Living Safely

ANNUAL SECURITY REPORT

October 1, 2017
Message from the Director:

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.

Martin Corbett  
Director of Campus Safety
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 Director of Campus Safety, the office is staffed with one associate director, communications supervisor, four patrol sergeants and 16 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 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 195 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.

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.
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 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.

**Reports to the Geneva Police Department can be made by calling (315) 789-1111. Crimes can also be reported directly to the Ontario County Sheriff’s Office by dialing 911.**

**33 blue light and emergency telephones are strategically placed throughout the campus**

**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 encourages 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 [http://www.hws.edu/studentlife/titleIX_office.aspx](http://www.hws.edu/studentlife/titleIX_office.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 3 p.m. to 4 p.m. Monday through Friday.

Chaplain Maurice Charles, Monday-Friday 8:30-5:00, Chaplain’s Office is located at the St. John’s Chapel on S. Main St. Chaplin and may be reached at, 315-781-3670 or charles@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 http://www.hws.edu/about/bias_reporting.aspx

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
Timely Warnings will be issued for any Clery Act reportable crime reported to any campus security authority or the local police occurring on property owned or controlled by the Colleges’ that is considered to represent a serious or continuing threat to students or employees.

The purpose of these Timely Warnings is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. The Colleges will issue Timely Warnings whenever the following criteria are met: 1) a crime defined under the Clery Act is committed; 2) the crime is committed on property owned or controlled by the Colleges’ 3) the perpetrator has not been apprehended; and 4) there is a serious or continuing threat to members of the campus community because of the crime.

Additionally, the Colleges may, in some circumstances, issue Safety Announcements when there is a pattern of crimes against persons or property or for incidents involving off-campus crimes occurring at locations or in areas frequented by the Colleges population.

At Hobart and William Smith Colleges, the Director of Campus Safety in conjunction with the Vice President of Campus Life will generally make the determination, in consultation with other Colleges’ offices when appropriate, if a Timely Warning is required. However, in emergency situations, or in the absence of the Director of Campus Safety and/or the Vice President of Campus Life, the Associate Vice President and Dean of Students and the Associate Director of Campus Safety Administration may make the decision to authorize a Timely Warning.

Once it is determined that the reported incident meets the criteria listed above and represents a serious or continuing threat to students or employees, pertinent information about the incident will be provided to the Office of Communications.

The Office of Communications will prepare the Timely Warning ensuring that the warning withholds as confidential the names and other identifying information of victims, and will disseminate the warning to the entire campus community through the Hobart and William Smith email system and other means of communicating with the campus community as appropriate.

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 Bookstore.

Solicitation in any building is prohibited without the express consent of the Office of Campus Life or a President’s cabinet 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
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 one-card 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 one-card, it should immediately be reported to Residential Education, 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 safe 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 does not normally provide this service during the hours that the campus shuttle is operating unless there are extenuating circumstances. 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 1 a.m. Sunday through Thursday, 2 a.m. on Friday and 3 a.m. on Saturday.

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 for proper operation once each day 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 several times daily by officers. In addition, through the One-Card system, Campus Safety monitors the status of residence hall and house doors equipped with One-Card readers or alarms. When a residence hall or house door is propped in the open position, an alarm sounds through the One-Card 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 College’s website.

RA Training
This training is provided annually to student Resident Assistants (RAs) by the Office of Campus Safety. The RAs are trained by Campus Safety personnel on how to protect themselves when handling an incident and procedures for notifying the Office of Campus Safety. This training educates RAs about how to handle incidents that they can manage, as well as explain what is expected of RAs during incidents being handled 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 RA’s participate in the Colleges’ Campus Security Authority (CSA) training program.
Returning Student Sunday Night Floor Meeting Programs
The “Sunday Night 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 RA 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 provides faculty, staff, and student leaders with skills to respond effectively to students in distress and to make appropriate referrals. It is provided three times for students and twice for faculty and staff each semester. Through frank dialogue, this training aims to prepare 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 Ontario County Sheriff’s Office, the Office of Campus Safety, and the Office of Student Activities 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 RAs collaboratively by Residential Education. This training is designed to prepare student RAs to respond to a variety of policy violations they may encounter. Behind Closed Doors allows RAs to role-play the handling of various situations and involves potential outcomes that depend on each encounter. RAs 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 man-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 (EAP’s), 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 sexual misconduct, visit http://www.hws.edu/studentlife/smp/.

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

STATEMENT OF INTENT
Hobart and William Smith 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 specifically prohibit Sexual or Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Physical Assault, Stalking, and Retaliation. These forms of behavior are referred to in this Policy and accompanying Procedures interchangeably as Prohibited Conduct or Sexual Misconduct. Sexual Misconduct is unlawful and unacceptable in the HWS community and the Colleges will not tolerate such behavior.

The Colleges adopt this Policy to:
(1) reaffirm the Colleges’ institutional values;
(2) define community expectations;
(3) provide for fair and equitable procedures for determining when this Policy has been violated; and
(4) provide recourse for those individuals whose rights have been violated.

The Colleges respond promptly and equitably to reports of Sexual Misconduct to eliminate Prohibited Conduct, prevent its recurrence and address its effects. The Colleges conduct ongoing prevention, awareness, and training programs for students and employees and take disciplinary action against students, faculty and staff found to be in violation of this Policy. Disciplinary action for violations of this Policy may include expulsion of a student or termination of a faculty or staff member.

The Colleