, and respectful environment on campus. The Colleges strongly encourage community members to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct to which an individual is a bystander.

Scope of Policy

This Policy applies to all of the Colleges' community members, including students; faculty; staff; and third parties, such as alumni, volunteers, independent contractors, visitors, and any individuals regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the Colleges ("Third Parties"). This Policy applies to acts of Prohibited Conduct committed by or against students, faculty, staff, or Third Parties. Alleged misconduct subject to this Policy ("Prohibited Conduct") includes both **Title IX Prohibited Conduct** (which is defined by law) and **Community Standards Prohibited Conduct** (which includes allegations that do not meet the definitions under Title IX, but nonetheless violate the Colleges' community standards, as defined in this Policy). Subject to the definitions of Title IX Prohibited Conduct (which have a

limited scope of application), the Colleges will respond to Prohibited Conduct when the conduct:

- occurs on the Colleges' campus or other property owned or controlled by the Colleges;
- occurs in the context of the Colleges' employment or education program or activity, including the Colleges-sponsored global education, athletic activities, or internship programs;
- occurs off-campus or outside of the Colleges' program or
- activity, but has continuing adverse effects on or creates a hostile environment for the Colleges' community members while on the Colleges' campus or other property owned or controlled by the Colleges or in an employment or education program or activity of the Colleges; or
- otherwise has a reasonable connection to the Colleges.

Alleged incidents of Prohibited Conduct occurring on or after the original effective date of this policy (August 14, 2020), will follow the protocols and procedures outlined in this Policy. This Policy is not retroactive and alleged incidents of Prohibited Conduct occurring prior to the effective date, even if reported after the date of this Policy, will follow Policies and Protocols effective at the time of the specific incident(s) unless otherwise directed by the Title IX Coordinator.

Student Bill of Rights

All Hobart and William Smith students have the right to:

- Make a report (or decline to report) to local law enforcement and/or state police;
- Have disclosures of Sexual Assault, Intimate Partner Violence, Stalking and all other forms of Prohibited Conduct treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the complaint resolution process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the Colleges courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few representatives of the Colleges as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the Colleges, any student, the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the Colleges;
- Access to at least one level of appeal of a determination;

- Be accompanied by an Advisor of choice who may assist and advise a Complainant or a Respondent during any meetings and hearings under this Policy and procedures; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or complaint resolution process of the Colleges.

Title IX and the Title IX Coordinator

Title IX is a federal civil rights law that prohibits colleges and universities that receive Federal financial assistance from discriminating on the basis of sex in education programs and activities. Sexual harassment, which includes acts of Sexual Assault, is a form of sex discrimination prohibited by Title IX. Title IX provides:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §1681, et seq.

Sexual harassment and Discrimination based on sexual orientation and/or gender identity is also prohibited under Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and other applicable statutes.

The Colleges have designated a Title IX Coordinator to oversee compliance with Title IX. The Title IX Coordinator ensures training and education of the Colleges' community members, oversees all reports of Prohibited Conduct and coordinates the Colleges' response and/or resolution to all reports. The Title IX Coordinator is a neutral party and is available to meet with any community member as needed to discuss available resources, options and supports.

Any inquiries or concerns about the Colleges' application of Title IX may be addressed to the Title IX Coordinator. The Title IX Coordinator is available in person or by phone or email during regular business hours:

Amanda Jantzi, JD
 Hobart and William Smith Colleges
 Office of Title IX Compliance and Programs
 603 S. Main Street
 Seneca Room Annex (lake level)
 Geneva, NY 14456
 (315) 781-3922
 titleix@hws.edu

Any inquiries or concerns about the Colleges' application of Title IX may also be addressed to the U.S. Department of Education Office for Civil Rights:

U.S. Dept. of Education,
 Office for Civil Rights New York Office
 32 Old Slip, 26th Flr New York, NY 10005-2500
 Phone: (646) 428-3800
 Fax: (646) 428-3843
 OCR.NewYork@ed.gov

Inquiries involving employees may also be addressed to:

New York State Division of Human Rights
 One Monroe Square
 259 Monroe Avenue, Suite 308
 Rochester, New York 14607
 Phone: (585) 238-8250
 info@dhr.ny.gov

U.S. Equal Employment Opportunity Commission
 New York District Office
 33 Whitehall Street, 5th Floor
 New York, New York 10004
 Phone: 1-800-669-4000
 Fax: (212) 336-3790
 TTY: 1-800-669-6820

New York State Division of Human Rights
 Office of Sexual Harassment
 55 Hanson Place, Suite 347
 Brooklyn, New York 11217
 Phone: (718) 722-2060 or 1-800-427-2773
 Fax: (718) 722-4525

U.S. Equal Employment Opportunity Commission
 Buffalo Local Office
 300 Pearl Street, Suite 450
 Buffalo, New York 14202
 Phone: 1-800-669-4000
 Fax: (716) 551-4387
 TTY: 1-800-669-6820

Prohibited Conduct

This Policy prohibits specifically defined forms of behavior, generally referred to as "Title IX Prohibited Conduct" and/or "Community Standards Prohibited Conduct". These two categories of Prohibited Conduct are detailed below with specific classifications. Title IX Prohibited Conduct and/or Community Standards Prohibited Conduct is determined inclusive of the sex, gender, sexual orientation and/or gender identity/expression of involved parties.

This section also includes definitions and a discussion of key terms, including Affirmative Consent and Incapacitation.

Hobart and William Smith Colleges strictly prohibit the crimes of dating violence, domestic violence, sexual assault and stalking. Below the Colleges' set forth the definitions of those crimes as defined in the applicable federal regulations, state law and the Colleges' policy.

Title IX Prohibited Conduct

A potential violation of Title IX Prohibited Conduct must meet the following criteria:

- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred in the Colleges' education program or activity, which is defined as locations, events or circumstances over which the Colleges exercise substantial control over both the Respondent and the context in which the misconduct occurred, or any building owned or controlled by
- a student organization officially recognized by the Colleges;

If the above criteria are met, the below represent specific covered sexual harassment violations:

1. **Title IX Sexual Harassment** - conduct on the basis of sex that involves an employee of the Colleges conditioning the provision of an aid, benefit, or service of the Colleges on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the Colleges' education program or activity.
2. **Title IX Sexual Assault** - may include any of the following Prohibited Conduct:
 - 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 alleged victim;
 - The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the alleged victim;
 - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
 - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

3. **Title IX Dating Violence** - Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, (iii) the frequency of interaction between the persons involved in the relationship.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

4. **Title IX Domestic Violence** - violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under New York State domestic or family violence laws or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of New York state.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

5. **Title IX Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition,
 - (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
 - (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and
 - (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Community Standards Prohibited Conduct

Conduct that does not meet one or more of the definitions of Title IX Prohibited Conduct, may still be Prohibited Conduct if it falls within the scope of this Policy and meets one of the following definitions:

1) Non-Title IX Sexual Harassment – Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature whether verbal, non-verbal, graphic, physical or other, when conditions (1) and/or (2), below, are present:

(i) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing or participation in any program and/or activity of the Colleges or used as the basis for decisions affecting the individual (quid pro quo harassment);

(ii) such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, pervasive or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the Colleges' education or employment programs and/or activities. The conduct must be deemed severe, pervasive or persistent under both a subjective and objective standard.

a. Hostile Environment - the determination of whether an environment is "hostile" must be based on the totality of known circumstances, including:

- the frequency, nature and severity of the conduct;
- whether the conduct was physically threatening;
- the effect of the conduct on the Complainant's mental and/or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct;
- whether the speech or conduct unreasonably interfered with the Complainant's educational or work opportunities or performance (including study abroad), Colleges controlled living environment, work opportunities, or performance.

A hostile environment can be created by persistent or pervasive conduct or, if sufficiently severe, by a single incident. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. In considering whether a policy violation has occurred, the Colleges will evaluate any issues relating to academic freedom and freedom of speech.

2) Gender-based harassment – Gender-Based Harassment is any act of aggression, intimidation, or hostility, whether verbal, non-verbal, graphic, physical, or otherwise, even if

the act does not involve conduct of a sexual nature, when the acts are based on the sex, gender, sexual orientation, gender identity or gender expression and conditions (1) and/ or (2), below, are present:

(i) submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic standing or participation in any program and/or activity of the Colleges or used as the basis for decisions affecting the individual (quid pro quo harassment);

(ii) such conduct creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, pervasive or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the Colleges' education or employment programs and/or activities. The conduct must be deemed severe, pervasive or persistent under both a subjective and objective standard.

3) Non-Title IX Sexual Harassment (Employees) –

Sexual Harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment and discrimination are against the law. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, for employees, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.

(i) Applicability. This policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services to the Colleges. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Colleges. For the remainder of this policy, the term "covered individual" refers to these individuals who are not direct employees of the Colleges.

(ii) Definition of Sexual Harassment. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex,

gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the New York Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the Colleges' policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or

- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

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

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;

- This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
 - Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
 - Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
 - Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:

- Dress codes that place more emphasis on women's attire;
- Leaving parents/caregivers out of meetings.

Targets of Sexual Harassment. Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Where Sexual Harassment Can Occur. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

4) Non-Title IX Sexual Assault - Sexual Assault is having or attempting to have sexual intercourse or sexual contact with another individual without Affirmative Consent.

Sexual intercourse is any vaginal or anal penetration, however slight, with any object or by a penis, tongue, finger or other body part performed by an individual upon another individual. Sexual intercourse also includes any contact, however slight, between the mouth of one individual and the genitalia of another individual.

Sexual contact is any intentional sexual touching, however slight, of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, with any object or body part performed by an individual upon another individual. Sexual contact includes making an individual touch another individual with or on the breasts, buttocks, groin or genitals.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

5) Sexual Exploitation - Sexual Exploitation is purposely, knowingly, or attempting to:

- (i) Observe or allowing third parties to observe an individual's genitalia, groin, breasts or buttocks or private sexual activity without the knowledge and consent of the participants, including through a hidden location or through electronic means in a place where there is a reasonable expectation of privacy;
- (ii) Record or photograph an individual's genitalia, groin, breasts or buttocks or private sexual activity without consent;
- (iii) Disseminate recordings or photographs of an individual's genitalia, groin, breasts or buttocks or private sexual activity without consent;
- (iv) Expose genitals or inducing another to expose their own genitals without Affirmative Consent;
- (v) Expose another individual to a sexually transmitted infection(s) without the other's knowledge;
- (vi) Cause incapacitation of another individual through alcohol, drugs, or any other means, for the purpose of compromising that individual's ability to consent to sexual activity; or
- (vii) Assist or otherwise facilitate any act of Community Standards Prohibited Conduct.

6) Non-Title IX Intimate Partner Violence - Intimate Partner Violence includes both dating violence and domestic violence and includes any act of violence or threatened act of violence against a person who is, or has been involved in, a relationship of a sexual, dating, domestic, or other intimate nature with the Respondent. Intimate Partner Violence can encompass a broad range

of behavior and may include Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Physical Assault, Stalking, and Retaliation.

The Colleges will evaluate the existence of the relationship based upon the Complainant's statement and take into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

7) Physical Assault - Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. The Colleges may address Physical Assault under this Policy when it occurs in the context of other forms of Community Standards Prohibited Conduct, such as Sexual Assault, Intimate Partner Violence or is based upon the sex, gender, sexual orientation and/or gender identity or expression of the Complainant.

8) Non-Title IX Stalking - Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or safety of others or to suffer substantial emotional distress.

- **Course of conduct** means two or more acts, including but not limited to, acts in which an individual directly, indirectly or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens or communicates to or about another individual, or interferes with another individual's property.
- **Substantial emotional distress** means significant mental suffering or anguish.
- **Reasonable person** means a reasonable person under similar circumstances to the victim.

Stalking includes cyber-stalking, a particular form of stalking in which an individual uses electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

9) Retaliation - Retaliation is any adverse action taken against an individual because they were involved in the reporting, investigation or resolution of a report of Prohibited Conduct. Retaliation includes threats, intimidation, harassment, coercion, violence or any other

conduct that would discourage a reasonable person from engaging in activity protected under this Policy. For employees, retaliation need not be job-related or occur in the workplace to constitute unlawful retaliation. Examples of retaliation may include, but are not limited to: demotion, termination, reduced hours, refusing to provide a reference, labeling an employee as "difficult" and excluding them from projects to avoid "drama;" or passing over for a promotion. Activity protected under this Policy may include an individual's right to make a report and/or file a complaint that Prohibited Conduct has taken place, an individual's ability to participate in the complaint resolution process, and/or if an individual's good faith effort to intervene as a bystander. The prohibition against retaliation applies to any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, any witness, or any other individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing.

Retaliation may occur even where there is a finding of "not responsible" under this Policy. Good faith actions lawfully pursued in response to a report of Prohibited Conduct are not Retaliation. Retaliation should be promptly reported to the Title IX Coordinator and will be investigated and resolved under this Policy and Procedures.

10) Discrimination – Discrimination under this Policy is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex, gender identity or expression, or sexual orientation.

11) Right to Proceed on Conduct Prohibited by Separate Policy - the Colleges reserve the right to adjudicate other Community Standards as defined by policies outside of the scope of the Title IX and Sexual Misconduct Policy in instances when the conduct is associated with an alleged issue of Prohibited Conduct.

New York State Definitions **Sexual Assault**

New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

Domestic Violence

An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking,

criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person's child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of the act.

FAMILY OR HOUSEHOLD MEMBER: Persons related by consanguinity or affinity; persons legally married to one another; persons formerly married to one another regardless of whether they still reside in the same household; persons who have a child in common regardless of whether such persons are married or have lived together at any time; unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship." Any other category of individuals deemed to be a victim of domestic violence as defined by the office of children and family services in regulation. Intimate relationship status shall be applied to teens, lesbian/gay/bisexual/transgender, and elderly individuals, current and formerly married and/or dating heterosexual individuals who were, or are in an intimate relationship.

PARENT: means natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

Dating Violence

New York State does not specifically define "dating violence." However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an "intimate relationship" with the victim. See "Family or Household Member" for definition of "intimate relationship."

Stalking

STALKING IN THE FOURTH DEGREE: When a person intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct. (Effective October 21, 2014: For purposes of subdivision two (2), "following" includes the unauthorized tracking of such person's movements or location through the use of global positions system or other device.)

STALKING IN THE THIRD DEGREE: When a person (1) commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

STALKING IN THE SECOND DEGREE: When a person: (1) commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be

a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of 14 or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of 14 in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

STALKING IN THE FIRST DEGREE: When a person commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.

Key Terms & Definitions

Affirmative Consent

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

Affirmative Consent cannot be obtained through force, including physical force, threats, intimidation, or coercion which would compel a reasonable person to engage in unwanted sexual activity against their will. This may include pressure that would compel a reasonable individual to initiate or continue sexual activity against that individual's will. When a person makes clear a decision not to participate in a particular form of Sexual Contact or Sexual Intercourse, a decision to stop, or a decision not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion existed sufficient to take away the Complainant's free will, the Colleges will consider, among other things: (i) the nature of the pressure; (ii) the frequency of the application of the pressure, (iii) the intensity of the pressure, (iv) the degree of isolation of the person being pressured, and (v) the duration of the pressure.

Affirmative Consent cannot be obtained by taking advantage of the incapacitation of another individual where the person initiating sexual activity knew or reasonably should have known that the other was incapacitated.

Incapacitation is a state where an individual cannot make an informed and rational decision to engage in sexual activity. An individual is incapacitated if the individual lacks conscious knowledge of the nature of the act or is physically helpless, asleep, unconscious, or otherwise unaware that sexual activity is occurring. An individual may be incapacitated as a result of the consumption of alcohol or other drugs or due to a temporary or permanent physical or mental health condition.

1) Evaluating Affirmative Consent

(i) Affirmative Consent and Incapacitation – In evaluating Affirmative Consent in cases of alleged incapacitation, the Colleges ask two questions: (1) Did the person initiating sexual activity know that the other party was incapacitated? And if not, (2) should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the Complainant was incapacitated and the answer to either of these questions is "yes," Affirmative Consent was absent. Consent is required to be obtained regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to consent. Consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and drugs varies from person to person, and evaluating incapacitation requires an assessment of how the consumption of alcohol and/or other drugs impacts an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; and
- capacity to appreciate the nature and the quality of the act.

Common and obvious warning signs can show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, signs may include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Where are you?" "How did you get here?" "What is happening?" "Who are you with?"

In general, sexual contact while under the influence of alcohol or other drugs poses a risk to all parties. Alcohol and drugs impair a person's decision-making capacity, ability to communicate clearly, awareness of the

consequences, and ability to make informed judgments. Individuals engaging in sexual activity should continually evaluate Consent throughout the encounter. An individual who does not initially appear to be incapacitated may become incapacitated as the effects of alcohol or other drugs increase. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity. Being impaired by alcohol or other drugs is not a defense to a violation of this Policy.

2) Guidance on Affirmative Consent

A person who wants to engage in a specific sexual activity is responsible for obtaining Affirmative Consent for that activity. Silence and/or passivity do not constitute Consent. Lack of resistance does not constitute Consent. Consent is active, not passive. The Colleges offer the following guidance on Affirmative Consent:

- All parties must demonstrate a clear and mutual understanding of the nature and scope of the act to which they are consenting and a willingness to do the same thing, at the same time, in the same way.
- Consent may be withdrawn by any party at any time. An individual who seeks to withdraw Affirmative Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately and all parties must obtain mutually expressed or clearly stated consent before continuing further sexual activity.
- Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. Consent to sexual activity on one occasion does not constitute consent to sexual activity on other occasions. Consent to sexual activity with one person does not constitute consent to sexual activity with any other person. Each participant in a sexual encounter must consent to each form of sexual activity with each participant.
- Each party must consent to each instance of sexual contact each time. Prior consensual sexual activity does not, by itself, constitute consent to future sexual activity. In cases of prior relationships between the parties, the manner and nature of prior communications between the parties and the context of the relationship may have a bearing on the presence of Affirmative Consent.
- In New York, an individual less than 17 years old is incapable of giving consent.
- Relying solely on non-verbal communication before or during sexual activity can lead to misunderstanding and may result in a violation of this Policy. Participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity.

Educational Program or Activity

For the purposes of this policy, the Colleges' "education program or activity" includes:

- (i) Locations, events, or circumstances over which the Colleges exercise substantial control over both the Respondent and the context in which the Title IX Prohibited Conduct occurs.
- (ii) These obligations extend to incidents of Title IX Prohibited Conduct that occur off campus if any of three conditions are met:
 - a. The off-campus incident occurs as part of the Colleges' operations;
 - b. The Colleges exercise substantial control over the Respondent and the context of alleged Title IX Prohibited Conduct that occurred off-campus; or
 - c. The incident of Title IX Prohibited Conduct occurs at an off-campus building owned or controlled by a student organization officially recognized by the Colleges.

Formal Complaint

A document submitted by a Complainant and bearing the Complainant's physical or digital signature, or otherwise indicating that the Complainant is the one filing the Formal Complaint, requesting that the Colleges investigate the allegations of Prohibited Conduct. The Title IX Coordinator also may sign a Formal Complaint, as discussed in Appendix A, section III, but does not become the Complainant by doing so. In order to file a Formal Complaint a Complainant must be participating in or attempting to participate in the Colleges' education program or activity at the time a Formal Complaint is filed.

Complainant

For the purposes of this Policy, Complainant means any individual who has reported being or is alleged to be the victim of Prohibited Conduct.

Respondent

For the purposes of this Policy, Respondent means any individual or group/organization who has been reported to be the perpetrator of conduct that could constitute covered violations as defined under this Policy. Groups and/or organizations may only be charged with forms of Community Standards Prohibited Conduct.

Amnesty, Obligation to Provide Truthful Information and Group Infractions

Amnesty

The health and safety of every student is of utmost importance. The Colleges recognize that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that Prohibited Conduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct or the conduct of others. The Colleges strongly

encourage students to immediately report Prohibited Conduct to the Colleges or law enforcement. A bystander acting in good faith or a Complainant acting in good faith that discloses any incident of Prohibited Conduct to the Colleges or law enforcement will not be subject to disciplinary action under the Colleges' Community Standards for violations of alcohol and/or drug use policies based on ingestion occurring at or near the time of the reported Prohibited Conduct.

Other individuals present will also not be subject to disciplinary action under the Colleges' Community Standards for violations of alcohol and/or drug use policies based on ingestion occurring at or near the time of the reported Prohibited Conduct.

Obligation to Provide Truthful Information

All community members of the Colleges are expected to cooperate fully and provide truthful information in any report or proceeding under this Policy. Providing false or misleading information in bad faith, such as with a view to personal gain or intentional harm to another in connection with an incident of Prohibited Conduct, is prohibited and subject to disciplinary sanctions under the Colleges' Community Standards and disciplinary action under the appropriate employee disciplinary policy. Even if a report is later not substantiated, that does not necessarily mean that the information was provided in bad faith.

Group Infractions

When members of a student group, organization, team, or individuals act collusively in violation of the Community Standards Prohibited Conduct, they may be charged as a group and/or as individuals, and a hearing may proceed against the group as joint respondents or against one or more involved individuals, or both, as appropriate, given available information and the circumstances.

Privacy, Confidentiality and Employee Reporting Responsibilities

The Colleges are committed to protecting the privacy of all individuals involved in the resolution of a report of Prohibited Conduct. Throughout the reporting, investigation and resolution of a complaint, including the implementation of supportive measures, the Colleges will make reasonable efforts to protect the privacy interests of all involved individuals in accordance with federal and state law while also conducting a thorough review and response to eliminate, prevent, and address Prohibited Conduct.

Employees of the Colleges are designated as either an Actual Knowledge Employee or a Confidential Employee. Actual Knowledge Employees have reporting obligations under this Policy, but will, to the fullest extent possible, maintain the privacy of an individual's information.

Confidential Employees do not have a reporting obligation under Title IX and will keep information confidential (except as required or permitted to by law). In understanding the difference between speaking to an Actual Knowledge Employee or Confidential Employee, it may be helpful to understand the difference between privacy and confidentiality, as they each have distinct meanings under this Policy.

Privacy

Privacy means that information related to a report of Prohibited Conduct will only be shared with a limited circle of employees of the Colleges who "need to know" in order to assist in the active review, investigation and resolution of the complaint and implementation of supportive measures.

Confidentiality

Certain campus and community professionals, including mental health providers, ordained clergy, rape crisis counselors, and health care providers, are legally required to keep information shared by an individual confidential and cannot reveal information to a third party. On campus, Confidential Employees are generally prohibited from sharing information unless there is written consent, imminent threat of harm to self or others, or reasonable suspicion of abuse of a minor (someone under the age of 18).

Confidential Employees

A Confidential Employee is a licensed medical, clinical or mental health professional, or ordained clergy or staff member in the offices of a licensed medical, clinical or mental health professional, or ordained clergy. A Confidential Employee will not make a report to the Colleges unless there is written consent to do so from the patient/client, there is the risk of imminent threat of harm to self or others, or there is reasonable suspicion of abuse of a minor (someone under the age of 18). The Colleges' Confidential Employees are:

- All employees in the Counseling Center
- All employees in the Office for Spiritual Engagement;
- All employees in Hubbs Health Center; and
- Any other professional with a legally recognized privilege.

Consistent with the Clery Act, any data collected from Confidential Employees about the disclosures of Prohibited Conduct will be done in an aggregate manner and in a way that does not reveal personally identifying information of the parties to include in annual crime statistics, address any systemic concerns, and inform training and education programs.

Actual Knowledge Employees

An Actual Knowledge Employee is an employee who upon receipt of allegations of sexual harassment is required to make an immediate report to the Title IX Coordinator or Deputy Title IX Coordinator. This report must include the Actual Knowledge Employee's name and contact information, and all known details about an incident, including dates, times, locations, names of involved individuals and the nature of the incident. Actual Knowledge Employees differ from Confidential Employees and all other employees of the Colleges due to their ability to institute corrective measures related to an incident of alleged Prohibited Conduct. Actual Knowledge Employees include, the Title IX Coordinator, Deputy Title IX Coordinator, other Title IX office staff, Vice President for Campus Life, Director of Community Values and Conflict Resolution, Student Engagement Professional and student staff, the Associate Vice President for Campus Safety, the Hobart and William Smith Deans, Human Resources Professional Staff, and the Provost of the Colleges. The Colleges' obligation to respond under this Policy is only triggered upon notice to an Actual Knowledge Employee.

Unless designated as a Confidential Employee or Actual Knowledge Employee, all other employees of the Colleges are encouraged to make an immediate report to the Title IX Coordinator or Deputy Title IX Coordinator upon receiving information about an incident of Prohibited Conduct. The report should include the reporting employee's name and contact information so that the Title IX Coordinator can follow up. Student Employees, such as, Teaching Assistants, and all other student employees, are encouraged to report to the Title IX Coordinator or Deputy Title IX Coordinator when disclosures are made to any of them in their capacities as employees. Employees, other than Confidential Employees should keep information private, but cannot maintain confidentiality. Employees are encouraged to share all known details about an incident with the Title IX Coordinator, including dates, times, locations, names of involved individuals and the nature of the incident. Offices and employees of the Colleges who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-confidential resource will be used only as necessary for the Title IX Coordinator to investigate and/or seek resolution.

Public Awareness Events

No employees are required to report information shared during public awareness events. Public awareness events including public events or forums at which individuals disclose experiences of sexual violence or other forms of Prohibited Conduct are not considered notice to the school for the purpose of triggering an individual investigation unless initiated by the Complainant. The

Colleges may use any information provided at such events to review policy, inform ongoing education and prevention efforts, and assess climate to learn more about the prevalence of Prohibited Conduct at the Colleges. Further, if the Colleges learn information at a public awareness event that raises safety concerns for the broader community, they may be required to take action to protect the community.

Clery Act Reporting

Under the Clery Act, the Colleges are required to issue timely warnings to the Colleges' community where certain reported crimes (including some forms of Prohibited Conduct) pose a serious or continuing threat to the Colleges' community. The Clery Act also requires the Colleges to maintain, make available to the public, and provide to the United States Department of Education statistics about certain reported crimes in a daily crime log and annual security report. Timely warnings and the Colleges' crime statistics do not include personally identifying information of involved parties.

Campus and Community Resources

The Colleges offer a wide range of resources to provide support and guidance from initial contact through report, investigation and resolution of Prohibited Conduct. The Colleges will offer reasonable and appropriate measures to Complainants and Respondents and facilitate the continued access to the Colleges' education or employment programs and activities.

Emergency Resources

Confidential Medical Assistance: An individual who experiences Sexual Assault, Intimate Partner Violence, or any other form of violence is strongly encouraged to seek immediate medical attention at F.F. Thompson Hospital:

F.F. Thompson Hospital
350 Parrish Street
Canandaigua, N.Y. 14424
(585) 396-6000

F.F. Thompson Hospital is the closest hospital in the Geneva area where an individual can receive a forensic sexual assault examination by a Sexual Assault Nurse Examiner (also known as "SANE Nurse"). SANE Nurses can assess injuries related to physical trauma; evaluate for sexually-transmitted infections and possible pregnancy; provide medical care (including medications to prevent infections and pregnancy); and can, generally within the first 96 hours after a sexual assault, administer a "forensic exam." During the forensic exam, the SANE Nurse documents and collects evidence of sexual contact and/or physical trauma (including injuries to the body and genitals), trace evidence, biological fluids, and identifiable DNA. When there is reason to believe that an assault may have been facilitated by the use of drugs or alcohol, the

forensic exam may also include the collection of urine and blood samples for toxicology testing. Individuals are not required to report an incident to law enforcement or the Colleges in order to receive medical attention or a forensic exam. Individuals may have a support person of their choosing present throughout the forensic exam. In addition, advocates from Safe Harbors of the Finger Lakes, a local rape crisis center, are available to accompany and offer support to persons seeking a forensic exam. Transportation to F.F. Thompson can be arranged by contacting Campus Safety. It is not necessary to give your name or make a report in order to obtain transportation assistance.

Individuals are encouraged to seek follow-up care to address any ongoing medical concerns, including those related to sexually-transmitted infections and pregnancy, regardless of whether a forensic exam is obtained after a sexual assault. Follow-up care is available at F.F. Thompson Hospital, Hubbs Health Center, Geneva General Hospital or through any appropriate health care provider outside of the Colleges.

Hubbs Health Center

119 St. Clair Street
Geneva, NY 14456
(315) 781-4580

Geneva General Hospital

North Main and North Streets
Geneva, NY 14456
(315) 787-4500

Law Enforcement: Law enforcement has unique legal authority to seek and execute search warrants, to collect forensic evidence that may have been left at the scene or at other relevant locations, to issue subpoenas to compel testimony or other evidence, and to make an arrest when supported by probable cause to believe a crime has been committed.

Local Law enforcement can be reached by contacting the Geneva Police Department (or one of the contacts listed below). Call the Geneva Police Department or the New York State Police directly for an immediate response.

Emergency 911

Geneva Police Department

(315) 828-6771

New York State Police

(315) 539-3976 Troop E, Zone 2
(844) 845-7269 (24-hour hotline)

Campus Safety: Campus Safety is available 24 hours a day, seven days a week, year-round, to escort any community member of the Colleges to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, assist individuals in obtaining a civil order of protection, and provide information about the Colleges' resources and processes.

Campus Safety

Campus Services Building
Off Pulteney Street
Medbery parking lot, NE corner
Emergency phone (315) 781-3333
Non-Emergency Phone
(315) 781-3656/(315) 781-3657

Confidential Crisis Resources (Support and Counseling):

Both Complainants and Respondents are strongly encouraged to seek emotional support after any incident of Prohibited Conduct. In addition to the resources above, there are a number of confidential sources and hotlines for crisis counseling available through the Colleges and off campus. The Colleges' counselors can offer students information about reporting options and provide trauma-informed support.

Counseling Center (for students)

Hobart and William Smith Colleges
91 St. Clair Street
Geneva, NY 14456
(315) 781-3388
Monday – Friday 9 a.m. – 5 p.m.

Any individual may speak with a counselor in the Counseling Center at any time. During the academic year, an on-call counselor is available 24 hours a day, 7 days a week. Students can also access the on-call counselor by contacting their Community Assistant or a member of the Student Engagement staff or by calling Campus Safety. During an after-hours mental health emergency, call Campus Safety at (315) 781- 3333 to reach Protocol crisis counseling services. Campus Safety will not require an individual to disclose their name to be connected to the Protocol crisis counseling services.

Safe Harbors of the Finger Lakes, Inc.

(800) 247-7273 (24-hour crisis hotline)
(315) 781-1093 (support during business hours)

Safe Harbors, Inc., a local rape crisis and intimate partner violence support agency offers free, confidential crisis counseling as well as support groups and other services.

NexGen Employee Assistance Program

Employees may seek confidential counseling for themselves and their families via NexGen Employee Assistance Program. The hotline number is (800) 327-2255. For more information on NexGen services, visit www.nexgeneap.com, company ID: 8956.

Confidential Resources

Campus Confidential Employees

Counseling Center

(315) 781-3388
(See additional contact information above)

Hubbs Health Center

(315) 781-4580
(See additional contact information above)

Office for Spiritual Engagement

Chaplain
St. John's Chapel
630 S. Main Street
Geneva, NY 14456
(315) 781-3671
Abbe Center
(315) 679-6924

Community Confidential Resources

Safe Harbors of the Finger Lakes, Inc.
(800) 247-7273 (24-hour crisis hotline)
(315) 781-1093 (support during business hours)

Family Counseling Service of the Finger Lakes, Inc.

Employees may seek confidential counseling at Family Counseling Service of the Finger Lakes, Inc. through the Colleges' Employee Assistance Program. Family Counseling Service provides confidential counseling to eligible employees and their families. Family Counseling Service also maintains a 24-hour, 7 day a week domestic violence hotline with trained staff and volunteers for support and crisis counseling, and to assist in emergencies. The hotline number is (800) 695-0390.

671 South Exchange Street, Geneva, NY 14456
(800) 695-0390 (24-hour crisis hotline)
(315) 789-2613
(877) 789-2613

Legal Assistance of Western New York, Inc.

Legal Assistance provides confidential services to individuals who meet their requirements for representation. The best way to determine if Legal Assistance can help is to contact their office and provide information about a specific concern.

361 South Main Street
Geneva, New York 14456
(315) 781-1465

National Confidential Resources

National Sexual Assault Hotline

(800) 656-4673

Rape and Incest National Network (RAINN)

<https://ohl.rainn.org/online/> (online hotline)

National Domestic Violence Hotline

(800) 799 SAFE (7233)

Supportive Measures

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent, or other involved parties, before or after the filing of a formal complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the Colleges' education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Colleges' educational environment, or to deter sexual harassment. The Title IX Coordinator can provide a wide range of supportive measures including, but not limited to, counseling, academic modifications and support, campus escort services, no-contact orders, housing modifications, work schedule modifications, and increased security and monitoring of certain areas of the campus.

Supportive measures are available regardless of whether a Complainant pursues criminal or disciplinary action through the Colleges.

The Title IX Coordinator also will promptly inform the Complainant and/or Respondent of any action(s) that will directly impact the Complainant and/or Respondent. A Complainant or Respondent shall be afforded a prompt review, reasonable under the circumstances, of the need for, and terms of, any supportive measure that directly affects them, and may do so by contacting the Title IX Coordinator. The Title IX Coordinator on their own or at the request of either party retains the discretion to impose and/or modify any supportive measures based on all available information. Supportive measures will remain in effect, unless new circumstances arise which warrant reconsideration of the supportive measures.

The availability of supportive measures will be determined by the specific circumstances of each case. Each party shall have the right to submit evidence regarding the propriety of supportive measures. The Title IX Coordinator will consider a number of factors in determining which measures to take, including the needs and requests of the individuals seeking supportive measures; the severity or pervasiveness of the reported Prohibited Conduct; any continuing effects on the Complainant and/or Respondent; whether the Complainant and the Respondent share the same residence hall, dining

hall, academic course(s), job location; and whether other judicial measures have been taken to protect the Complainant (e.g., Protective Orders).

In some cases, students may choose to seek a leave of absence or a reduced course load; these actions may, in turn, impact matters such as a student's immigration, visa and/or financial aid status. In such cases, the Title IX Coordinator assists the student in coordination with the appropriate resources.

The Title IX Coordinator will ensure individuals receive written notification of all their rights and options, regardless of whether the individual chooses to file a Formal Complaint under this Policy or make a report to law enforcement.

Reporting Options

There are multiple channels for reporting Prohibited Conduct. Individuals may report Prohibited Conduct to law enforcement, to the Colleges, to both or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and disciplinary action through the Colleges. The Colleges will support Complainants in understanding and assessing their reporting options.

Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Preservation of Evidence

The Colleges recognize that making the decision to report Prohibited Conduct often takes time. Nevertheless, pending the decision to report, individuals are strongly encouraged to take immediate steps to preserve all evidence that might support a future report of Prohibited Conduct, an Order of Protection, or an investigation by law enforcement, by the Colleges, or both. Such evidence may include:

- A forensic sexual assault examination conducted by a SANE nurse (as soon as possible to ensure preservation of evidence);
- Photographs of injuries, property damage, or the location of the incident;
- Any clothing, sheets or other materials (items containing bodily fluids should be stored in cardboard boxes or paper bags, not plastic bags);
- Electronic exchanges (e.g., text messages, emails, and Facebook, Instagram, Snapchat or other social media posts, to the extent that they can be captured or preserved);
- Photographs (including photographs stored on smartphones and other devices); and
- Voice-mail messages and other physical, documentary and/or electronic data that might be helpful or relevant in an investigation.

Evidence may be lost by the changing of clothes, bathing, brushing teeth, eating and drinking. If possible avoid these actions prior to the forensic sexual assault examination. Electronic and photographic evidence may be lost through the upgrade or replacement of equipment (including smartphones), software and/or accounts or due to the passage of time.

Reporting to Law Enforcement

Individuals have the right to notify law enforcement or decline to notify law enforcement. Individuals may contact law enforcement directly (resources above). In keeping with its commitment to taking all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, the Colleges encourage Complainants to report Prohibited Conduct immediately to local law enforcement. Individuals may seek assistance in notifying law enforcement from the Title IX Coordinator or Campus Safety. The Title IX Coordinator can assist in setting up an initial meeting with law enforcement and can accompany individuals to that meeting. In instances that involve an immediate threat to health or safety, the Colleges may independently notify law enforcement.

Reporting to the Colleges

The Colleges encourage individuals who have experienced, have knowledge of, or have witnessed Prohibited Conduct to make a report to the Colleges. The Colleges will seek to honor the Complainant's request(s) for anonymity, that an investigation not be pursued and/

or that no disciplinary action be taken if it is possible to do so while also protecting the safety and well-being of the Complainant and the Colleges' community **See below D.**

Making a Report to the Colleges does not require participation in any subsequent proceedings by the Colleges, nor is a Formal Complaint required in order for an individual to receive supportive measures.

Although there is no time limit for reporting Prohibited Conduct to the Colleges, the Colleges' ability to respond may diminish over time, as evidence may erode, memories may fade, and Respondents may no longer be affiliated with the Colleges. If the Respondent is no longer a member of the Colleges' community, the Colleges will not take disciplinary action, but will provide appropriate supportive measures, assist the Complainant in identifying external reporting options, and take other reasonable steps to respond under Title IX.

Individuals are encouraged to make a direct report of Prohibited Conduct by contacting the Title IX Coordinator:

Amanda Jantzi, JD

Title IX Coordinator
Hobart and William Smith Colleges
Office of Title IX Compliance and Programs
603 S. Main Street
Seneca Room Annex (lake level)
Geneva, NY 14456
(315) 781-3922
titleix@hws.edu

Anonymous Reporting

Any individual may make an anonymous report concerning an act of Prohibited Conduct, including through the Colleges' online [Sexual Misconduct Online Reporting Form](#). Any individual may report with or without disclosing a name, identifying involved persons, or requesting any action. Anonymous reports will go to the Title IX Coordinator and Campus Safety for review and appropriate response and action. The Title IX Coordinator is available to answer questions about reporting and procedural options at any time. Individuals who would like to make an anonymous report are encouraged to call the Title IX Coordinator to discuss options and may do so without identifying themselves or reporting any details about an incident, such as dates, times, locations, names of involved individuals and the nature of the incident. Depending on the information provided, the Colleges' ability to take action in response to an anonymous report may be limited.

Colleges' Initial Response to All Reports of Prohibited Conduct

Receiving a Report

Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator will make an initial assessment of the reported information and respond to any immediate safety or well-being concerns raised by the report. In this intake assessment, the Title IX Coordinator will conduct a preliminary assessment and:

- Inform the Complainant of the right to seek medical treatment, and explain the importance of obtaining and preserving forensic and other evidence;
- Inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order;
- Inform the Complainant about campus and community resources, including no-contact orders;
- Inform the Complainant of the right to file a Formal Complaint and the right to seek Informal Resolution after filing a Formal Complaint; ascertain the Complainant's expressed preference for manner of resolution (Informal Resolution, Formal Resolution, or neither); and discuss with the Complainant any concerns or barriers to participating in any investigation and resolution by the Colleges;
- Explain the Colleges' prohibition against Retaliation and that the Colleges will take prompt action in response to any act of Retaliation;
- Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/ or any other third party with knowledge of the reported incident;
- Ascertain the ages of the Complainant and the Respondent, if known, and, if either of the parties is a minor (under 18), as required by law, contact the appropriate child protective service agency;
- Coordinate with appropriate officials of the Colleges to determine whether the report triggers any Clery Act reporting requirements, including entry of the report in the daily crime log and/or issuance of a timely warning, and take steps to meet those obligations; and
- Ensure that the Complainant receives a written explanation of all available resources and options and is offered the opportunity to meet to discuss those resources and options.
- Assess, based on the totality of the known

circumstances, any threat to the safety or well-being of the Complainant or the Colleges' community. This determination will be guided by the following safety factors:

- Whether the Respondent has prior history, is the subject of prior reports and/or complaints related to any form of Prohibited Conduct, or has any history of violent behavior;
- Whether the Respondent has a history of failing to comply with any no-contact orders issued by the Colleges, other supportive measures by the Colleges, and/or any judicial protective order;
- Whether the report is an escalation in Prohibited Conduct by the Respondent;
- Whether the Respondent has threatened to commit violence or any form of Prohibited Conduct;
- Whether the Prohibited Conduct involved multiple Respondents;
- Whether the Prohibited Conduct involved physical violence or use of a weapon;
- Whether the report or other available information reveals a pattern of Prohibited Conduct;
- Whether the Prohibited Conduct was facilitated through the use of drugs or intoxicants;
- Whether the Prohibited Conduct occurred while the Complainant was unconscious, physically helpless or unaware that the Prohibited Conduct was occurring;
- Whether the Complainant is (or was at the time of the Prohibited Conduct) a minor (under 18); and/or
- Whether any other aggravating circumstances or signs of predatory behavior are present.

Where the Complainant requests that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no further action be taken, the Title IX Coordinator will seek to honor the preferences of the Complainant wherever possible taking into consideration the safety factors listed above and its legal obligations. The Title IX Coordinator will determine whether the Title IX Coordinator will sign a Formal Complaint even if the Complainant declines to do so. In such a case, neither the Title IX Coordinator, nor the Colleges will become the Complainant or the party to the disciplinary matter. Where the Title IX Coordinator has determined that the Colleges must proceed with a Formal Complaint despite a Complainant's request to the contrary, the Title IX Coordinator will make reasonable efforts to protect the privacy of the Complainant. However, the Colleges' investigation will involve speaking with the Respondent and others who may have relevant information, in which case the Complainant's identity may have to be disclosed. In such cases, the Title IX Coordinator will notify the Complainant that the Colleges intend to proceed with a Formal Complaint, but that

the Complainant is not required to participate in the investigation or in any other actions undertaken by the Colleges.

In all cases, the initial report, Intake Assessment, and the determinations of the Title IX Coordinator will be documented and retained by the Colleges in accordance with applicable law.

Emergency Removal

The Colleges retain the authority to remove a Respondent from the Colleges' program or activity on an emergency basis. If at any point following the receipt of a report of Prohibited Conduct, the Colleges determine that the Respondent poses an immediate threat to the physical health or safety of the Complainant or any other person(s), including the Respondent, the Colleges may temporarily remove the Respondent from any or all of its programs or activities. The imposition of an Emergency Removal does not suggest a finding of responsibility for any Prohibited Conduct.

Before imposing an Emergency Removal, the Vice President of Campus Life will undertake an individualized safety and risk analysis concerning the Respondent at the request of the Title IX Coordinator. An Emergency Removal will be imposed only if the Vice President of Campus Life concludes that the threat to physical health or safety arises from the allegations of Prohibited Conduct and warrants the removal.

An Emergency Removal may involve the denial of access to some or all of the Colleges' campus facilities, academic program, or other programs or activities.

While the Colleges may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (e.g., changes in housing) do not constitute Emergency Removals.

The Title IX Coordinator will notify the Respondent of the terms imposed in connection with an Emergency Removal. The Respondent has the opportunity to challenge the Emergency Removal upon receipt of that notice. In order to challenge the Emergency Removal, the Respondent shall submit a written statement via email to the Title IX Coordinator, within three (3) calendar days from the date of the notice of Emergency Removal, explaining why Emergency Removal is not appropriate. The Title IX Coordinator will designate an individual to review the challenge to the Emergency Removal, who may seek additional information from the Respondent or any other involved party to reach their decision. The Emergency Removal will remain in place while the review of the challenge is pending. A decision will be issued as soon as

possible under the circumstances. The decision is final and not subject to further appeal.

Separate from the Emergency Removal process, the Title IX Coordinator may request that the Director of Human Resources, or their designee, place an employee-Respondent on an administrative leave, with or without pay.

Withdrawal Pending Outcome/ Withholding Diploma

If a student Respondent voluntarily withdraws and/or the Colleges withdraw the Respondent during the pendency of an investigation of Prohibited Conduct, any Formal Resolution process will cease and the Respondent will not be permitted to re-enroll at the Colleges. The Title IX Coordinator will direct the Colleges' Registrar to make a notation on the academic transcript of any student who withdraws from the Colleges while under investigation for Prohibited Conduct. The transcript will indicate "withdrew with conduct charges pending" where a Respondent chooses to withdraw from the Colleges prior to the conclusion of a Formal Resolution.

The Colleges may withhold a student's degree and/ or diploma and/or deny a student participation in commencement or related activities, if the student is the subject of a Formal Complaint, complaint, investigation, or adjudication under this Policy and Procedures. If a Respondent graduates and is found to be responsible under this Policy after the date of graduation, the Colleges may revoke the Respondent's degree and/or diploma. The Respondent will be required to return the diploma to the Colleges.

If a non-student employee Respondent voluntarily terminates their employment with the Colleges during the pendency of an investigation of Prohibited Conduct, any Formal Resolution process will cease and the non-student employee Respondent will be ineligible for future employment by the Colleges.

Considerations and Rights Associated with Reports of Prohibited Conduct

Advisors

Each party has the right to choose and consult with an Advisor of their choice. The Advisor may be any person, including an attorney. The parties may be accompanied by their respective Advisors at any meeting or proceeding under this Policy and Procedures. While the Advisors may provide support and advice to the parties at any meeting and/or proceeding, they may not (except when conducting cross-examination as explained below) speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings. The Title IX Coordinator will have the authority to remove

from any meeting, process, or hearing an Advisor who does not comply with the expectations of this Policy.

In the event that an investigation proceeds with a hearing and a party does not have an Advisor present at the live hearing, the Colleges must provide an Advisor, without fee or charge to that party, who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party. At the hearing, the Adjudicator must permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's Advisor of choice and never by a party personally. Advisors provided by the Colleges will be adults with an understanding of the purpose of cross-examination, and may be attorneys or have training commensurate to attorneys with respect to conducting cross-examination.

Coordination with Law Enforcement

The Title IX Coordinator will contact any law enforcement agency that is conducting its own investigation to inform that agency that the Colleges' investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the Colleges in its investigation. At the request of law enforcement, the Title IX Coordinator may delay the Colleges' investigation temporarily, not to exceed ten (10) calendar days unless law enforcement specifically requests and justifies a longer delay. The Investigator will promptly resume the Colleges investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation and/or that the Colleges may proceed.

Training, Education, and Prevention Programs

The Colleges provide training to students and employees to ensure they understand this Policy, rights and responsibilities, and the topics and issues related to maintaining an education and employment environment free from Prohibited Conduct.

The Colleges seek to prevent Prohibited Conduct through ongoing education, awareness programs, and training. Training topics include but are not limited to: the prohibition of Prohibited Conduct including all relevant definitions, resources available to impacted parties, the role of the Title IX Coordinator, the importance of bystander intervention, risk assessment and reduction strategies, awareness of violence and its long-term impacts, and sanctions for individuals who violate the Colleges' Policy as well as any training requirements as outlined by relevant state and federal law.

The Colleges' Title IX Coordinator oversees the education and prevention initiatives calendar, tailoring programming to campus needs and climate. Incoming first-year students, transfer students and new employees will receive primary prevention and awareness programming. Returning students and employees will receive ongoing training on a periodic basis. All educational programs include information about resources and reporting options available for students, faculty, and staff.

Training for Title IX Staff, Investigators, Adjudicators, and other Facilitators

Any materials used to train Title IX Coordinators, Investigators, Adjudicators, and any person who facilitates an Informal Resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Prohibited Conduct. All staff in the Office of Title IX Programs and Compliance, Investigators, Adjudicators, and any person who facilitates an informal resolution process will receive training on: the definition of sexual harassment and Prohibited Conduct; the scope of the Colleges' education program or activity; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes (as applicable); and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Investigators will receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Adjudicators will also receive training on any technology used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

All Investigators will receive annual training on issues related to Prohibited Conduct and on how to conduct an investigation that is trauma-informed as to all parties, fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of Complainants and members of the Colleges' community while promoting accountability.

Adjudicators are also trained at least annually on non-discrimination; the dynamics of sexual misconduct; the factors relevant to a determination of credibility; the appropriate trauma-informed manner in which to receive and evaluate sensitive information from all parties; the manner of deliberation; evaluation of consent and incapacitation; the presumption of non-responsibility and the application of the preponderance of the evidence standard; sanctioning; and the Colleges' Title IX and Sexual Misconduct Policy and these Procedures.

Related Policies

For Students: [Handbook of Community Standards](#)

For Staff: [Employee Handbook](#)

For Faculty: [Faculty Handbook Part I, Part II](#)

Annual Review

The Colleges will evaluate changes in legal requirements, existing resources, the resolution of reports, including timeframes, sanctions and remedies, and other factors and update this Policy as appropriate. The Colleges will communicate any substantial changes to this Policy to the HWS community.

Procedures for Resolving a Formal Complaint of Prohibited Conduct and Complaint Resolution Process

Following an intake assessment and receipt of a Formal Complaint, the Title IX Coordinator will initiate the complaint resolution process. These Procedures offer two forms of resolution of Complaints of Prohibited Conduct: (1) Informal Resolution, which includes a variety of informal options for resolving Formal Complaints and (2) Formal Resolution, which involves a formal investigation and adjudicatory hearing. The institution may consolidate complaints alleging Prohibited Conduct against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

Where the Respondent is a student:

For instances of Title IX Prohibited Conduct and/or Community Standards Prohibited Conduct, the Colleges will resolve Formal Complaints by the procedures outlined in the Procedures for Resolving a Formal Complaint of Prohibited Conduct, set out in Appendix A to this Policy.

Where the Respondent is a faculty member:

For instances of Title IX Prohibited Conduct by a Faculty member, the Colleges will resolve Formal Complaints by following the established procedures and protocols of this Policy, including an investigation, adjudication, a hearing with cross examination, and an appeal process where appropriate. For instances of Community Standards Prohibited Conduct by a Faculty member, the Colleges may resolve formal complaints by appointing an Investigator to investigate the matter, who may make credibility determinations, observations of demeanor, and recommended findings. The Provost, or their designee, will either accept or reject the recommended finding of the Investigator and determine a sanction. If the faculty member does not accept the Provost's recommendations, then the faculty member may file a grievance under the procedures set out in the Faculty Bylaws and Procedures. Any procedures relating to termination of a tenured faculty member will be subject to the Faculty Bylaws and Procedures. A Complainant may appeal the determination

of the Provost by following the appeal procedures from section III, Formal Resolution, part B, Adjudication, number 8, Appeals.

Where the Respondent is a staff member:

For instances of Title IX Prohibited Conduct by a staff member, the Colleges will resolve formal complaints by following the established procedures and protocols of this Policy, including an investigation, adjudication, a hearing with cross examination, and an appeal process. For instances of Community Standards Prohibited Conduct by a staff member, the Colleges may resolve formal complaints by appointing an Investigator to investigate the matter, who may make credibility determinations, observations of demeanor, and recommended findings. The Director of Human Resources, or their designee, will accept or reject the recommended finding of the Investigator and determine sanction. The Director of Human Resources may also consult with the Respondent's supervisor for resolution, including the imposition of any sanction(s). If the staff member does not accept the Director of Human Resources' decision, they may seek resolution under the Employee Conduct and Progressive Discipline policy outlined in the Employee Handbook. A Complainant may appeal the determination of the Director by following the appeal procedures from section III, Formal Resolution, part B, Adjudication, number 8, Appeals.

Where the Respondent is a third party:

The Title IX Coordinator will determine the appropriate manner of resolution to ensure a prompt and equitable process and provide for the safety and well-being of the Complainant and the broader campus community. When a report involves students or employees from the Colleges and another institution, the institutions may work collaboratively to address Prohibited Conduct provided that such collaboration complies with the Family Educational Rights and Privacy Act codified at 20 U.S.C 123g; 34 C.F.R Part 99 and other applicable federal and state laws.

Notice of Allegations/Formal Complaint

The Title IX Coordinator will simultaneously notify the Complainant and the Respondent, in writing via the Colleges' email accounts or by other reasonable means, after the receipt of a Formal Complaint. Such notice will (1) identify the Complainant and the Respondent; (2) specify the date, time (if known), location, and nature of the alleged Prohibited Conduct and include the written complaint; (3) identify potential Policy violation(s) and the essential facts underlying the potential violation(s); (4) identify the type of resolution (informal or formal); (5) include information about the Student Bill of Rights; (6) inform the parties of the right to choose and consult with an Advisor, who can accompany the parties to any meeting or hearing under this Policy and Procedures; (7)

explain the prohibition against Retaliation; (8) instruct the parties to preserve any potentially relevant evidence in any format; (9) include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process; (10) identify how the parties can inspect and review evidence obtained as part of the investigation (for Formal Resolution only) that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which HWS does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source; and (11) provide a copy of the Policy and these Procedures via a hyperlink. Either party may submit a written electronic appeal to the Title IX Coordinator within three calendar days regarding the Prohibited Conduct Policy violations chosen in the Notice of Allegations. The Title IX Coordinator will have sole discretion to determine the type of policy violation.

Typically, a no-contact order (NCO) will be issued by the Title IX Coordinator to both parties with the Notice of Allegations. A NCO is a directive that requires involved parties to not have contact in any way, including in person, via email, telephone, text messaging, social media, or any other method of electronic or direct communication. The orders will be mutual to both parties, unless designated by the Title IX Coordinator as a one-way order, which would be issued based on a fact specific inquiry, such as to enforce an order of protection issued by a court. The order also includes third parties acting on either the Complainant or Respondent's behalf. The Colleges may issue a NCO order when it is deemed necessary to provide any or all individuals an opportunity to participate fully in the life of the Colleges, and may also be issued as supportive measures. Modifications to a NCO may be requested to the Title IX Coordinator. Failure to meet a NCO directive, may result in disciplinary action. Students may appeal a NCO, including the ability to submit evidence for a modification of the NCO, through appropriate procedures in the Handbook of Community Standards. Employees may appeal a NCO through the Title IX Coordinator.

Dismissal of Formal Complaint

The Title IX Coordinator will dismiss a Formal Complaint for the purposes of any form of Title IX Prohibited Conduct if any of the following circumstances are met:

- Even if proved, the misconduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in Section IV. Part A;
- The misconduct alleged in the Formal Complaint did not occur in the Colleges' education program or activity; or
- The misconduct alleged in the Formal Complaint is not alleged to have occurred in the United States.

Dismissal of Title IX Prohibited Conduct for the foregoing reasons does not preclude the Colleges from proceeding with charges of other forms of misconduct, including Community Standards Prohibited Conduct.

Further, if any of the above circumstances are met, the Title IX Coordinator may still dismiss the Formal Complaint for purposes of any form of Title IX Prohibited Conduct and/or Community Standards Prohibited Conduct, in the Title IX Coordinator's sole discretion:

- A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The Respondent is no longer enrolled or employed by the Colleges; or
- If specific circumstances prevent the Colleges from gathering sufficient evidence to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

If a Formal Complaint is dismissed, the involved parties will receive simultaneous written electronic notice of the dismissal, including the reason for the dismissal. Any party may appeal the decision by submitting a request for appeal to the Title IX Coordinator by email within seven (7) calendar days of the date of the notice from the Title IX Coordinator. The appeal will be determined using the procedures set forth in this Policy.

Informal Resolution

Informal Resolution presents the opportunity for the Complainant and Respondent to resolve allegations of Prohibited Conduct without an investigation or hearing. Participation in Informal Resolution in lieu of the Formal Resolution Process is purely voluntary. As to Title IX Prohibited Conduct, Informal Resolution is available only when a Formal Complaint has been filed and the parties agree to its use in writing. For cases involving Community Standards Prohibited Conduct, the Title IX Coordinator may use any form of Informal Resolution and need not strictly follow the procedures set out in this section. Informal Resolution may be used only with the approval of the Title IX Coordinator, who may deem its use inappropriate based on the specific allegations involved or other factors. Informal resolution is not available to resolve a student-Complainant's allegation that an employee has engaged in Title IX Prohibited Conduct. Prior to initiating Informal Resolution, the Title IX Coordinator will provide the Parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from Informal Resolution to pursue Formal Resolution, and any consequences of participation (e.g., as it relates to any subsequent Formal Resolution if Informal Resolution is not achieved).

Informal Resolution can be commenced at any point prior to the conclusion of a Hearing under the Formal Resolution Processes. It may be conducted by an Informal Resolution

Facilitator appointed by the Title IX Coordinator. The Complainant, Respondent, Title IX Coordinator, or Facilitator may terminate Informal Resolution at any time prior to its completion. If Informal Resolution is terminated, the Formal Resolution Process may promptly commence or resume, as appropriate.

Informal Resolution may take many forms as agreed to between the Complainant, Respondent and Title IX Coordinator, including, but not limited to:

- Mediation: Mediation may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Mediation typically does not require an admission of responsibility for the Prohibited Conduct by the Respondent.
- Restorative Justice: Restorative Justice may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Restorative Justice typically requires an admission of responsibility for the Prohibited Conduct, or certain allegations, by the Respondent.
- Educational Programming/Training: Targeted or broad-based educational programming or training for relevant individuals or groups may be provided by the Title IX Coordinator, or the facilitator of their choice based upon an agreement of the involved parties.

Where the Complainant or the Respondent withdraws from Informal Resolution or Informal Resolution is otherwise terminated for any reason, any statements or disclosures made by the parties during the course of the Informal Resolution will not be considered in a subsequent investigation and Formal Resolution. Any facilitator chosen by the Title IX Coordinator to oversee Informal Resolution may not serve as a witness in the event the Formal Resolution process commences.

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent. Informal Resolution will not be used to impose disciplinary action against the Respondent and will not be reported to third parties; however, it may be taken into consideration in the event of future findings of responsibility for Prohibited Conduct or other violations of the Colleges' policies.

The Informal Resolution process typically should be completed within thirty (30) calendar days of the parties documenting their agreement to participate. That period may be extended at the discretion of the Title IX Coordinator. The Title IX Coordinator will maintain records of all reports referred for Informal Resolution.

Formal Resolution

Formal Resolution is commenced upon receipt of a Formal Complaint, when the Complainant elects this option, or the Colleges determine that Formal Resolution is appropriate for resolution of the Formal Complaint, or the Informal Resolution process is halted or fails to resolve the Formal Complaint.

Investigation

Whenever Formal Resolution is commenced, the Title IX Coordinator will designate one or more Investigators from the Colleges and/or an experienced external investigator to conduct an investigation. The Title IX Coordinator will simultaneously notify the Complainant and the Respondent, in writing via HWS email accounts or by other reasonable means, of the commencement of an investigation, and how to challenge participation by the Investigator(s) for bias or conflict of interest – which the Title IX Coordinator will resolve in their sole discretion. The investigation is a neutral fact-gathering process. The Respondent is presumed to be not responsible; this presumption may be overcome only where the Adjudicator concludes that there is sufficient evidence, by a preponderance of the evidence, to support a finding that the Respondent violated the Policy. Neither party is required to participate in the investigation or any form of resolution under these Procedures.

Timing of Investigation

The Colleges will seek to complete the investigation within sixty (60) calendar days from the date a Formal Complaint is filed. This period is not guaranteed or achievable in all cases and may be for good cause, as described in the section on Timeframe for Completion of Investigation Extension for Good Cause. Any extension, and the reason for the extension, will be shared with the parties in writing.

Overview of Investigation

During the investigation, the parties will have an equal opportunity to be heard, to review the relevant information considered by the Investigator including the evidence upon which the Colleges does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation, to submit information and corroborating evidence, to recommend witnesses who may have relevant information, and to submit questions that they believe should be directed by the Investigator to each other or to any witness. The Investigator will notify and seek to interview separately the Complainant, the Respondent, and third-party witnesses, and will gather other relevant and available evidence and information,

including, without limitation, electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites), photographs (including those stored on computers and smartphones), and medical records (subject to the consent of the applicable party). Parties will be provided sufficient time to prepare to participate in any meetings with the Investigator and provided the date, time, location, and participants.

Typically, the Investigator will prepare a written narrative of interviews with various involved parties (interview summary). The interview summary will be shared with the respective interviewee to review accuracy prior to being included in the record of the investigation. Finalized interview summaries and all other relevant evidence will be shared electronically with the Complainant, Respondent, and their Advisors prior to inclusion in the Preliminary Investigative Report (PIR).

The Investigator may not access, consider, disclose or otherwise use records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the Complainant or Respondent, unless the Investigator obtains the Complainant's or Respondent's, as appropriate, voluntary, written consent to do so.

(i) Relevance of Evidence - Prior Sexual History

The sexual history of a Complainant or Respondent will never be used to prove character or reputation. Subject to federal and state law, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Policy violation and will be considered only in limited circumstances. For example, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the report and prior sexual interactions between the Complainant and Respondent may be relevant to understand the nature of the conduct at issue. The Colleges will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

Site Visit(s) and Expert Consultation(s)

The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means.

The Investigator may consult medical, forensic, technological or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

Preliminary Investigation Report: Review and Response Period

Prior to the conclusion of the investigation, the Investigator will prepare a Preliminary Investigation Report (PIR) summarizing the information gathered and outlining the contested and uncontested information. The PIR will not include any findings or credibility assessments, which are reserved for the adjudicator, but may note observations relevant to credibility. The Complainant and the Respondent, in consultation with their Advisors if they so choose, will have an opportunity to review the PIR, respond to it in writing, meet with the Investigator if needed, submit additional comments and information to the Investigator, identify any additional witnesses or evidence for the Investigator to consider, and submit any further questions that they believe should be directed by the Investigator to the other party or to any witness. As part of the review of the PIR, the Title IX Coordinator will make available to all Parties any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the Colleges does not intend to rely in reaching a determination regarding responsibility; and inculpatory or exculpatory evidence whether obtained from a Party or other source, so that each Party can meaningfully respond to the evidence prior to conclusion of the investigation. The Title IX Coordinator will designate ten (10) calendar days for the review and response by the parties after the submission of the PIR. The Investigator will consider any written response by the parties prior to the completion of the investigative report. The parties may submit information, witness names and any evidence during the investigation or designated review and response period. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the Investigator during the investigation or designated review and response period will generally not be considered in the determination of responsibility for a violation of the Policy, and will not be considered by the Adjudicator or the Appeal Panel.

Final Investigation Report

Unless there are significant additional investigative steps required as identified by the Investigator, after receipt and consideration of any additional comments, questions and/or information submitted by the parties during the designated review and response period, the Investigator will prepare a Final Investigation Report (FIR). The Investigator will deliver the FIR to the Title IX Coordinator. The Title IX Coordinator will notify both parties, simultaneously, that the FIR is complete and available for electronic review. The Title IX Coordinator will then create and electronically send to the Complainant, Respondent, and their Advisors a Notice of Adjudication letter.

Adjudication

Subject to Appendix A, section I. Complaint Resolution Process above (different procedures for faculty and staff), the Colleges hold a live hearing by a single decision-maker or panel of decision-maker(s), known as the Adjudicator(s).

Notice and Timing of Hearing

Within ten (10) calendar days prior to the date of the hearing, the Title IX Coordinator will notify the parties in writing of the specific charge, the date, time, and location of the hearing, the name of the Adjudicator, and how to challenge participation by the Adjudicator for bias or conflict of interest – which the Title IX Coordinator will resolve in their sole discretion. The Colleges may, at the discretion of the Title IX Coordinator, postpone the hearing or determine that multiple hearing sessions are necessary for a continuance. Good cause for extension may include the unavailability of the parties, the timing of semester breaks or holidays designated by the Colleges, or other extenuating circumstances requiring more time. Any extension, including the reason for the extension, will be shared with the parties in writing. The Complainant or the Respondent may seek to postpone the hearing. Permission to postpone a hearing may be granted provided that the request to do so is based on a compelling need and communicated to the Title IX Coordinator prior to the time of the hearing.

Hearing Format

The hearing may be conducted with all parties physically present in the same geographic location, or, at the Colleges' discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually through remote video conferencing. Remote video conferencing will enable participants to simultaneously see and hear each other. The Colleges may delay or adjourn a hearing based on technological errors not within a party's control. The Colleges will make all evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination questioning. Each party has the opportunity to be heard, to identify witnesses for the Adjudicator's consideration, and to respond to any questions of the Adjudicator. While the parties may not directly question each other or any witness, their Advisors may cross examine witnesses as described below. A typical hearing may include brief opening remarks by the Complainant and/or Respondent, with follow-up questions posed by the Adjudicator, information presented by the parties or witnesses deemed relevant by the Adjudicator, with follow-up questions of the parties or witnesses by the Adjudicator and the parties' Advisors for cross-examination, and brief concluding remarks by the Complainant and Respondent.

All hearing proceedings will be, at a minimum, audio-recorded and made available for parties' review upon completion of the hearing.

(i) Expectations of Decorum

The following Expectations of Decorum are to be observed in the hearing, during cross-examination, and as applicable to any meetings associated with resolution of a Formal Complaint; and applied equally to all parties and Advisors. The Title IX Coordinator will have the authority to remove from the meeting, process, or hearing an involved party and/or Advisors who do not comply with the Expectations of Decorum.

- Questions must be conveyed in a neutral tone.
- Parties and Advisors will refer to other parties, witnesses, Advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
- No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, Advisors, or Adjudicators.
- While an Advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
- The Advisor may not yell, badger, or physically "lean in" to a party or witness's personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Adjudicator.
- The Advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
- The parties may not ask repetitive questions. This includes questions that have already been asked by the Adjudicator, the Advisor in cross-examination, or the party or Advisor in direct testimony. When the Adjudicator determines a question has been "asked and answered" or is otherwise not relevant, the parties must move on.
- Parties and Advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

Cross Examination

Each party's Advisor will conduct live cross-examination questioning of the other party or parties and witnesses. During this live-cross examination questioning timeframe the Advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

a) Determining Relevance of Questions

Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Adjudicator must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant unless (1) such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (2) if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Other forms of evidence and information that are not considered relevant include: information protected by a legally recognized privilege and any party's medical, psychological, and similar records unless the party has given voluntary, written consent. Cross-examination questions that are duplicative of those already asked, including by the Adjudicator may be deemed irrelevant if they have been asked and answered.

Participation in Hearing

Both the Complainant and the Respondent have a right to be present at the hearing. Either party may be accompanied in the hearing by an Advisor of their choice and must provide the name of their Advisor to the Title IX Coordinator at least three (3) days prior to the hearing. When a party does not have an Advisor of choice at the hearing, the Colleges must provide an Advisor solely to conduct cross examination – see section X, part D.1 of this Policy regarding Advisors.

If, despite being notified of the date, time, and location of the hearing, either party is not in attendance, the hearing may proceed and the Adjudicator may reach a determination in the parties' absence, including through any evidence gathered. Neither party is required to participate in the hearing in order for the hearing to proceed. The Colleges will not threaten, coerce, intimidate, or discriminate against the party in any attempt to secure the party's participation.

Responding to Questions

- If a party or witness is present at the live hearing, but disagrees with a relevance determination, they may have the choice of either (1) abiding by the Adjudicator's determination and answering or (2) refusing to answer the question.
- If a party or witness refuses to submit themselves to questioning by the Adjudicator, the Adjudicator may not draw any inference about the determination of responsibility based solely on the refusal by the party or witness but can still rely on statement evidence.

(i) Participation by Witnesses

The parties may submit to the Title IX Coordinator a list of witnesses they believe have relevant information to the outcome of the hearing. The Adjudicator will review the parties' requested witnesses and consider any other witnesses. The Adjudicator has discretion to determine which witnesses are relevant and may decline to hear from witnesses where they conclude that the information is not necessary for the review. Witnesses will only be permitted inside the hearing location during their own testimony.

Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation. Witnesses are subject to the Expectations of Decorum.

Decision and Deliberation by Adjudicator

The Adjudicator will simultaneously issue a written decision (the "Final Outcome Letter") to both the Complainant and the Respondent, via the Title IX Coordinator, within seven calendar days following the hearing. The Final Outcome Decision Letter will include:

- A description of the allegations that lead to the hearing, as potentially constituting Prohibited Conduct.
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination.
- A statement of factual findings supporting the determination.
- A statement of the conclusions regarding the application of this Policy to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- An explanation of the disciplinary sanctions imposed on the Respondent, if any.
- A statement of whether remedies designed to restore or preserve equal access to the Colleges' education program or activity will be provided to the Complainant. Specific remedies will be identified in the Hearing Outcome Decision Letter only to the extent those remedies directly affect the Respondent. The Title IX Coordinator is responsible for implementing such remedies.

The procedures and permissible bases for the Complainant and Respondent to appeal. The Adjudicator may consult with the Title IX Coordinator or their designee for questions regarding policy, procedures, and/or prohibited conduct.

Post-Finding Written Impact and Mitigation Statements

Where there is a finding of responsibility on one or more of the charges, the Adjudicator will review any written statements to the Title IX Coordinator for consideration by the Adjudicator in determining an appropriate sanction. The Complainant may submit a written statement describing the impact of the Prohibited Conduct and expressing a preference about the sanction(s) to be imposed. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanctions(s) imposed. The parties may submit their statements to the Title IX Coordinator prior to the hearing but no later than 24 hours after the close of the hearing. The Title IX Coordinator will ensure that each of the parties has an opportunity to review any statement submitted by the other party. The Title IX Coordinator will only provide such statement(s) to the Adjudicator upon a finding of responsibility.

Disciplinary Sanctions for Students

Where a student is found responsible for a violation of this Policy, the Title IX Coordinator will designate an appropriate administrator from the Colleges to provide a record of disciplinary history to the Adjudicator. The Adjudicator will then determine the appropriate sanction(s). Sanctions imposed by the Colleges include, but are not limited to:

- Probation;
 - Conduct warning;
 - Suspension;
 - Expulsion/permanent separation;
 - Organizational sanctions including probation and rescinding recognition; and/or
 - Any other educational and/or remedial measures to eliminate, prevent or address the Prohibited Conduct.
- In general:
- Any student who is found responsible for Sexual Assault (involving sexual intercourse) will receive a sanction ranging from suspension to expulsion.
 - Any student who is found responsible for Sexual Assault (involving sexual contact) will receive a sanction ranging from conduct warning to expulsion.
 - Any student who is found responsible for any other form of Prohibited Conduct will receive a sanction ranging from conduct warning to expulsion.
 - When any group (student group, student organization or team) is determined to have acted in violation of this Policy, the group will receive a sanction ranging from probation to loss of recognition or status.

- The Adjudicator may broaden or lessen any range of recommended sanctions based on mitigating or aggravating circumstances. A single sanction or a combination of sanctions may be issued.

In considering the appropriate sanction within the recommended outcomes, the Adjudicator will consider the following factors:

- the Respondent's prior discipline history;
- how the Colleges have sanctioned similar incidents in the past;
- the nature and violence of the conduct at issue;
- the impact of the conduct on the Complainant;
- the impact of the conduct on the HWS community;
- any written impact and mitigation statements submitted by the parties;
- whether the Respondent has accepted responsibility;
- whether the Respondent is reasonably likely to engage in the conduct in the future;
- location of incident;
- whether the conduct reflects collusion with other individuals;
- the need to deter similar conduct by others; and
- any other mitigating or aggravating circumstances.

Absent justifications, if the Respondent has engaged in the same or similar conduct in the past, the sanction will be greater than the previous sanction.

The Adjudicator will also consider other remedial actions that may be taken to address any Prohibited Conduct and prevent its recurrence, including strategies to protect the Complainant and any witnesses from retaliation; counseling for the Complainant; other steps to address any impact on the Complainant, any witnesses, and the broader student body; and any other necessary steps reasonably calculated to prevent future occurrences of Prohibited Conduct.

Disciplinary Sanctions for Non-Student Employees

Sanctions may vary depending on the totality of the circumstances and potentially range from a written warning to the termination of the Respondent's employment. Any procedures relating to termination of a tenured faculty member will be subject to review under the relevant provisions of the Faculty Bylaws and Procedures.

Appeals

The Complainant and the Respondent may appeal the Dismissal of Complaint and/or the Final Outcome. An appeal must be submitted electronically to the Title IX Coordinator in writing within seven (7) calendar days of receiving the Final Outcome Letter. The grounds for appeal are:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- The Title IX Coordinator, investigator(s), or Adjudicator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
- The sanction is grossly disproportionate to the conduct committed.

The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal and should not exceed 10 pages single spaced, including any attachments. Appeals that do not meet these standards may be returned to the party for correction. Upon receipt of an appeal, the Title IX Coordinator will notify both parties and provide them with the written statement of appeal. Each party has an opportunity to respond in writing to the appeal. Any response to the appeal must be submitted to the Title IX Coordinator within three (3) calendar days from receipt of the appeal.

The appeal will be conducted in an impartial manner by an Appeal Panel, consisting of the Vice President for Campus Life (or their designee), the Provost (or their designee) and the Director of Human Resources (or their designee). The Title IX Coordinator will inform the parties regarding the composition of the Panel at the outset of the appeal and provide information on how to challenge the composition of the Panel for bias or conflict of interest. In any appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The Appeal Panel will consider an appeal only on the basis of one or more of the four (4) grounds for appeal stated above, and will make a determination based on supporting information provided in the written request for appeal, the written response of both parties, the Final Investigative Report and the written record of the original hearing including the Final Outcome Letter. The Appeal Panel may decide to:

- dismiss the appeal for failing to state a ground(s) for appeal;
- send the case back to the original Adjudicator for reconsideration of previously unavailable relevant evidence;
- In the event of a finding of bias, designate a new Investigator and/or Adjudicator, not previously involved in the matter, to oversee a new investigation and/or hearing of the claim;
- make a final determination either upholding or altering the sanction decision of the Adjudicator, which may include but is not limited to:
 - Adding or removing one or more sanctions;
 - Increasing or decreasing the duration of one or more sanctions;
 - Alteration of deadlines related to sanction completion.

The submission of an appeal stays any sanctions for the pendency of an appeal. Generally, the Appeal Panel will communicate the result of the appeal to the Complainant and the Respondent within ten (10) calendar days from the date of the submission of all appeal documents by both parties. Appeal decisions are final, and after any appeal is resolved, the decision is not subject to further review.

Timeframe for Completion of Investigation and Adjudication; Extension for Good Cause

The Colleges' goal is that the period from commencement of an investigation through resolution (finding and sanction, if any) will not exceed ninety (90) calendar days. As described in III(A)1 of this policy, "Timing of Investigation," the Colleges will seek to complete the investigation within sixty (60) calendar days from the date a Formal Complaint is filed. This timeframe is not guaranteed or achievable in every case and may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for breaks or vacations in the Colleges' calendar, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons. The Title IX Coordinator will notify the parties in writing of any extension of this timeframe and the reason for such extension.

Transcript Notations

After a finding of responsibility at the close of the claim, the Title IX Coordinator will direct the Colleges' Registrar to make a notation on the Respondent's transcript stating the student was "suspended after a finding of responsibility for a code of conduct violation" or "expelled after a finding of responsibility for a code of conduct violation." Notations following an expulsion are permanent. One year after the conclusion of the suspension, Respondents who have been suspended may appeal to the Appeals Panel, requesting the removal of the notation. A Respondent may appeal the notation regarding suspension no more than one time per year by writing to the Title IX Coordinator who will submit the appeal to the Appeal Panel for review and determination.

Release of Documents

As to matters involving students, under federal privacy laws, the Final Investigation Report, statements of one party that are shared with the other party in the resolution process, and any documents prepared by the Colleges, including documents by or for the adjudicators in advance of the Hearing, constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law.



Complainants and Respondents are free to discuss their own experiences; however, the investigative reports and evidence obtained during any investigation, and any information used during a hearing, are confidential and may not be shared by parties or their advisors, unless specifically permitted by law. Access to materials will be provided only by a secure method and parties and advisors are not permitted to make copies of any documents shared or make use of the documents outside of the Title IX and Sexual Misconduct Policy process.

Records

The Title IX Coordinator will maintain for a period of at least seven (7) years records of Prohibited Conduct, including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the Colleges' education programs or activities; any appeal and the result therefrom; any Informal Resolution; and all materials used to train Title IX Coordinators, Investigators, decision-makers, and any person who facilitates an informal resolution process. Additionally, the Colleges will create, and maintain for a period of seven (7) years, records of any actions, including supportive measures, taken in response to a report or Formal Complaint of Prohibited Conduct. The Colleges will document the basis for their conclusion, that their response was not deliberately indifferent, and document that they have taken measures designed to restore or preserve equal access to the Colleges' education programs or activities. If the Colleges do not provide a Complainant with supportive measures, then

such documentation will include the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Education and Prevention Programs

The Colleges engage in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, informed by research, and assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- identify domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
- educate about state law definitions of domestic violence, dating violence, sexual assault, stalking, and consent;
- educate about the definitions of domestic violence, dating violence, sexual assault, stalking, and consent established in the Colleges' policies and applied in the Colleges' on-campus disciplinary process;
- provide descriptions of safe and positive options for bystander intervention;
- provide information on risk reduction; and
- provide an overview of information contained in the Annual Security Report in compliance with the Clery Act.

2020 Students—Primary Prevention and Awareness Programming

The Colleges offered the following primary prevention and awareness programs for students in 2020:

2020 Student Primary Prevention and Awareness			
Table Legend:			
DV – Domestic Violence		C – Consent	
Dt.V – Dating Violence		RR – Risk Reduction	
SA – Sexual Assault		BI – Bystander Intervention	
S – Stalking			
<i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i>			
Event	Date	Student Population	Type of Content
Title IX – Sexual Misconduct and Bystander Refresher	Feb. 11, 2020	New Greek Members	DV, Dt.V, SA, S, C, RR, BI
Not Anymore – Sexual Misconduct Prevention Online Training	Aug. – Sep., 2020	All incoming Students	DV, Dt.V, SA, S, C, RR, BI
Title IX – Rights, Responsibilities, & Resources	Aug. 18, 2020	New international students	DV, Dt.V, SA, S, C, RR, BI
Understanding Title IX and Sexual Misconduct at HWS (virtual)	Aug. 20, 2020	Open to all new student parent and families	DV, Dt.V, SA, S, C, RR, BI
Extended Orientation: Bystander Intervention (virtual)	Aug. 2020	All incoming students	DV, Dt.V, SA, S, C, RR, BI

2021 Students—Primary Prevention and Awareness Programming

The Colleges offered the following ongoing awareness and prevention programs for students in 2021:

2021 Student Primary Prevention and Awareness			
Table Legend:			
DV – Domestic Violence		C – Consent	
Dt.V – Dating Violence		RR – Risk Reduction	
SA – Sexual Assault		BI – Bystander Intervention	
S – Stalking			
<i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i>			
Event	Date	Student Population	Type of Misconduct
Title IX – Sexual Misconduct Training	March 23, 2021	New Greek Members	DV, Dt.V, SA, S, C, RR, BI
Title IX – Sexual Misconduct Training	April 26, 2021	New Greek Members	DV, Dt.V, SA, S, C, RR, BI
Not Anymore – Sexual Misconduct Prevention Online Training	Aug. – Sep., 2021	All incoming Students	DV, Dt.V, SA, S, C, RR, BI
Title IX and Sexual Misconduct Training	July 7, 2021	HEOP Summer Institute Participants	DV, Dt.V, SA, S, C, RR, BI
Title IX – Rights, Responsibilities, & Resources	Aug. 18, 2021	New international students	DV, Dt.V, SA, S, C, RR, BI
Parent/Family Orientation Training: Understanding Title IX and Sexual Misconduct Policy	Aug. 19, 2021	Parents and families	DV, Dt.V, SA, S, C, RR, BI
Parent and New Student Orientation Resource Fair	Aug. 19, 2021	Open to all new student parent and families	DV, Dt.V, SA, S, C, RR, BI
Extended Orientation: Bystander Intervention	Aug. 31, Sept. 1, 2, 8 2021	All incoming students	DV, Dt.V, SA, S, C, RR, BI

Event	Date	Student Population	Type of Misconduct
Sexual Assault Awareness Month – Film and discussion: Roll Red Roll (virtual)	April 30, 2020	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Title IX Open Office Hours discussion of new regulations (virtual)	June 8 & 11, 2020	Open to all students	DV, Dt.V, SA, S, C
Student Involvement Expo (virtual)	Aug. 28, 2020	Open to all students	DV, Dt.V, SA, S, C, BI
Student Athlete Title IX training (virtual)	Ongoing – Fall 2020	All varsity team members	DV, Dt.V, SA, S, C, RR, BI
“Every Choice” Bystander Intervention Refresher – Online Training	Ongoing – Fall 2020	Open to all returning students	RR, BI
Title IX and One Love discussion (virtual)	Sept. 15, 2020	Student members of the One Love organization	DV, Dt.V, SA, S, C
Title IX Resources Video discussion Instagram Series	Sept. 2020	Open to all students	DV, Dt.V, SA, S, C, RR
First Year Seminar discussion: Pizza and Consent – Prof. David Kendrick’s Course.	Sept. 25, 2020	Students enrolled in Prof. Kendrick’s class	C, RR, BI
Title IX and Intercultural Center Student Caucus Discussion (virtual)	Oct. 4, 2020	Student group members of the IC caucus	DV, Dt.V, SA, S, C, RR, BI
Title IX and Student Government discussion (virtual)	Oct. 6, 2020	Open to all students	DV, Dt.V, SA, S, C
Consent Beyond Yes Program (virtual)	Oct. 8, 2020	Open to all students	DV, Dt.V, SA, S, C, RR, BI
“10 Signs of Unhealthy/Healthy Relationships” – passive education program	Oct. 19–23, 2020	Open to all students	DV, Dt.V, SA, S, C, RR
“Understanding Title IX Education and Prevention at HWS” Parent and Family Webinar	Oct. 30, 2020	Open to all students and their families	DV, Dt.V, SA, S, C, RR, BI
Title IX discussion with Pride (virtual)	Nov. 19, 2020	All student members of Pride organization	DV, Dt.V, SA, S, RR, BI

2021 Students Ongoing Prevention and Awareness Programming

The Colleges offered the following ongoing awareness and prevention programs for students in 2021:

<p>2021 Student Ongoing Prevention and Awareness</p> <p>Table Legend: DV – Domestic Violence Dt.V – Dating Violence SA – Sexual Assault S – Stalking</p> <p><i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i></p>			
<p>C – Consent RR – Risk Reduction BI – Bystander Intervention</p>			
Event	Date	Student Population	Type of Misconduct
Title IX Website	Ongoing	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Title IX Instagram (@hws_ix)	Ongoing	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Posters in all restrooms	Ongoing	Open to all students	DV, Dt.V, SA, S, C, RR, BI
‘Know Your Options’ Brochures	Ongoing	Available to all students	DV, Dt.V, SA, S, C, RR, BI
Stalking Awareness Month Instagram Postings	Jan. 11 – 28, 2021	Open to all students	S, RR, BI
Student Activities Involvement Expo	Feb. 2, 2021	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Title IX Discussion at Shabbat Dinner	Feb. 19, 2021	Students attending Shabbat	DV, Dt.V, SA, S, C
Title Instagram Discussion: What keeps you up at night	Feb. 26, 2021	Open to all students	SA, C, RR, BI
Title IX Tabling – Campus Climate Assessment	March 10, 2021	Open to all students	DV, Dt. V, SA
Title IX Guest Discussion: Campus Climate for Sexual Violence: Data vs. Reality	March 18, 2021	Students in AMST 260 Course	DV, Dt. V, SA, S, C

Event	Date	Student Population	Type of Misconduct
Red Flag Campaign Instagram Postings	March 22 – 27, 2021	Open to all student	DV, Dt. V, SA, S, C
Red Flag Campaign – Tabling and Flag Installation	March 24, 2021	Open to all students	DV, Dt. V, SA, S, C
Title IX Guest Discussion: Title IX Then and Now	March 31, 2021	Students in HIST 112	DV, Dt.V, SA, S, C
Conversation with Nicole Sharpe/Prevention of Domestic Violence	April 8, 2021	Open to all students	DV, Dt. V, SA, S
Clothesline Project Installation	April 19 – 23, 2021	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Tabling: Clothesline Project	April 19, 21, 23, 2021	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Instagram Live: Clothesline Project	April 23, 2021	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Student Involvement Expo	Aug. 27, 2021	Open to all students	DV, Dt.V, SA, S, C, BI
Student Athlete Title IX training (virtual)	Ongoing – Fall 2021	All varsity team members	DV, Dt.V, SA, S, C, RR, BI
"Every Choice" Bystander Intervention Refresher – Online Training	Ongoing – Fall 2021	Open to all returning students	RR, BI
Title IX First Year Seminar Presentation	Sept. 2, 2021	Students in FSEM 120	C, RR, BI
Title IX First Year Seminar Presentation	Sept. 2, 2021	Students in FSEM 078	C, RR, BI
Title IX First Year Seminar Presentation	Sept. 3, 2021	Students in FSEM	DV, Dt.V, SA, S, C, RR, BI
Title IX First Year Seminar Presentation	Sept. 7, 2021	Students in FSEM 077	C, RR, BI
Title IX First Year Seminar Presentation	Sept. 9, 2021	Students in FSEM 139	C, RR, BI
Title IX Discussion: Communication in Healthy Relationships	Sept. 15, 2021	Members of the Rowing Team	DV, Dt.V, SA, S, C
Title IX Resource Tabling	Sept. 25, 2021	Homecoming and Family Weekend attendees	C, RR, BI
Title IX Webinar: Understanding Title IX – Then and Now	Sept. 28, 2021	Open to student parents and families and Alums	DV, Dt.V, SA, S, C, RR, BI
Title IX First Year Seminar Presentation	Sept. 30, 2021	Students in FSEM 006	C, RR, BI
Title IX Meet and Greet with student Athletes	Oct. 4, 2021	Student Athletes	DV, Dt.V, SA, S, BI
Title IX "Did You Know" Instagram Series – Transgender Protection under Title IX	Oct. 19 – 22, 2021	Open to all students	DV, Dt.V, SA, S
"10 Signs of Unhealthy/Healthy Relationships" – passive education program	Oct. 25–29, 2021	Open to all students	DV, Dt.V, SA, S, C, RR
Tabling: Dating and Domestic Violence Awareness Month	Oct. 26 – 28, 2021	Open to all students	DV, Dt.V, RR, BI
Title IX First Year Seminar Presentation	Nov. 16, 2021	Students in FSEM 004	C, RR, BI
Picture a Scientist Showing and Panel Discussion	Dec. 1, 2021	Open to all students	DV, Dt.V, SA, S, C, RR, BI

2022 Students Ongoing Prevention and Awareness Programming

The Colleges offered the following ongoing awareness and prevention programs for students in 2022:

2022 Student Ongoing Prevention and Awareness Table Legend: DV – Domestic Violence Dt.V – Dating Violence SA – Sexual Assault S – Stalking <i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i>			
		C – Consent RR – Risk Reduction BI – Bystander Intervention	
Event	Date	Student Population	Type of Misconduct
Title IX Website	Ongoing	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Title IX Instagram (@hws_ix)	Ongoing	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Posters in all restrooms	Ongoing	Open to all students	DV, Dt.V, SA, S, C, RR, BI
'Know Your Options' Brochures	Ongoing	Available to all students	DV, Dt.V, SA, S, C, RR, BI
Stalking Awareness Month Instagram Postings	1/ 7/22 – 1/26/22	Open to all students	S, RR, BI
Tabling: Know your IX	1/26/22 – 1/27/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Student Activities Involvement Expo (Virtual)	2/1/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Tabling: Consent	2/14/15-2/15/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Virtual Workshop: Red & Green Flags, Friend-ship Edition	2/16/22	Open to all students	C, RR, BI
Lunch & Learn: Sex Positivity and Consent	2/28/22	Open to all students	C, RR
Tabling: International Women's Day & Celebrate Women's History Month (Collab Program with International Studies Department)	3/8/22	Open to all students	
Intern (Kennedy) Instagram Takeover: Women in Media/ Equal Pay Day	3/7/22-3/11/22	Open to all faculty and staff	
Intern (Star) Instagram Takeover: Wonderful HWS Women	3/14/22-3/18/22	Open to all students	
Lunch & Learn: Cancel Culture	3/29/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Laura: ADAPT Tabling – How Poor is your Pour	4/5/22	Open to all students	RR, BI
Hobart Lacrosse Game: Sexual Assault Awareness Month – Safe Harbors	4/9/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Tabling and Live Window Painting: It's On Us and Sexual Assault Awareness & Prevention Month	4/11/22-4/12/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Showing and Discussion: The Invisible Man with E. Tejada from the Resource Center	4/21/22	Open to all students	DV, Dt. V, S, C, RR, BI
Lunch & Learn Series: How to talk to your kids about sex and sexual assault	4/28/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Clothesline Project	4/29/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Student Involvement Expo	8/26/22	Open to all students	DV, Dt.V, SA, S, C, BI

Event	Date	Student Population	Type of Misconduct
FSEM Presentation	9/6/22	Nicholas Metz's Class	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	9/8/22	Chris Annear's Class	DV, Dt.V, SA, S, C, RR, BI
Lunch & Learn Series: Explore Your Love Language	9/14/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	9/15/22	Steve Penn's Class	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	9/16/22	David Kendrick's Class	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	9/22/22	Ervin Kosta's Class	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	9/27/22	Donna Davenport's Class	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	9/62722	Meghan Brown's Class	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	9/29/22	Neil Laird's Class	DV, Dt.V, SA, S, C, RR, BI
Unity BBQ hosted by DEI Division	9/29/22	Open to all students	
Family Resource Fair	10/2/22	Open to all students and students family	DV, Dt.V, SA, S, C, RR, BI
Webinar: Celebrating 50 Years of Title IX : Then vs. Now w/ Athletics	10/4/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Speaker & Author: Linda Dynel – Surviving Gendered Violence w/ Professor James Sutton	10/18/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	10/24/22	Ruth Shield's Class	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	11/2/22	Amy Green's Class	DV, Dt.V, SA, S, C, RR, BI
Healthy Relationships Program with Alpha Phi Alpha	11/14/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Lunch & Learn Series: Hooking Culture Across All Sexual Identities	11/16/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	11/17/22	David Finklestein's Class	DV, Dt.V, SA, S, C, RR, BI
FSEM Presentation	11/21/22	Etin Anwar's Class	DV, Dt.V, SA, S, C, RR, BI
Wellness Week Programming with Hannah Smith from Student Engagement	11/28/22 – 12/5/22	Open to all students	DV, Dt.V, SA, S, C, RR, BI
Title IX and Student Government Meeting	11/15/22	Students in Student Government and open to all students, faculty, and staff	DV, Dt.V, SA, S, C, RR, BI

2020 Employees – Primary Prevention and Awareness Programming

The Colleges offered the following primary prevention and awareness programs for employees in 2020:

2020 Employee Primary Prevention and Awareness Table Legend: DV – Domestic Violence Dt.V – Dating Violence SA – Sexual Assault S – Stalking <i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i>			
		C – Consent RR – Risk Reduction BI – Bystander Intervention	
Event	Date	Employee Population	Type of Misconduct
Title IX Student Employee Training	Jan. 20, 2020	IT Student Staff	DV, Dt.V, SA, S, C
Title IX Training	Jan. 20, 2020	Resident Assistants and House Managers	DV, Dt.V, SA, S, C, RR, BI
Title IX and Resource Discussion	Feb. 11, 2020	Hobart and William Smith Deans Office	DV, Dt.V, SA, S, C
Title IX Responsible Employee Training- Rights, Responsibilities, & Resources (virtual)	Aug. 2020	Residential Education: Professional staff, Resident Assistants, and House Managers	DV, Dt.V, SA, S, C, RR, BI
Title IX debrief	Aug. 18, 2020	Residential Education: Professional staff, Resident Assistants, and House Managers	DV, Dt.V, SA, S, C, RR, BI
Student Employee Title IX Training (virtual)	Aug. 2020	Orientation Mentor student staff	DV, Dt.V, SA, S, C, RR, BI
Student Employee Title IX Training (virtual)	Aug. 2020	Center for Teaching and Learning student staff	DV, Dt.V, SA, S, C, RR, BI
Title IX New Faculty Training (virtual)	Aug. 2020	All new faculty	DV, Dt.V, SA, S, C, RR, BI
Title IX Refresher Discussion (virtual)	Sep. 9, 2020	Residential Education Professional Staff	DV, Dt.V, SA, S, C, RR, BI
Understanding Title IX (virtual all faculty meeting)	Sept. 14, 2020	Open to all faculty	DV, Dt.V, SA, S, C, RR, BI
Title IX and Resource Discussion	Sept. 15, 2020	Hobart and William Smith Deans Office	DV, Dt.V, SA, S, C
Understanding Title IX (virtual all staff meeting)	Oct. 28, 2020	Open to all staff	DV, Dt.V, SA, S, C, RR, BI
Title IX Updates and NCAA Compliance Training (virtual)	Dec. 16 2020	Athletics Professional staff and coaches	DV, Dt.V, SA, S, C, RR, BI

2021 Employees – Primary Prevention and Awareness Programming

The Colleges offered the following ongoing awareness and prevention programs for employees in 2021:

2021 Employee Primary Prevention and Awareness Table Legend: DV – Domestic Violence Dt.V – Dating Violence SA – Sexual Assault S – Stalking <i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i>			
		C – Consent RR – Risk Reduction BI – Bystander Intervention	
Event	Date	Employee Population	Type of Misconduct
Title IX and Sexual Misconduct Training	Jan. 21, 2021	Resident Assistants and House Managers	DV, Dt.V, SA, S, C, RR, BI
Prevent Discrimination and Harass-ment Together: Virtual Training Course	April 2021	All Faculty and Staff	DV, Dt.V, SA, S
Title IX Sexual Misconduct Resource Training	May 27, 2021	New Watercraft Stewards	DV, Dt.V, SA, S, C, RR, BI
Title IX and Sexual Misconduct Train-ing	June 29, 2021	HEOP Peer Mentors	DV, Dt.V, SA, S, C, RR, BI
Title IX New Faculty Training (virtual)	Aug. 2021	All new faculty	DV, Dt.V, SA, S, C, RR, BI
Tabling: Resource Fair	Aug. 12, 2021	New Faculty	DV, Dt.V, SA, S, C, RR, BI
Title IX Responsible Employee Training – Rights, Responsibilities, & Resources (virtual)	Aug. 2021	Residential Education: Profes-sional staff, Resident Assis-tants, and House Managers	DV, Dt.V, SA, S, C, RR, BI
Behind Closed Doors – Title IX Scenar-io	Aug. 16, 2021	Community Assistants	DV, Dt.V, SA, S, C, RR, BI
Title IX Training Debrief	Aug. 18, 2021	Community Assistants and Ori-entation Staff	DV, Dt.V, SA, S, C, RR, BI
Student Employee Title IX Training (virtual)	August 2021	Center for Teaching and Learn-ing student staff	DV, Dt.V, SA, S, C, RR, BI
Title IX Training: Faculty Leading Abroad Trips	Nov. 19, 2021	Faculty Leading Study Abroad Trips	DV, Dt.V, SA, S, C, RR, BI

2022 Employees – Primary Prevention and Awareness Programming

The Colleges offered the following ongoing awareness and prevention programs for employees in 2022:

2022 Employee Primary Prevention and Awareness			
Table Legend: DV – Domestic Violence Dt.V – Dating Violence SA – Sexual Assault S – Stalking <i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i>		C – Consent RR – Risk Reduction BI – Bystander Intervention	
Event	Date	Employee Population	Type of Misconduct
Title IX Refresher Training	1/19/22	Sodexo Dining Employees	DV, Dt.V, SA, S, C, RR, BI
Title IX Training – virtual	1/21/22	Community Assistants	DV, Dt.V, SA, S, C, RR, BI
Annual Title IX Training – virtual	2/3/22	Athletic Pro-Staff	DV, Dt.V, SA, S, C, RR, BI
Title IX & Sexual Misconduct Training	6/23/22	HEOP Student Leaders and Writing Colleagues	DV, Dt.V, SA, S, C, RR, BI
Title IX Training	Title IX Training	New Student Engagement Staff	DV, Dt.V, SA, S, C, RR, BI
Title IX New Faculty and DEI Training	Title IX New Faculty and DEI Training	New Faculty Members	DV, Dt.V, SA, S, C, RR, BI
DEI & Title IX Training	8/16/22	Orientation Mentors and Community Assistants	DV, Dt.V, SA, S, C, RR, BI
Title IX Workshop & Training	8/17/22	Student Orientation Leaders	DV, Dt.V, SA, S, C, RR, BI

2020 Employees – Ongoing Awareness and Prevention Programming

The Colleges offered the following ongoing awareness and prevention programs for employees in 2020:

2020 Employee Ongoing Prevention and Awareness			
Table Legend: DV – Domestic Violence Dt.V – Dating Violence SA – Sexual Assault S – Stalking		C – Consent RR – Risk Reduction BI – Bystander Intervention	
<i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i>			
Event	Date	Employee Population	Type of Misconduct
Title IX Website	Ongoing	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Title IX Instagram (@hws_ix)	Ongoing	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Posters in all restrooms	Ongoing	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
'Know Your Options' Brochures	Ongoing	Available to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Title IX Coordinating Committee/Sexual Assault Response Team meetings	Ongoing	Staff and Faculty committee members	DV, Dt.V, SA, S, C, RR, BI
Stalking Awareness Month Instagram Postings	Jan. 14–24, 2020	Open to all faculty and staff	S, RR, BI
Title IX through an Intercultural Lens	Feb. 12, 2020	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI

Event	Date	Employee Population	Type of Misconduct
Title IX open office hours: discussion of new regulations (virtual)	June 8 & 11, 2020	Open to all faculty and staff	DV, Dt.V, SA, S, C
Title IX Resources Video discussion Instagram Series	Sept. 2020	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR
Campus Title IX update and Reporting Responsibilities (virtual)	Sept. 15 & 23, 2020	Open to all faculty and staff	DV, Dt.V, SA, S, C
Title IX Updates and discussion with Counseling Center (virtual)	Sept. 18, 2020	Counseling Center Professional staff	DV, Dt.V, SA, S, C
Title IX Updates and discussion with Advancement division (virtual)	Sept. 28, 2020	Advancement Division Professional staff	DV, Dt.V, SA, S, C

2021 Employees – Ongoing Awareness and Prevention Programming

The Colleges offered the following ongoing awareness and prevention programs for employees in 2021:

2021 Employee Ongoing Prevention and Awareness			
Table Legend:			
DV – Domestic Violence		C – Consent	
Dt.V – Dating Violence		RR – Risk Reduction	
SA – Sexual Assault		BI – Bystander Intervention	
S – Stalking			
<i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i>			
Event	Date	Employee Population	Type of Misconduct
Title IX Website	Ongoing	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Title IX Instagram (@hws_ix)	Ongoing	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Posters in all restrooms	Ongoing	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
'Know Your Options' Brochures	Ongoing	Available to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Title IX Coordinating Committee/Sexual Assault Response Team meetings	Ongoing	Staff and Faculty committee members	DV, Dt.V, SA, S, C, RR, BI
Stalking Awareness Month Instagram Postings	Jan. 11-28, 2021	Open to all faculty and staff	S, RR, BI
Title Instagram Discussion: What keeps you up at night	Feb. 26, 2021	Open to all faculty and staff	SA, C, RR, BI
Title IX Tabling – Campus Climate Assessment	March 10, 2021	Open to all faculty and staff	DV, Dt. V, SA
Red Flag Campaign Instagram Postings	March 22 – 27, 2021	Open to all faculty and staff	DV, Dt. V, SA, S, C
Red Flag Campaign – Tabling and Flag Installation	March 24, 2021	Open to all faculty and staff	DV, Dt. V, SA, S, C
Conversation with Nicole Sharpe/Prevention of Domestic Violence	April 8, 2021	Open to all faculty and staff	DV, Dt. V, SA, S

Event	Date	Employee Population	Type of Misconduct
Clothesline Project Installation	April 19 – 23, 2021	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Tabling: Clothesline Project	April 19, 21, 23, 202	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Instagram Live: Clothesline Project	April 23, 2021	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Picture a Scientist Showing and Panel Discussion	Dec. 1, 2021	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Panel Discussion: Know Your Resources	Dec. 9, 2021	Open to all faculty and staff	DV, Dt.V, SA, S, C

2022 Employees – Ongoing Awareness and Prevention Programming

The Colleges offered the following ongoing awareness and prevention programs for employees in 2022:

2022 Employee Ongoing Prevention and Awareness			
Table Legend:			
DV – Domestic Violence		C – Consent	
Dt.V – Dating Violence		RR – Risk Reduction	
SA – Sexual Assault		BI – Bystander Intervention	
S – Stalking			
<i>*Due to the pandemic, most sessions were virtual, or did not occur due to restrictions or other limitations</i>			
Event	Date	Employee Population	Type of Misconduct
Title IX Website	Ongoing	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Title IX Instagram (@hws_ix)	Ongoing	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Posters in all restrooms	Ongoing	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
'Know Your Options' Brochures	Ongoing	Available to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Stalking Awareness Month Instagram Postings	1/ 7/22 – 1/26/22	Open to all faculty and staff	S, RR, BI
Tabling: Know your IX	1/26/22 – 1/27/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Tabling: Consent	2/14/15-2/15/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Lunch & Learn: Sex Positivity and Consent	2/28/22	Open to all faculty and staff	C, RR
Tabling: International Women's Day & Celebrate Women's History Month (Collab Program with International Studies Department)	3/8/22	Open to all faculty and staff	
Intern (Kennedy) Instagram Takeover: Wom-en in Media/ Equal Pay Day	3/7/22-3/11/22	Open to all faculty and staff	
Intern (Star) Instagram Takeover: Wonderful HWS Women	3/14/22-3/18/22	Open to all faculty and staff	

Event	Date	Employee Population	Type of Misconduct
Lunch & Learn: Cancel Culture	3/29/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Hobart Lacrosse Game: Sexual Assault Awareness Month – Safe Harbors	4/9/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Tabling and Live Window Painting: It's On Us and Sexual Assault Awareness & Prevention Month	4/11/22-4/12/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Showing and Discussion: The Invisible Man with E. Tejada from the Resource Center	4/21/22	Open to all faculty and staff	DV, Dt. V, S, C, RR, BI
Lunch & Learn Series: How to talk to your kids about sex and sexual assault	4/28/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Clothesline Project	4/29/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Lunch & Learn Series: Explore Your Love Language	9/14/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Unity BBQ hosted by DEI Division	9/29/22	Open to all faculty and staff	
Webinar: Celebrating 50 Years of Title IX : Then vs. Now w/ Athletics	10/4/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Speaker & Author: Linda Dynel – Surviving Gendered Violence w/ Professor James Sutton	10/18/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Lunch & Learn Series: Hooking Culture Across All Sexual Identities	11/16/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI
Wellness Week Programming with Hannah Smith from Student Engagement	11/28/22 – 12/5/22	Open to all faculty and staff	DV, Dt.V, SA, S, C, RR, BI

Sex Offender Registration Information

In the State of New York, individuals convicted of certain sex offenses must be registered in the sex offender registry maintained by the New York State Division of Criminal Justice Services.

Information about sexual offenders registered in New York State is available from several sources.

1. New York State Division of Criminal Justice Services online at <https://www.criminaljustice.ny.gov/nsor/>
2. The Ontario County Sherriff's Office online "offender search" at https://www.sheriffalerts.com/cap_main.php?office=54544
3. The United States Department of Justice National Sex Offender Public Website <https://www.nsopw.gov/?AspxAutoDetectCookieSupport=1>
4. A fee-based inquiry system can be reached at <https://login.publicdata.com>

Weapons on Campus

Firearms and dangerous weapons of any type are not permitted on campus. The Colleges include BB guns, air guns, knives, blank guns, etc. in the category of dangerous weapons.

Weapons that are confiscated will not be returned. They will be destroyed or turned over to the local police for further legal action. Possession of weapons violates the New York State penal laws pertaining to public and private educational institutions. Campus Safety will confiscate weapons when they are discovered and exercise broad discretionary judgment as to what might constitute a dangerous weapon. Students found in possession of a firearm or dangerous weapon will be referred for campus disciplinary action and or a referral to local law enforcement for criminal sanctions.

Missing Student Policy and Procedure

If anyone has reason to believe that a student who resides in an on-campus housing facility is missing, he or she should **immediately** notify the Office of Campus Safety at (315) 781-3333. The Office of Campus Safety will respond and conduct a preliminary investigation in order to verify the report. Upon verification of the report, the Office of Campus Safety will immediately notify the Geneva Police Department (GPD).

In addition to registering a general emergency contact, all students may identify one or more individuals as confidential missing person contacts to be contacted only by authorized officials of the Colleges within 24 hours of the determination that a student is missing. Authorized officials of the Colleges may disclose the confidential missing person contact information only to law enforcement officials and only for the purpose of

furthering the missing person investigation.

If a missing student is under the age of 18 and is not emancipated, Hobart and William Smith Colleges will notify the student's custodial parent or guardian within 24 hours of the determination that the student is missing.

To identify a confidential contact(s), students may do so through the Hobart and William Smith Colleges PeopleSoft Portal. The confidential contact should be someone who will be likely to know your location and who you wish to be contacted if you are missing.

Alcohol and Other Drug Policies

Students and employees of Hobart and William Smith Colleges are subject to federal law, New York State law, local statutes and ordinances, and the Colleges' alcohol and drug policy. Students and employees who violate federal, state or local laws or policies of the Colleges will be subject to criminal and/or institutional disciplinary action, up to and including permanent separation and/or termination of employment. Ignorance of the law and the Colleges' policy is not an excuse for any violations.

As an institution dedicated to higher learning, service, and preparing students to live lives of consequence, HWS condemns the unlawful possession, use/abuse, or distribution of alcohol and other drugs. Because abuse of alcohol and other drugs is detrimental to the physical and psychological well-being of students, the Colleges seek to educate students about the dangers of drug and alcohol abuse and the importance of healthy and responsible choices. Repeated involvement with, or excessive use of, alcohol and/or other drugs will be viewed as a health concern as well as a disciplinary matter. The Colleges may mandate treatment for abuse of alcohol and other drugs, including, but not limited to, medical leaves of absences, suspensions, or permanent separation. Any sanction may be imposed for any violation. The Campus Safety and Student Engagement staffs will report student violations of the Policy on Alcohol and Drugs to members of the Office of Campus Life. As the use of alcohol on campus is permitted only by those who are of 21 years of age or older, the responsibility for complying with all policies and procedures applying to the possession, use, sale, purchase, and service of alcohol lies solely with each individual community member.

Hobart and William Smith Colleges Alcohol Policy

1) Overview

The Colleges encourage responsible choices among members of the Colleges' community, with the intention to encourage and support good judgment in the legal use of alcohol for those who choose to use it. The Colleges understand that alcohol abuse cannot be ended simply through strict rules and enforcement. We must establish

reasonable policies, create programs that educate all members of the Colleges' community of the effects of alcohol use and abuse, and provide help for those who need it for themselves or others. We believe that environments that value moderation and responsible choice establish habits of respect for self and others in the use of alcohol and other substances that will likely carry forward throughout students' lives. It is toward this end that the following policies and guidelines have been established. The Office of Campus Safety will enforce all federal, state and local laws governing alcohol as well as all Hobart and William Smith community standards policies governing alcohol.

2) Summary of New York State Laws Governing Alcohol

Under New York State law it is illegal:

- For a person under the age of 21 to consume alcohol or to possess alcohol with the intent to consume it.
- To sell, deliver, or give away alcoholic beverages to any person actually or apparently under the age of 21.
- To sell, deliver, or give away any alcoholic beverage to any intoxicated person or any person under the influence of alcohol.
- To sell, deliver, or give away any alcoholic beverage to any habitual drunkard known to be such to the person authorized to dispense any alcoholic beverage.
- To sell alcohol, including charging admission at the door of an event where alcohol is distributed free of charge, without and Alcoholic Beverage Control license.
- For any person under the age of 21 to present or offer identification of age which is false, fraudulent, or not his or her own, for the purpose of purchasing alcohol or attempting to purchase alcoholic beverages. It is also illegal for another person to misrepresent the age of someone under 21 for the purpose of helping the person under 21 obtain alcohol.
- To operate a motor vehicle with the blood alcohol content between .05 and .07 percent. This is known as "Driving While Ability Impaired," or DWAI. "Driving While Intoxicated" (DWI) is defined by a blood alcohol content of .08 percent or greater, and is also illegal.
- For any person under the age of 21 who operates a motor vehicle while having a blood alcohol content of .02 percent or greater (a very low threshold).

3. Local Ordinances:

City of Geneva Ordinance §§ 69-4, 69-7. Under this ordinance it is illegal for a person to drink or otherwise consume liquor, wine, beer, or other alcoholic beverages nor have in her or his possession or carry or transport any open bottle or open container containing liquor, wine, beer, or other alcoholic beverages when such person is in or upon any public sidewalk, street, highway, parking lot, bathing beach, public park, or such public place.

City of Geneva Ordinance §§ 69-6, 69-7. Under this ordinance, it is illegal for any person under 21 years of age to possess any alcoholic beverage in a public place as defined by § 240.00 of the Penal Law of the State of New York, and any alcoholic beverage found to be in the possession of a person under 21 years of age in such public place shall be confiscated. A violation of this provision shall be punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or by both said fine and imprisonment.

City of Geneva Ordinances §§ 236-13, 236-14, 236-

15. This ordinance prohibits any responsible person from sponsoring, conducting, hosting, inviting or permitting a "nuisance party." A "nuisance party" includes, but is not limited to, any social gathering held within the City of Geneva that results in unlawful possession of an open container; the unlawful sale, furnishing, dispensing or consumption of an alcoholic beverage; the sale or furnishing of an alcoholic beverage to an underage person; possession or consumption of an alcoholic beverage by an underage person; or unlawful possession, sale or use of a controlled substance. A violation of this provision shall be punishable by a fine not exceeding \$500, or imprisonment for 15 days, or both with a civil penalty to be recovered by the City of Geneva in a civil action or proceeding to recover cost of law enforcement, fire or other emergency response to a loud or unruly gathering.

4) Civil Liabilities:

Dram Shop Liability. Any person who is injured by an intoxicated person has a legal right of action against anyone who has unlawfully sold alcohol to the intoxicated person or unlawfully assisted the intoxicated person in obtaining liquor. In any such legal action, the injured person has a right to recover both actual and punitive damages. **Social Host Liability.** Any person who furnishes alcoholic beverages to an individual under the age of 21 is at risk of civil liability if the intoxication of the person under the age of 21 results in injury or damages to a third party.

5) Alcohol Policy Prohibited Activities

The following actions/activities are prohibited:

a) Activities That Promote Irresponsible or Binge

Drinking: Engaging in activities, whether alcohol is present or not, that promote irresponsible or binge drinking (e.g. drinking games, use of funnels, chugging contests, or any means where alcohol is consumed as part of a competition) is prohibited.

b) Allowing Underage Consumption/Possession: Permitting an underage guest or other individual in their presence (i.e. a guest) to possess or consume alcohol on campus property is prohibited. Visitors and guests who violate the Colleges' Policy on Alcohol and Drugs or New York State or federal law may be removed and/or banned from Colleges' property and/or subject to criminal action. Students may be held responsible for the behavior of their guests, and for any incidents or disruptions, which result from possession, use, or distribution of alcohol or other drugs by guests.

c) Coercion: Coercing individuals to drink alcohol or use other drugs is prohibited.

d) Display of Alcohol/Drug-Related items:

1) Students may not display advertisements or items (i.e. signs, posters, photographs, bottles) that promote illegal drug and/or alcohol products in the public spaces of the campus, i.e. hallways, lounges, bathrooms, exterior windows of residence halls, their residence hall room including shared common spaces within suites.

2) Alcohol bottles and containers (full or empty) are not permitted as decorations in the interior or exterior (including windows) of any college-owned or operated residence hall or apartment. Alcohol bottles and containers may be confiscated during routine health and safety inspections or at the discretion of Colleges' Officials.

e) Open Containers: Possession of open containers of alcohol on and immediately adjacent to public roads, parking lots, and in the common areas in and around residence halls on the campus is prohibited. Possession or transportation of open alcohol containers in public areas of the Colleges is prohibited.

f) Possession of Alcohol at College Functions: Possession of alcohol is prohibited at all College functions in which students are in attendance, including (but not limited to) dances, concerts, athletic events, and dinners, without proper approval from the Social Host Event Committee. Consistent with NCAA policy, the use of alcohol is prohibited at all athletic events. The possession or consumption of alcohol on any college owned, leased, or contracted van, bus, boats, or other vehicle travelling to or from on or off-campus events is prohibited.

g) Providing Alcohol to Underage Individuals: Providing alcoholic beverages to any person who is under 21 years of age is prohibited.

h) Public Intoxication or Drunken Behavior: Public intoxication and/or drunken behavior, which result in the destruction of property, or conduct that is disorderly, disruptive, and/or disrespectful to any member of the campus community is prohibited.

i) Underage Possession or Consumption: The possession or consumption of alcohol by any student under the age of 21 is prohibited.

j) Other Alcohol Regulations:

1) Alcohol-Free Residence Halls: Students of legal drinking age may possess and consume alcohol in all colleges-owned or operated residence hall rooms or apartments except for Jackson, Potter, Rees, Sherrill, Durfee, or Hirshson, as these are primarily first-year only areas, and other residential areas determined to be Substance Free. However, the student(s) of legal drinking age assume full responsibility for preventing any underage students from possessing or consuming alcohol in that room/apartment.

2) Alcohol Moderation: The Colleges' reserve the ability to limit the amount of alcohol an individual or group may possess as follows:

a) *Alcohol Amount:* The allowable amount of alcohol allowed in any college-owned or operated residence hall room or apartment by a single student who is of legal drinking age is limited to:

- § Twenty-four (24) 12-ounce containers of beer/ malted beverage, hard cider, or hard seltzer,
- § OR two (2) one-liter bottles of wine,
- § OR a reasonable combination of these types.

b) *Bulk Containers:* Possession of large quantities/ bulk containers of alcohol, including, but not limited to; beer balls, kegs, alcoholic punch in excess of one gallon, in any residence hall room, college-owned or operated apartment, or other college property.

3) False Identification: Possession of a fictitious ID, fraudulent ID or another person's driver's license is prohibited.

4) Hard Liquor: Possession of hard liquor is prohibited, regardless of age of the student, in the Colleges' residences. Generally, this excludes beer, malt beverages, wine, champagne, hard cider, hard seltzer and mixes.

5) Identification: Students or guests of legal drinking age must have valid forms of identification of age (e.g., Driver's License, Sheriff's ID card, etc.) showing their date of birth any time they possess or consume alcohol in any College- owned or operated residence hall room or apartment.

6) Off-Campus Behavior: Socially irresponsible or illegal alcohol-related conduct that occurs off campus (e.g., off-campus arrest or citation for underage drinking, an incident in which local or state police are involved in association with alcohol, or alcohol-related conduct, etc.).

7) Paraphernalia: Possession of alcohol-related paraphernalia (funnels, bars, etc.) is prohibited.

8) Social Hosting Violation: Failure to abide by the directives outlined in the Social Hosting Guidelines and Procedures section of the Community Standards, which includes guidelines for distribution of alcohol at social events.

Hobart and William Smith Colleges Other Drugs Policy

Overview, Summary of Federal and NYS State Laws & College Policy

As an institution of higher education, Hobart and William Smith Colleges have a responsibility to promote an environment that is incompatible with the use of illegal drugs and the abuse of other drugs/substances not medically prescribed and supervised.

Existing federal and state laws prohibit the possession, use, manufacture, and distribution of controlled substances. An employee or student who violates the Colleges' Alcohol and Other Drugs policies is subject both to the Colleges' sanctions and to criminal sanctions provided by federal, state, and local law. Degree and penalties vary depending upon the type of substance, amount of substance, prior record of individual and age of individual. For more information, please visit the Federal Trafficking Penalties table at <https://www.dea.gov/drug-information>. Penalties for violating state laws can include substantial fines and imprisonment ranging from a few months to life. Violation of federal laws can also result in substantial fines and imprisonment as well as forfeiture of property and denial of federal benefits, including financial aid.

The Colleges prohibit illegal possession or transfer of any controlled substance so defined in the statutes of New York State. The outcome from selling, making or distributing drugs and from socially disruptive behavior resulting from use of illegal drugs will be prompt and decisive Colleges' action. In addition, the Colleges prohibit the possession and/ or use of drug-related paraphernalia. *The Colleges are an educational institution. The Colleges are an educational institution. They do not apply sanctions of the law, but they do not ignore the law nor stand between the student and the law.*

The Colleges' prohibit and will hold students accountable for the following behaviors:

- A)** Distributing illegal drugs to include the sharing of illegal drugs or other controlled substances (including legal, prescription drugs), or the possession of items typically perceived by a reasonable person to be utilized for distribution.
- B)** Distribution of marijuana to include the selling and sharing of marijuana or the possession of items typically perceived by a reasonable person to be utilized for distribution.
- C)** Illegal use of prescription medications, including without limitation the use of another's prescribed medications or illegal misuse of personally prescribed or over-the-counter medications.

- D)** Possession of marijuana/cannabis paraphernalia and/or other drug paraphernalia.
 - Any paraphernalia that is confiscated is subject to being destroyed per the Drug Free Schools and Communities Act.
- E)** Possession or use of marijuana/cannabis
- F)** Selling illegal drugs (including, but not limited to, marijuana/cannabis) or other controlled substances (legal, prescription drugs).
- G)** Use or possession of illegal drugs other than marijuana/cannabis.
 - a) The State of New York Penal Law (Articles 220, 222 and 178) define a wide range of offenses and penalties for possessing, manufacturing, or distributing cannabis and other controlled substances as well as the use of drug paraphernalia and possession of precursors of controlled substances. Sanctions include fines and imprisonment ranging from several months to life.

The State of New York Penal Law, Article 221 – Offenses Involving Marihuana, was repealed effective March 31, 2021 and replaced with Article 222 – Cannabis. The repeal of Article 221 made the possession, use and transferring of up to 3 ounces of cannabis and up to 24 grams of concentrated cannabis legal for persons 21 years of age or older.

However, marijuana is listed as a controlled substance under federal law and because Hobart and William Smith Colleges shares in federal financial aid funding under Title IV of the Higher Education Act of 1965, the possession, use, transfer or sale of cannabis/marijuana is not permitted at Hobart and William Smith Colleges.

Education and Counseling Programs for Alcohol and Other Drugs:

The Colleges provide educational programs and counseling services to address the issues of alcohol and other drug use. The Colleges' goals are to increase awareness, and to assist those in need of help, as in those potential instances of addiction, chemical dependency, and other negative consequences resulting from use or abuse of alcohol and other drugs.

Educational outreach is offered throughout the school year by the Office of Campus Life, Student Engagement, The Counseling Center, and various offices and organizations including athletics, Student Activities, and Greek houses. Courses in a variety of disciplines (e.g., biology, chemistry, philosophy) also provide academic discussion of alcohol or other drug use.

Drug Free Schools and Community Act "Annual Notice" Document:

Additional information about Hobart and William Smith Colleges' Drug Abuse and Alcohol Prevention Programs may be found in our "Alcohol and Other Drugs Information "Annual Notice" document which can be found at: https://www.hws.edu/offices/student-engagement/pdf/aod_brochure.pdf

The following resources are available to students and/or employees:

Hobart and William Smith Employee Assistance Program (EAP)

The HWS EAP is administered by the Office of Human Resources. All employees, faculty members and their dependents are eligible to participate in the drug and alcohol abuse programming offered through the EAP. Additional information about the EAP program can be obtained by calling (315) 781-3312 or by visiting <https://www.hws.edu/offices/hr/>

Hubbs Health Center

The Hubbs Health Center serves HWS students and provides health education on issues including substance abuse. For more information, please call (315) 781-3600 or visit <https://www.hws.edu/offices/health-center/default.aspx>

Counseling Center

The Counseling Center provides free, confidential services for HWS students, including individual and group counseling; emergency psychological services; and outreach and educational programming. The CCSW also offers psychological consultation to students and about students with faculty and staff. For more information, please call (315) 781-3388 or visit <https://www.hws.edu/offices/counseling/default.aspx>

The Office of Campus Life

The Office of Campus Life manages the alcohol and other drug education and prevention programs and services. The Office of Campus Life is guided by a proactive, social norming and harm reduction approach, providing education, prevention and counseling services necessary so that HWS community members can make responsible choices about alcohol and other drugs. The Office of Campus Life provides referrals for students who are at risk of developing alcohol and other drug-related concerns as well as for those who are impacted by another person's abuse. Referrals can include one-to-one and group counseling at the Counseling Center, local OASAS-approved alcohol and drug treatment centers, and local AA and NA chapters. Students seeking assistance for themselves or a friend will be eligible for the Colleges' Amnesty policy.

For more information please call the Office of Campus Life at 315-781-3900 or visit <https://www.hws.edu/offices/campus-life/get-support/default.aspx>

Off Campus Resources

Council on Alcoholism and Other Drug Dependencies of the Finger Lakes, (315) 789-0310

Finger Lakes Addictions Counseling and Referral Agency, (315) 781-0771

A more complete list of Alcohol and Other Drugs Evaluations & Treatment Facilities is available through the Colleges' Counseling Center website, at <https://www.hws.edu/offices/counseling/counseling-selfhelp.aspx>

Handbook of Community Standards

Additional information about education and prevention programs can be found in the Handbook of Community Standards under Health and Safety Policies and can be accessed at https://www.hws.edu/offices/campus-life/pdf/community_standards.pdf

Emergency Response and Evacuation Policies and Procedures

Emergency Notification Process

Hobart and William Smith Colleges utilize the Everbridge Mass Notification system to notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, faculty or staff occurring on the campus.

If the Office of Campus Safety confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the HWS community, the Office of Campus Safety will activate the emergency notification system to provide immediate notification of the threat to the HWS community, or to the appropriate segment of the community if the threat is limited to a specific location. The Office of Campus Safety will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification, unless issuing the notification will, in the judgment of first responders (including but not limited to HWS Office of Campus Safety, Geneva Police Department, Geneva Fire Department or Ontario County Sheriff's Office), compromise the efforts to assist a victim or contain, respond to or mitigate the emergency. During an emergency situation situational update messages will be sent via the Everbridge system, as well as through the Colleges' Twitter account.

The Everbridge Mass Notification system will deliver emergency alerts to the campus community via text message, mobile telephone, office phone and/or email and Alertus desk-top. In addition, the Alertus external siren/speaker system will alert members of the campus community and deliver the emergency alert through the external speakers. External speaker arrays are located on the Bristol Field House, Bristol Gym, Lansing Science Building and the Elliott Arts Studio. Once an emergency notification message is received the recipient will need to acknowledge receipt of the message.

Everbridge Mass Notification emergency alerts are communicated to key members of the City of Geneva Police Department for their information and for distribution to the larger Geneva community as needed. In addition, emergency notifications delivered through the Alertus external siren/speaker system can be heard by those residents who reside adjacent to the Colleges' main campus. Emergency notification information may be posted when appropriate by the Colleges' Office of Communications on the Colleges' website at www.hws.edu

All students, faculty and staff are automatically entered in the Everbridge Mass Notification System through the PeopleSoft system. Faculty or staff wishing to modify their contact information to receive an emergency notification message should do so through the PeopleSoft self-service portal which can be accessed at https://hwsportal.hws.edu/psp/ps/EMPLOYEE/EMPL/h/?tab=PAPP_GUEST

HWS community members are encouraged to notify the Office of Campus Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students, faculty, staff or visitors on campus.

The Office of Campus Safety has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the health or safety of students, faculty or staff and to then notify the community without delay.

Testing the Emergency Notification System

The Everbridge Mass Notification System is tested each semester by the Office of Campus Safety. Tests are announced via the HWS email system. Emails announcing the system test contain information about the test, how to update preferred contact information, a description of emergency actions that members of the campus community may need to take (evacuation, shelter-in-place and lock-down), where to find emergency action plans (EAPs) on the Colleges' website and information about how to contact the Office of Campus Safety, as

well as local police, fire and emergency medical service authorities. Data from each test is reviewed and used to improve the notification system.

Emergency Response and Evacuation Testing Procedures

An evacuation fire drill is coordinated by the Office of Campus Safety four times each year for all residence halls and houses. Students learn the locations of the emergency exits, the location of each building's evacuation meeting point, as well as each building's primary and secondary assembly area (locations students will be directed to in the event the primary meeting place is unavailable or the incident will require evacuation for a protracted period), and become familiar with the sound of the fire alarm. During these evacuation drills, campus safety personnel provide students with information about evacuation, lock-down and shelter-in-place procedures.

Students receive information about evacuation, lock-down procedures and shelter-in-place procedures during first year Orientation and returning students at all residence hall floor meetings. Residential Education staff members and Community Assistants (CAs) are also trained in these procedures and are a continuing resource for students living in their residence halls and houses. In addition, Residential Education staff and CAs participate in evacuation drills and other emergency response tests.

Evacuate:

Evacuate means to exit a building using the nearest available exit, reporting to the buildings pre-determined meeting area and following further instructions from colleges officials or campus safety.

Emergencies such as an indoor hazardous material spill or release, fire, natural gas leak, or bomb threat will trigger an evacuate command.

Shelter-in-Place:

Sheltering in place means to remain indoors or to seek immediate shelter indoors and remain there during an emergency. Sheltering in place includes closing exterior doors and windows, drawing shades, turning off HVAC systems and possibly moving to a more protected interior area of a building depending on the nature of the emergency, and then remaining there until the "all clear" confirmation has been given.

Emergencies such as a hazardous material release or a severe weather occurrence will trigger a shelter-in-place command.

Lockdown:

A "lockdown" is a temporary sheltering technique utilized to limit human exposure to an apparent life-threatening, hostile or hazardous situation or threat. When a lockdown is declared by the Colleges' officials or Campus Safety, occupants of any building within the impacted area are to remain in their respective spaces locking or, if unable to lock, barricading doors, closing and locking windows, drawing shades, covering classroom or office door windows, silencing cell phones, remaining quiet, and not allowing entry or exit to a secured area until the "all clear" confirmation has been given.

Emergencies such as an armed intruder on campus or an active shooter on campus (an individual actively engaged in killing or attempting to kill people with a firearm in a confined populated area) will trigger a lockdown command.

Evacuation drills are also used to test the response of HWS personnel responsible for responding to emergency situations on campus. Office of Campus Safety personnel are trained in the Incident Command System (ICS) as the preferred means to respond to emergency situations occurring on campus. The ICS allows Office of Campus Safety personnel to coordinate with other HWS departments and local public safety agencies to respond to and recover from an emergency situation.

The Office of Campus Safety conducts tests of its emergency response plans and capabilities at least annually. Tests may include table-top exercises, functional exercises, full scale exercises or a combination of exercises. These tests allow the Office of Campus Safety to evaluate its response capabilities, the ability to interface cooperatively with other HWS departments and other public safety agencies and improve plans and response procedures. The Office of Campus Safety will document all drills and tests and record the description of the drill/test, the date, the time and whether the test was announced or unannounced. In addition, after action reviews are conducted for all emergency management exercises.

Publicly available information regarding the Colleges emergency response procedures is available on the campus safety emergency planning and preparedness webpage at <https://www.hws.edu/offices/campus-safety/planning/default.aspx>. The emergency planning and preparedness webpage is populated with emergency action plans (EAPs). Each EAP provides guidance to the campus community about how to respond during specific emergencies.

Hate Crimes and Bias Related Incidents

Hobart and William Smith Colleges strive to foster a safe and healthy learning environment that embodies diversity, inclusion and respect for individuals and the exercise of free speech. The Colleges promote civility and do not tolerate acts of hate, bias or intolerance.

The Federal Government and numerous states including New York State, have hate crime statutes.

A hate crime is a criminal offense committed against a person or property which is motivated in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, ethnicity, national origin, sexual orientation or disability.

The Colleges report hate crimes perpetrated against individuals or groups when the motivating reason, in whole or part, can be attributed to bias. In addition to murder, manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson, the Colleges also reports hate crimes attributed to larceny, simple assault, criminal mischief and intimidation.

Applicable laws and ordinances

It is beyond the scope of this document to list all the federal and state laws that relate to hate crimes. More specific information about the New York State Hate Crimes Act of 2000 can be found at this link <https://www.nysenate.gov/legislation/laws/PEN/485.05>. Information about federal laws can be found at the U. S. Department of Justice site at https://www.ncjrs.gov/spotlight/hate_crimes/summary.html. Under certain circumstances the penalty imposed may be more severe for a hate crime felony or misdemeanor than for the same crime that is not a hate crime.

Penalties

Violators will be subject to appropriate disciplinary action including possible suspension or termination of employment for faculty and staff, ejection from campus for visitors and suspension or separation from the Colleges for students. Violators will also be subject to such penalties as may be imposed in accordance with federal and state law.

Reporting and Procedures for Dealing with Bias Related Crimes and Incidents

All members of the Colleges' community are encouraged to report hate crimes and bias related incidents. In addition to reporting directly to the Office of Campus Safety, hate crimes and bias incidents may be reported anonymously on the bias incident reporting form located on the Colleges' website at https://cm.maxient.com/reportingform.php?HWSColleges&layout_id=2. In addition, members of the campus community are

encouraged to report hate crimes directly to the Geneva Police Department. A bias indicator is an objective fact, circumstance, or pattern standing alone or in conjunction with other facts or circumstances that suggests that the offender's actions were motivated, in whole or in part, by bias. The following are some of the factors that may indicate bias motivation.

1. Racial, ethnic, gender, and cultural differences exist between the perpetrator and victim.
2. Comments, written statements, and gestures were made.
3. Drawings, markings, symbols, and graffiti were left.
4. Organized hate groups or their members were involved.
5. The victim previously had received bias motivated harassing mail or phone calls.
6. The victim's or witness's perception of the incident is that it was motivated by bias.
7. The location of the incident indicates bias motivation.

A bias-related incident (not a hate crime) committed by a staff member will be referred to Human Resources for disciplinary action. Faculty members will be referred to the Provost. Students will be referred to the appropriate dean. If the offender is a visitor he will be asked to leave the campus immediately. The visitor will be arrested if he or she refuses to comply and the visitor may be banned from future presence on the campus.

Support Services

The Colleges have a staff of NYS licensed psychologists. Victims of a hate crime or biased-related incident will be advised of the availability of counseling services. Campus Safety will contact a counselor at the request of the victim. If the victim chooses not to seek the services of a counselor immediately, they will be advised of the phone number, office location and availability of counseling services.

The Colleges do not publish the name of crime victims, persons accused of committing crimes, nor house identifiable information regarding victims or accused in the Daily Crime Log or online.

Hate Crime Statistics

The Colleges report hate crimes under Clery for the following categories of bias:

- Race
- Gender
- Gender Identity
- Religion
- Ethnicity
- National Origin
- Sexual Orientation
- Disability

For Clery reporting purposes hate crimes include any of the offenses listed below:

- Murder and Non-negligent manslaughter
- Sex Offenses (Rape, Fondling, Incest, Statutory Rape)
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

Hobart and William Smith Colleges Hate Crime Statistics

2019:

- One on-campus in student housing facility larceny and destruction/damage/vandalism of property incident characterized by sexual orientation.
- One on-campus intimidation incident characterized by sexual orientation
- On on-campus intimidation incident characterized by sexual orientation.

2020:

- No Hate Crimes reported.

2021:

- No Hate Crimes reported.

2022:

- No Hate Crimes reported.

Daily Crime Log

The Office of Campus Safety maintains a daily crime log that documents the nature, date and time reported, date and time of occurrence, general location of and disposition of each crime reported to the Office of Campus Safety. All reported crimes occurring in the Colleges' Clery geography and patrol jurisdiction are entered into the daily crime log.

The daily crime log is available for viewing 365 days per year and at any time of the day or night at the Office of Campus Safety which is located in the facilities building in the Medbery parking lot. At a minimum, the most recent sixty (60) day period of crime log entries will be available for viewing. If unavailable at the time of viewing, crime log information older than the most recent sixty (60) day period will be made available within two business days of the request for inspection.

The Annual Security Report

In accordance with the federal Student Right-to-Know Act, Hobart and William Smith annually provides statistics for crimes reported to the office of campus safety, local law enforcement agencies and individuals on campus identified as campus security authorities. Written requests for crime statistical information are made on an annual basis to the appropriate local law enforcement agencies as well as all campus security authorities.

All gathered statistical information is compiled and reported to the Colleges' community via the annual security report which is prepared by the Office of Campus Safety and posted on the Colleges' website on or before October 1 each year. A notice of the availability of the annual security report is emailed annually to every student and employee and a direct link to the report is included in the email. Printed copies of the annual security report are available by request from the Office of Campus Safety by calling (315) 781-3656. The U.S. Department of Education requires that colleges and universities submit their crime statistics to a website so that the information is available to all who are interested and have internet access. The address for the Department of Education crime statistics web site is: <https://ope.ed.gov/campussafety/#/>

The Colleges do not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by request through the Office of the Registrar, (315) 781-3651.

The annual security report includes criminal incidents for the past three years and covers eleven crime statistical categories listed by location, three Violence Against Women Act statistical categories, as well as arrests or referrals to the Colleges conduct office for liquor law violations, drug abuse violations and weapons law violations.

Crime Location definitions:

On campus: Includes 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 institutions educational purposes, including residence halls, and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes.

On-campus Student Housing Facility: Includes any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus.

Public property: Includes all public property including thoroughfares, streets, sidewalks and parking facilities that is within the campus, or immediately adjacent to and accessible from the campus.

Non-campus buildings or property: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institutions educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The Hellstrom Boathouse, Hanley Preserve, Gates Road Solar Farm, State Route 14 Solar Farm and The William Scandling Research Vessel are all included in the *non-campus property category*.

Patrol Jurisdiction: Any property that does not meet any of the Clery Act geographic area definitions, but which is regularly provided with police or security patrol services by the campus agency.

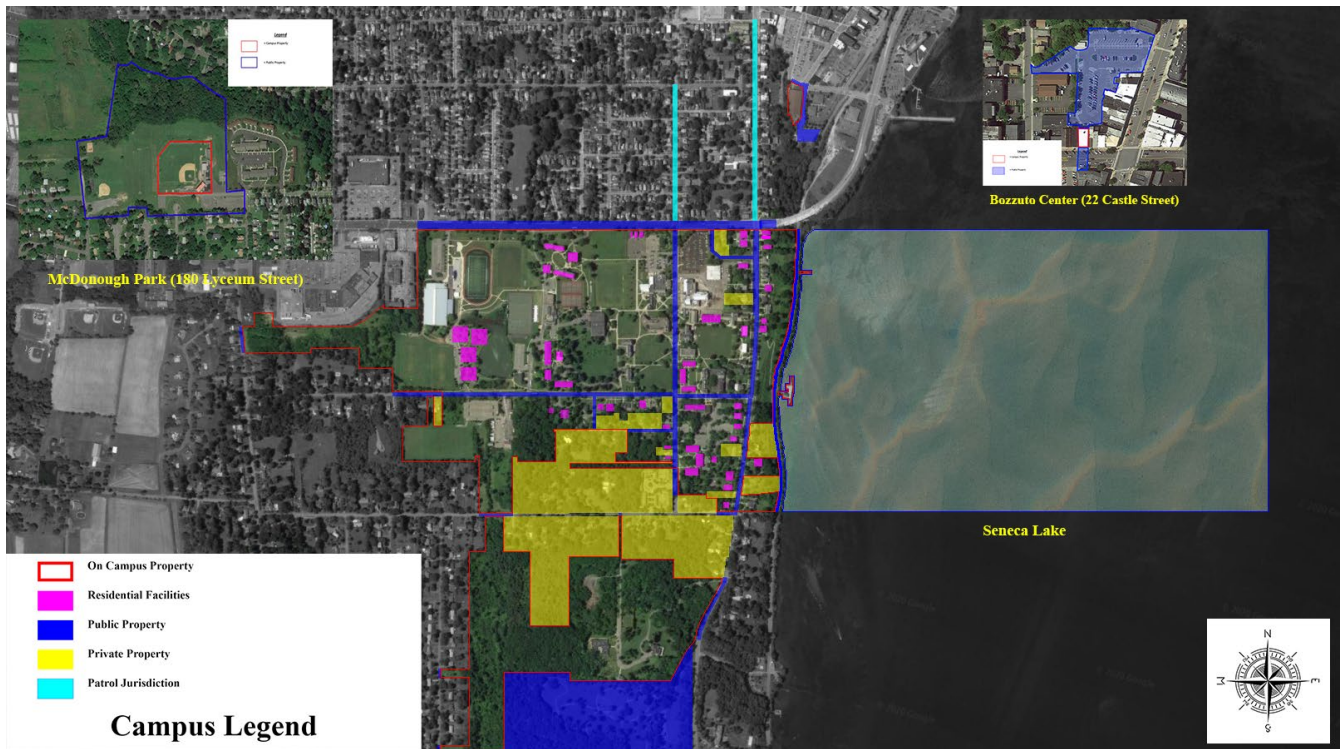
The map on the following page depicts the Colleges' on-campus property, on campus student housing facilities, public property and patrol jurisdiction.



HOBART AND WILLIAM SMITH COLLEGES

2023 Clery Compliance Map

In compliance with **The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f))** and based on the U.S. Department of Education regulations found in, The Handbook for Campus Safety and Security Reporting (2016), Chapter 2, Hobart and William Smith Colleges has prepared this map outlining our on campus properties, residential facilities, private property within our core campus, public property, and our patrol jurisdiction adjacent to campus (as defined on page 5-3 and 5-4).



Hobart and William Smith Colleges Main Campus Address: 300 Pulteney Street Geneva, NY 14456, Ontario County

Crime Definitions:

Campus Safety is required to provide definitions of each of the offenses that appear in the annual statistical report. The following definitions are excerpted from the FBI's Uniform Crime Reporting Handbook, which colleges and universities are required to use for the purpose of classifying crimes.

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

Manslaughter by Negligence: The killing of another person through gross negligence.

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

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault 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 the intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Drug Abuse Violations: 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, manufacture, and making of narcotic drugs.

Liquor Law Violations: 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.

Weapons Law Violations: 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.

Sexual Assault (Sex Offenses): "Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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 consent of the victim. This offense includes the rape of both males and females.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence:

- 1) Felony or misdemeanor crimes of violence committed—
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - (iv) 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

- (v) 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.

- 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Dating Violence: Violence committed by a person

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and

- 2) The existence of such a relationship shall be 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.

For the purposes of this definition

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (ii) Dating violence does not include acts covered under the definition of domestic violence.
- (iii) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking:

- 1) 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.

- 2) For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts 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.
- (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

- 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

[See Criminal Offenses and Liquor Law, Drugs and Weapons Violations statistical tables on the following pages.]

Table 1 : Criminal Offenses and Liquor Law, Drugs and Weapons Violations

Offense		On-Campus	Residential Facility	Non- Campus	Public Property		Reported Crimes Unfounded
Criminal Homicide							
Murder and Non-negligent Manslaughter	2020	0	0	0	0		0
	2021	0	0	0	0		0
	2022	0	0	0	0		0
Manslaughter by Negligence	2020	0	0	0	0		0
	2021	0	0	0	0		0
	2022	0	0	0	0		0
Sex Offenses							
Rape	2020	6	6	0	0		0
Fondling	2020	11	5	0	0		0
Incest	2020	0	0	0	0		0
Statutory Rape	2020	0	0	0	0		0
Rape	2021	12	11	0	0		0
Fondling	2021	10	9	0	0		0
Incest	2021	0	0	0	0		0
Statutory Rape	2021	0	0	0	0		0
Rape	2022	*22	*21	0	0		0

*Fifteen (15) of these reported incidents occurred during a dating relationship involving the same two persons.

Fondling	2022	1	1	0	0		0
Incest	2022	0	0	0	0		0
Statutory Rape	2022	0	0	0	0		0
Robbery	2020	0	0	0	0		0
	2021	0	0	0	0		0
	2022	0	0	0	1		0
Aggravated Assault	2020	0	0	0	0		0
	2021	2	1	0	0		0
	2022	1	1	0	0		0
Burglary	2020	14	10	0	0		0
	2021	7	6	0	0		0
	2022	8	5	0	0		0
Motor Vehicle Theft	2020	1	0	0	0		0
	2021	0	0	0	0		0
	2022	5	2	0	0		0
Arson	2020	0	0	0	0		0
	2021	0	0	0	0		0
	2022	2	1	0	0		0
VAWA							
Dating Violence	2020	1	0	0	0		0
	2021	11	10	0	0		0
	2022	*21	*21	0	0		0

*Fifteen (15) of these reported incidents occurred during a dating relationship involving the same two persons.

Offense		On-Campus	Residential Facility	Non- Campus	Public Property		Reported Crimes Unfounded
Domestic Violence	2020	0	0	0	0		0
	2021	1	0	0	1		0
	2022	0	0	0	0		0
Stalking	2020	4	3	0	0		0
	2021	6	4	0	0		0
	2022	6	3	0	0		0

		Arrests					
Other Offenses		On- Campus	Residential Facility	Non- Campus	Public Property		
Liquor Law Violations	2020	0	0	0	0		
	2021	0	0	0	1		
	2022	0	0	0	1		
Drug Abuse Violations	2020	2	2	0	2		
	2021	0	0	0	0		
	2022	0	0	0	0		
Illegal Weapons Possession	2020	0	0	0	0		
	2021	2	2	0	0		
	2022	0	0	0	0		

		Referred for Disciplinary Action					
		On- Campus	Residential Facility	Non- Campus	Public Property		
Liquor Law Violations	2020	179	169	0	3		
	2021	111	110	0	0		
	2022	85	84	0	0		
Drug Abuse Violations	2020	84	83	0	0		
	2021	31	24	0	0		
	2022	0	0	0	0		
Illegal Weapons Possession	2020	1	1	0	0		
	2021	0	0	0	0		
	2022	0	0	0	0		

Fire Safety

HEA Title IV, Part G, Section 485 (i)

This provision was signed into law on August 14, 2008 by President George W. Bush. The law requires any institution maintaining on-campus student housing to issue an annual fire safety report. The report must include statistics regarding the number/causes of fires, number of fire injuries and deaths, and value of property damage. It also must include information on each on-campus student housing fire safety system, the number of regular mandatory fire drills, fire safety policies and education programs, and plans for any needed fire safety improvements. The statistics also must be submitted to the Secretary of Education.

Campus Safety maintains a log that records all fires in on-campus student housing facilities.

On Campus Student Housing Fire Safety Systems

On-campus student housing has a number of fire safety systems installed. Student residences are protected by a Simplex fire detection system which consists of a series of smoke and heat sensors, fire alarm activation pull stations, as well as horn and strobe alarms that are hard-wired to a central monitoring station that is staffed 24 hours per day, 7 days a week, 365 days a year.

A horn base is installed in every sleeping room to insure that all residents are able to hear the alarm. The system is tested once a year in accordance with NFPA and NYS Fire Code requirements by a certified alarm system specialist. Residence halls have an automatic fire sprinkler system installed aside from the exceptions noted in the table 1.1. All on-campus student residences have five-pound dry chemical ABC- type extinguishers located at various places in the buildings. External fire escapes are available in multi-story building where required by code.

Floor plans marked with the primary and secondary egress routes are mounted at various locations throughout the buildings. The evacuation signage also includes the safe meeting area so that members of Campus Safety and Residential Education can take a census and provide additional instructions for occupants who have been evacuated from the building. Per NYS Fire Code, all buildings with gas appliances are equipped with carbon dioxide detectors. (See Table 1.1 on the following pages)

Emergency Evacuation/Fire Drills

Campus Safety will conduct mandatory fire drills in all on-campus student residences during the academic year in accordance with the Fire Code of New York State (§405). Fire drills will also be conducted during the summer at the time a building is occupied for a camp or event as required by the NYS Department of Health. Drills are intended to familiarize all occupants with the drill and

evacuation procedures. Responsibility for the planning and conduct of drills will be assigned to the Campus Safety supervisor of the shift that the drill is conducted on. Drills will be conducted unannounced at varied times and under different conditions that might be encountered in a real fire. A record of each drill will be kept that includes the following information:

- Identity of the person conducting the drill.
- Date and time of the drill.
- Notification method used.
- Staff participants.
- Number of occupants evacuated.
- Special conditions encountered or simulated.
- Weather conditions.
- Time required to accomplish complete evacuation.
- If a fire escape was utilized during the evacuation.

Fire drills in residence halls are scheduled periodically, in accordance with National Fire Protection Association and local fire-safety codes. Fire drills are intended to make sure occupants are aware of exit locations (KNOW TWO WAYS TO GET OUT) and that emergency-response personnel know their respective and mutual responsibilities.

Students should take fire alarms seriously, evacuate when they sound, and follow the directions of the person in charge. It also is important to become familiar with the location of exits. In case of an emergency evacuation, the best advice is stay calm. Safe escape may depend on thinking clearly and remembering what has been practiced. Residence staff will check residence rooms during fire alarms. "Students who fail to exit a building when the fire alarm sounds will be fined \$50" (Handbook of Community Standards pg. 80).

Procedures for Students and Employees to Follow in Case of a Fire

- Remain calm.
- If your door is cool to the touch: Open door slowly.
- If there is smoke or heat, crawl on your hands and knees.
- Evacuate the building via designated emergency egress routes, remember two ways out; use a fire escape if needed. Do not use elevators!
- Activate a nearby fire alarm pull station if one is accessible – ON YOUR WAY OUT.
- Immediately report the fire to Campus Safety – ext. 3333 from an on-campus phone, or call (315) 781-3333 from a cell or off-campus phone.
- Proceed to the EMERGENCY MEETING PLACE to await further instructions.

If you are caught in a fire:

- Do not open a door that feels hot.
- Close doors behind you as you exit.
- Crawl if you are in a smoke-filled hallway
- (STAY LOW AND GO).
- Remember two ways out!

- Stay alert and report anyone who might still be in the building.
- If you are unable to leave your room – seal the bottom of your door with a wet towel, sheet or article of clothing.
- Hang a towel or sheet from your window and announce your location.
- STOP, DROP AND ROLL if your clothing catches fire.
- Do not exit windows above the ground floor unless there is a fire escape present.

**** REPORT ANY FIRE OCCURRENCE TO CAMPUS SAFETY (NO MATTER HOW SLIGHT).**

Policies Regarding Fire Safety Education & Training Programs

Smoking Policy (*Handbook of Community Standards pg. 65.*) Smoking is prohibited in all college owned or operated buildings, intercollegiate events (both indoor and outdoor), and, based on New York State's Clean Indoor Air Act, in all indoor spaces, where no person shall smoke or carry a lighted cigar, cigarette (including electronic cigarettes and smoking devices), pipe, or any other form of smoking object. Students smoking indoors which results in a full fire alarm will be charged an automatic \$500 fine.

New York State Public Health Law (Subdivision 13 of section 1399-o) Smoking shall not be permitted and no person shall smoke in the following indoor areas:
13. All public and private colleges, universities and other educational and vocational institutions.

Fire Safety (*Handbook of Community Standards pg. 79-81.*) Fire safety is a concern in which a student's actions or inactions can have great impact on other students and the Geneva community. Students who violate fire-safety code and cause the institution to be fined shall be assessed the amount of the fine and other sanctions.

Each year members of the local fire department respond to many false alarms and in doing so put themselves and the community at risk. False alarms risk making everyone — especially students — complacent and less sensitive to the next fire call, which could be for a major life-threatening fire.

A computer-based central fire-alarm monitoring system, located in the Office of Campus Safety, is designed to provide warning of fire danger in campus buildings. Any alarm signal enables campus safety officers to enter that room. Localized alarms sound in all buildings. Response to alarms is by both Campus Safety officers and the Geneva Fire Department.

The following items are strictly prohibited to secure the Colleges' property and the community's safety. Any illegal appliance that comes to the attention of a Colleges' official will be confiscated and the student will be referred to the appropriate hearing body or Vice President for Campus Life or designee.

These items are prohibited (this list is a reference and not exhaustive):

- Candles/open flame devices (a charge of \$50 will be assessed for each candle found) *Handbook of Community Standards pg. 80.*
- Incense
- Tapestries or other wall coverings, including flags
- Halogen or torchier lamps
- Extension cords (only power strips with surge protectors are allowed)
- Holiday lights
- Toaster ovens/hot plates/hot water pots/Foreman grills
- Coffee pots (units with an auto shut-off feature and Keurig-style coffee makers are allowed)
- Microwave ovens (except for Colleges-approved micro- fridges)
- Large refrigerators (above 3-cubic-feet)
- Fireworks/pyrotechnics
- Building lofts and other wood structures

To minimize the risk of fire, the following fire safety rules have been adopted. Violation of the rules will lead to disciplinary action. Questions regarding prohibited items should be directed to the Office of Residential Education or the Office of Campus Safety.

Open flames and burning

The use of open-flame devices or other burning materials, such as candles and incense, and the melting of wax to fabricate candles, is prohibited. Such materials will be confiscated. Students found responsible for setting fires may expect to be separated permanently from the Colleges. A charge of \$50 will be assessed for each candle found.

Fire extinguishers and other fire-safety devices

Fire extinguishers should be utilized only for their intended purpose and should not be removed from their assigned location. An extinguisher should be used only after the alarm has been pulled and the fire department has been notified. Then, those who are capable may attempt to control a small fire.

Unwarranted use of a fire extinguisher or any other tampering with fire alarms or devices is considered a serious offense that could lead to suspension from the Colleges. **A minimum charge of \$250 will be assessed to any student or floor residents who discharge, damage, or tamper with any fire-safety equipment other than to control a fire.** (*Handbook of Community Standards pg. 80*)

Fire doors

Fire and smoke doors must be kept closed at all times. They are there to save lives and minimize damage to buildings and personal property.

Exit paths

Furniture is not to block exit paths.

Cooking and kitchens

Use of all cooking appliances in student rooms is strictly prohibited. Toaster ovens, microwave ovens, George Forman- type grills, hot plates, large refrigerators, burners, etc. are prohibited in rooms. A small kitchen area is provided in most residence halls.

Electrical usage

Caution should be exercised in the use of electrical appliances and power strips to prevent overloading of electrical circuits. Aerials for radios and other items of this nature are not permitted outside of rooms or on the building. Electrical wires leading from residence rooms to receptacles outside the rooms are prohibited.

Fireworks

All forms of pyrotechnics (firecrackers, cherry bombs, etc.) are prohibited by New York State law. A student found in possession of fireworks will be subject to severe disciplinary action, and the use of fireworks will be regarded as starting a fire.

Lofts and other structures

Building lofts and wood structures are prohibited. Shelves and other room structures may not be attached to room furnishings, walls, ceilings, or floors.

Lighting and fire safety policy

Lamps of all kinds can be fire hazards. Research strongly suggests that a lamp's design and the way that it is used—even more than its light source—determine its safety.

Through the residence education program, the Colleges will monitor the lighting arrangements in students' rooms and require that students observe the following rules in using lamps in their residences:

- 1) The use of halogen lamps, particularly halogen floor or torchier lamps, is prohibited because their bulbs reach high temperatures quickly causing the shades to melt, and their small bases with long segmented poles are often unsteady, increasing their potential for tipping over.
- 2) Never touch a light bulb with bare fingers. Many retain heat long after being switched off. Skin oils can cause hot spots that may cause bulbs to fail or burst. Compact Fluorescent Lights (CFLs) are strongly suggested to be used for lighting as they are cool to the touch and save energy.

3) Floor lamps should be placed on a level surface away from walls, furniture, or contact with combustible materials. It is important not to leave bulbs bare—they must have a covering to avoid fires. Lamps should not be placed on beds or in lofts where the lamp or a frayed cord could ignite the bedding.

4) Clothing or other combustible materials should never be hung on or from any light source.

5) Curtains may be allowed with the permission of the Office of Student Engagement personnel. Tapestries are not allowed.

6) Interior decorative lights are not allowed.

7) Lamps with defective switches, frayed cords, unsteady bases, or broken poles should be discarded or immediately removed from service until properly repaired.

8) The use of multiple extension cords, "octopus plugs" or strip plugs is prohibited, as they overload circuits in the room. Placement of cords under carpeting or in locations where they will be walked on and damaged is also forbidden.

9) Turn off all lights when leaving a room for any extended period of time.

10) Consider alternatives to additional lighting; when placing furniture in the room, take advantage of existing lighting when locating study/reading areas.

11) In addition to one scheduled safety check per semester, community advisors (CAs) are also encouraged to make periodic unscheduled room visits. Community advisors are not trained as lighting and safety experts; however, when unsafe lighting arrangements are observed, CAs will note them as violations cited for correction.

Extension Cords

The use of multiple extension cords, "octopus plugs" or strip plugs is prohibited, as they overload circuits in the room. Placement of cords under carpeting or in locations where they will be walked on is also forbidden.

Motorcycles and motorbikes

Motorcycles and motorbikes are not permitted in the residence halls.

Space heaters/air conditioners

Due to fire safety concerns and possible overloading of electrical circuits, space heaters and air conditioner as follows:

- Space Heaters must be approved by the Office of Buildings and Grounds and will only be provided on a temporary basis.
- Air Conditioners are not permitted unless approved by the Director of Student Engagement Operations in conjunction with the Center for Teaching and Learning Associate Director of Disability Services.

For more information about fire safety, contact Campus Safety, ext. 3000, or consult Living Safely, published annually by the Office of Campus Safety. Information is also available from the Consumer Product Safety Commission at (800) 638-2772 or www.cpsc.gov, and Underwriter's Laboratory (800) 787-8540 or www.ul.com.

Fire safety education programs and fire safety training programs associated with on-campus student housing facilities

- Hobart and William Smith Colleges provides Student Engagement Staff and Community Assistants (CAs) fire safety training involving the NYSOFC Fire Marshal, Geneva Fire Department and Campus Safety.
- The Office of Student Engagement provides fire safety training to its CAs via an online fire training program.
- Trained CA's conduct fire safety discussions with residents during their fall semester floor meetings and
- Campus Safety Officers, during Orientation, conduct fire safety talks to all students.

Plans for future Improvement in Fire Safety

Hobart and William Smith Colleges works closely with the New York State Office of Fire Prevention and Control and the Geneva Fire Department to address and correct any deficiencies in an ongoing effort to mitigate fire safety issues. HWS strives to continually improve our current fire safety program.

Fire Log

The Office of Campus Safety maintains a fire log that lists all fires occurring in an on-campus student housing facility. The fire log documents the date the fire was reported, the nature of the fire, date and time of occurrence and general location of the fire.

The fire log is available for viewing 365 days per year and at any time of the day or night at the Office of Campus Safety which is located in the facilities building in the Medbery parking lot. At a minimum, the most recent 60 day period of fire log entries will be available for viewing. If unavailable at the time of viewing, fire log information older than the most recent 60 day period will be made available within two business days of the request for inspection.

Table 1.1: On-Campus Student Residence Buildings and Fire Safety Systems 2022

HWS Residence Hall/House	Fire Alarm System	Sprinkler System	Smoke & Heat Detection	Fire Extinguishers	Evacuation Plans Posted	Number of Evacuation (Fire) Drills Each Calendar Year
Abbe Center, 764 S. Main St.	YES	YES	YES	YES	YES	4
Balmanno Cottage, 583 S. Main St.	YES	YES	YES	YES	YES	4
Bampton House, 720 S. Main St.	YES	YES	YES	YES	YES	4
Bartlett Hall, 353 Pulteney St.	YES	YES	YES	YES	YES	4
Beta Sigma, 756 S. Main St.	YES	YES	YES	YES	YES	4
Blackwell House, 40 St. Clair St. Circle	YES	YES	YES	YES	YES	4
Caird Hall, 183 Hamilton St.	YES	YES	YES	YES	YES	4
Carr-McGuire, 775 S. Main St.	YES	YES	YES	YES	YES	4
Chi Phi, 573 S. Main St.	YES	YES	YES	YES	YES	4
Comstock, 42 St. Clair St. Circle	YES	YES	YES	YES	YES	4
deCordova Hall, 189 Hamilton St.	YES	YES	YES	YES	YES	4
Delta Chi, 574 S. Main St.	YES	YES	YES	YES	YES	4
Durfee Hall, 355 Pulteney St.	YES	YES	YES	YES	YES	4
Emerson Hall, 185 Hamilton St.	YES	YES	YES	YES	YES	4
Geneva Hall, 648 S. Main St.	YES	YES	YES	YES	YES	4
Hale Hall 351 Pulteney St.	YES	YES	YES	YES	YES	4
Hillcrest House, 159 St. Clair St.	YES	NO	YES	YES	YES	4
Hirshson House, 46 St. Clair St. Circle	YES	YES	YES	YES	YES	4
Jackson Hall, 425 Pulteney St.	YES	YES	YES	YES	YES	4
Kappa Alpha, 600 S. Main St.	YES	YES	YES	YES	YES	4
Kappa Sigma, 584 S. Main St.	YES	YES	YES	YES	YES	4

HWS Residence Hall/House	Fire Alarm System	Sprinkler System	Smoke & Heat Detection	Fire Extinguishers	Evacuation Plans Posted	Number of Evacuation (Fire) Drills Each Calendar Year
McCormick House, 185 Hamilton St.	YES	YES	YES	YES	YES	4
McDaniel's House, 645 S. Main St.	YES	YES	YES	YES	YES	4
Medbery Hall, 315 Pulteney St.	YES	YES	YES	YES	YES	4
Miller House, 44 St. Clair St. Circle	YES	YES	YES	YES	YES	4
Odell's Village 1, 218 St. Clair St.	YES	NO	YES	YES	YES	4
Odell's Village 2, 13 Village Dr.	YES	NO	YES	YES	YES	4
Odell's Village 3, 25 Village Dr.	YES	NO	YES	YES	YES	4
Odell's Village 4, 37 Village Dr.	YES	YES	YES	YES	YES	4
Potter Hall, 445 Pulteney St	YES	YES	YES	YES	YES	4
Rees Hall, 435 Pulteney St.	YES	YES	YES	YES	YES	4
Sheppard House, 141 St. Clair St.	YES	YES	YES	YES	YES	4
Sherrill Hall, 51 St. Clair St.	YES	YES	YES	YES	YES	4
Sill House, 710 S. Main St.	YES	YES	YES	YES	YES	4
Stewardson House, 780 S. Main St.	YES	YES	YES	YES	YES	4
Trowbridge House, 129 St. Clair St.	YES	YES	YES	YES	YES	4
Zappler House, 577 S. Main St.	YES	YES	YES	YES	YES	4
99 St. Clair St.	YES	YES	YES	YES	YES	4
133 St. Clair St.	YES	NO	YES	YES	YES	4
169 St. Clair St.	YES	YES	YES	YES	YES	4
402 Pulteney St.	YES	NO	YES	YES	YES	4
408 Pulteney St.	YES	NO	YES	YES	YES	4
412 Pulteney St.	YES	NO	YES	YES	YES	4
420 Pulteney St.	YES	NO	YES	YES	YES	4
615 S. Main St.	YES	YES	YES	YES	YES	4
623 S. Main St.	YES	YES	YES	YES	YES	4
639 S. Main St.	YES	YES	YES	YES	YES	4
704 S. Main St.	YES	YES	YES	YES	YES	4
730 S. Main St.	YES	YES	YES	YES	YES	4
737 S. Main St.	YES	YES	YES	YES	YES	4
746 S. Main St.	YES	YES	YES	YES	YES	4
113 Hamilton St.	YES	NO	YES	YES	YES	4
121 Hamilton St.	YES	NO	YES	YES	YES	4
123 Hamilton St.	YES	NO	YES	YES	YES	4
380 S. Main St.	YES	NO	YES	YES	YES	4
Total Fire Drills						220

Campus Fire Statistics For Prior Three Years

2020 On-Campus Student Residence Building Fires

HWS Residence Hall/House	Total Fires in Each Building	Fire Number	Cause of Fire	Injuries	Deaths	Value of Property Damage
Abbe Center, 764 S. Main St.	0	0	N/A	N/A	N/A	N/A
Balmanno Cottage, 583 S. Main St.	0	0	N/A	N/A	N/A	N/A
Bampton House, 720 S. Main St.	0	0	N/A	N/A	N/A	N/A
Bartlett Hall, 353 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Beta Sigma, 756 S. Main St.	1	1	Oven Fire	0	0	\$0-\$99
Blackwell House, 40 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
Caird Hall, 183 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Carr-McGuire, 775 S. Main St.	0	0	N/A	N/A	N/A	N/A
Chi Phi, 573 S. Main St.	0	0	N/A	N/A	N/A	N/A
Comstock, 42 St. Clair St. Circle	1	1	Electric motor fire in heater	0	0	\$0-\$99
deCordova Hall, 189 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Delta Chi, 574 S. Main St.	0	0	N/A	N/A	N/A	N/A
Durfee Hall, 355 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Emerson Hall, 185 Hamilton St.	1	1	Electrical outlet fire	0	0	\$0-\$99
Geneva Hall, 648 S. Main St.	0	0	N/A	N/A	N/A	N/A
Hale Hall, 351 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Hillcrest House, 159 St. Clair St.	1	1	Oven fire (plastic dish strainer left in oven)	0	0	\$0-\$99
Hirshson House, 46 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
Jackson Hall, 425 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Kappa Alpha, 600 S. Main St.	0	0	N/A	N/A	N/A	N/A
Kappa Sigma, 584 S. Main St.	0	0	N/A	N/A	N/A	N/A
McCormick House, 185 Hamilton St.	0	0	N/A	N/A	N/A	N/A
McDaniel's House, 645 S. Main St.	0	0	N/A	N/A	N/A	N/A
Medbery Hall, 315 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Miller House, 44 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
Odell's Village 1, 218 St. Clair St.	1	1	Stove burner fire	0	0	\$100-\$999
Odell's Village 2, 13 Village Dr.	0	0	N/A	N/A	N/A	N/A
Odell's Village 3, 25 Village Dr.	0	0	N/A	N/A	N/A	N/A
Odell's Village 4, 37 Village Dr.	0	0	N/A	N/A	N/A	N/A
Potter Hall, 445 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Rees Hall, 435 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Sheppard House, 141 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Sherrill Hall, 51 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Sill House, 710 S. Main St.	0	0	N/A	N/A	N/A	N/A
Stewardson House, 780 S. Main St.	0	0	N/A	N/A	N/A	N/A
Trowbridge House, 129 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Zappler House, 577 S. Main St.	0	0	N/A	N/A	N/A	N/A
99 St. Clair St.	0	0	N/A	N/A	N/A	N/A
133 St. Clair St.	0	0	N/A	N/A	N/A	N/A
169 St. Clair St.	0	0	N/A	N/A	N/A	N/A

HWS Residence Hall/House	Total Fires in Each Building	Fire Number	Cause of Fire	Injuries	Deaths	Value of Property Damage
400 Pulteney St.	0	0	N/A	N/A	N/A	N/A
402 Pulteney St.	0	0	N/A	N/A	N/A	N/A
408 Pulteney St.	0	0	N/A	N/A	N/A	N/A
412 Pulteney St.	0	0	N/A	N/A	N/A	N/A
420 Pulteney St.	0	0	N/A	N/A	N/A	N/A
615 S. Main St.	0	0	N/A	N/A	N/A	N/A
623 S. Main St.	0	0	N/A	N/A	N/A	N/A
639 S. Main St.	0	0	N/A	N/A	N/A	N/A
704 S. Main St.	0	0	N/A	N/A	N/A	N/A
730 S. Main St.	0	0	N/A	N/A	N/A	N/A
737 S. Main St.	0	0	N/A	N/A	N/A	N/A
746 S. Main St.	0	0	N/A	N/A	N/A	N/A
113 Hamilton St.	0	0	N/A	N/A	N/A	N/A
121 Hamilton St.	1	1	Oven Fire	0	0	\$0-\$99
123 Hamilton St.	0	0	N/A	N/A	N/A	N/A
380 S. Main St.	1	1	Cooking oil on fire spilled onto waste basket	0	0	\$0-\$99
Microtel 550 Hamilton St.	0	0	N/A	N/A	N/A	N/A
123 Hamilton St.	0	0	N/A	N/A	N/A	N/A
380 S. Main St.	0	0	N/A	N/A	N/A	N/A

2021 On-Campus Student Residence Building Fires

HWS Residence Hall/House	Total Fires in Each Building	Fire Number	Cause of Fire	Injuries	Deaths	Value of Property Damage
Abbe Center, 764 S. Main St.	0	0	N/A	N/A	N/A	N/A
Balmano Cottage, 583 S. Main St.	0	0	N/A	N/A	N/A	N/A
Bampton House, 720 S. Main St.	0	0	N/A	N/A	N/A	N/A
Bartlett Hall, 353 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Beta Sigma, 756 S. Main St.	0	0	N/A	N/A	N/A	N/A
Blackwell House, 40 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
Caird Hall, 183 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Carr-McGuire, 775 S. Main St.	0	0	N/A	N/A	N/A	N/A
Chi Phi, 573 S. Main St.	0	0	N/A	N/A	N/A	N/A
Comstock, 42 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
deCordova Hall, 189 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Delta Chi, 574 S. Main St.	0	0	N/A	N/A	N/A	N/A
Durfee Hall, 355 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Emerson Hall, 185 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Geneva Hall, 648 S. Main St.	0	0	N/A	N/A	N/A	N/A
Hale Hall, 351 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Hillcrest House, 159 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Hirshson House, 46 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
Jackson Hall, 425 Pulteney St.	1	1	Burnt popcorn in microwave	0	0	\$0-\$99

HWS Residence Hall/House	Total Fires in Each Building	Fire Number	Cause of Fire	Injuries	Deaths	Value of Property Damage
Kappa Alpha, 600 S. Main St.	0	0	N/A	N/A	N/A	N/A
Kappa Sigma, 584 S. Main St.	0	0	N/A	N/A	N/A	N/A
McCormick House, 185 Hamilton St.	0	0	N/A	N/A	N/A	N/A
McDaniel's House, 645 S. Main St.	0	0	N/A	N/A	N/A	N/A
Medbery Hall, 315 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Miller House, 44 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
Odell's Village 1, 218 St. Clair St.	1	1	Stove burner fire	0	0	\$0-\$99
Odell's Village 2, 13 Village Dr.	0	0	N/A	N/A	N/A	N/A
Odell's Village 3, 25 Village Dr.	0	0	N/A	N/A	N/A	N/A
Odell's Village 4, 37 Village Dr.	1	1	Stove burner fire	0	0	\$0-\$99
Potter Hall, 445 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Rees Hall, 435 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Sheppard House, 141 St. Clair St.	1	1	Grease fire in oven	0	0	\$0-\$99
Sherrill Hall, 51 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Sill House, 710 S. Main St.	1	1	Burnt popcorn in microwave	0	0	\$0-\$99
Stewardson House, 780 S. Main St.	0	0	N/A	N/A	N/A	N/A
Trowbridge House, 129 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Zappler House, 577 S. Main St.	0	0	N/A	N/A	N/A	N/A
99 St. Clair St.	0	0	N/A	N/A	N/A	N/A
133 St. Clair St.	0	0	N/A	N/A	N/A	N/A
169 St. Clair St.	0	0	N/A	N/A	N/A	N/A
402 Pulteney St.	0	0	N/A	N/A	N/A	N/A
408 Pulteney St.	0	0	N/A	N/A	N/A	N/A
412 Pulteney St.	0	0	N/A	N/A	N/A	N/A
420 Pulteney St.	0	0	N/A	N/A	N/A	N/A
615 S. Main St.	0	0	N/A	N/A	N/A	N/A
623 S. Main St.	0	0	N/A	N/A	N/A	N/A
639 S. Main St.	0	0	N/A	N/A	N/A	N/A
704 S. Main St.	0	0	N/A	N/A	N/A	N/A
730 S. Main St.	0	0	N/A	N/A	N/A	N/A
737 S. Main St.	0	0	N/A	N/A	N/A	N/A
746 S. Main St.	0	0	N/A	N/A	N/A	N/A
113 Hamilton St.	0	0	N/A	N/A	N/A	N/A
121 Hamilton St.	0	0	N/A	N/A	N/A	N/A
123 Hamilton St.	0	0	N/A	N/A	N/A	N/A
380 S. Main St.	0	0	N/A	N/A	N/A	N/A
Microtel 550 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Hampton Inn, 43 Lake St.	0	0	N/A	N/A	N/A	N/A
41 Lakefront Hotel, 41 Lakefront Dr.	0	0	N/A	N/A	N/A	N/A

2022 On-Campus Student Residence Building Fires

HWS Residence Hall/House	Total Fires in Each Building	Fire Number	Cause of Fire	Injuries	Deaths	Value of Property Damage
Abbe Center, 764 S. Main St.	0	0	N/A	N/A	N/A	N/A
Balmano Cottage, 583 S. Main St.	0	0	N/A	N/A	N/A	N/A
Bampton House, 720 S. Main St.	0	0	N/A	N/A	N/A	N/A
Bartlett Hall, 353 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Beta Sigma, 756 S. Main St.	0	0	N/A	N/A	N/A	N/A
Blackwell House, 40 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
Caird Hall, 183 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Carr-McGuire, 775 S. Main St.	0	0	N/A	N/A	N/A	N/A
Chi Phi, 573 S. Main St.	0	0	N/A	N/A	N/A	N/A
Comstock, 42 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
deCordova Hall, 189 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Delta Chi, 574 S. Main St.	0	0	N/A	N/A	N/A	N/A
Durfee Hall, 355 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Emerson Hall, 185 Hamilton St.	0	0	N/A	N/A	N/A	N/A
Geneva Hall, 648 S. Main St.	0	0	N/A	N/A	N/A	N/A
Hale Hall, 351 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Hillcrest House, 159 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Hirshson House, 46 St. Clair St. Circle	1	1	Burnt papers in room	N/A	N/A	\$0-\$99
Jackson Hall, 425 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Kappa Alpha, 600 S. Main St.	0	0	N/A	N/A	N/A	N/A
Kappa Sigma, 584 S. Main St.	0	0	N/A	N/A	N/A	N/A
McCormick House, 185 Hamilton St.	0	0	N/A	N/A	N/A	N/A
McDaniel's House, 645 S. Main St.	0	0	N/A	N/A	N/A	N/A
Medbery Hall, 315 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Miller House, 44 St. Clair St. Circle	0	0	N/A	N/A	N/A	N/A
Odell's Village 1, 218 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Odell's Village 2, 13 Village Dr.	0	0	N/A	N/A	N/A	N/A
Odell's Village 3, 25 Village Dr.	1	1	Fire in Oven	N/A	N/A	\$0-\$99
Odell's Village 4, 37 Village Dr.	0	0	N/A	N/A	N/A	N/A
Potter Hall, 445 Pulteney St.	1	1	Fire in Microwave Oven	N/A	N/A	\$0-\$99
Rees Hall, 435 Pulteney St.	0	0	N/A	N/A	N/A	N/A
Sheppard House, 141 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Sherrill Hall, 51 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Sill House, 710 S. Main St.	0	0	N/A	N/A	N/A	N/A
Stewardson House, 780 S. Main St.	0	0	N/A	N/A	N/A	N/A
Trowbridge House, 129 St. Clair St.	0	0	N/A	N/A	N/A	N/A
Zappler House, 577 S. Main St.	0	0	N/A	N/A	N/A	N/A
99 St. Clair St.	0	0	N/A	N/A	N/A	N/A
133 St. Clair St.	0	0	N/A	N/A	N/A	N/A
169 St. Clair St.	0	0	N/A	N/A	N/A	N/A
402 Pulteney St.	0	0	N/A	N/A	N/A	N/A
408 Pulteney St.	0	0	N/A	N/A	N/A	N/A

HWS Residence Hall/House	Total Fires in Each Building	Fire Number	Cause of Fire	Injuries	Deaths	Value of Property Damage
412 Pulteney St.	0	0	N/A	N/A	N/A	N/A
420 Pulteney St.	0	0	N/A	N/A	N/A	N/A
615 S. Main St.	0	0	N/A	N/A	N/A	N/A
623 S. Main St.	0	0	N/A	N/A	N/A	N/A
639 S. Main St.	0	0	N/A	N/A	N/A	N/A
704 S. Main St.	0	0	N/A	N/A	N/A	N/A
730 S. Main St.	0	0	N/A	N/A	N/A	N/A
737 S. Main St.	0	0	N/A	N/A	N/A	N/A
746 S. Main St.	0	0	N/A	N/A	N/A	N/A
113 Hamilton St.	0	0	N/A	N/A	N/A	N/A
121 Hamilton St.	0	0	N/A	N/A	N/A	N/A
123 Hamilton St.	0	0	N/A	N/A	N/A	N/A
380 S. Main St.	0	0	N/A	N/A	N/A	N/A



HOBART AND WILLIAM SMITH
COLLEGES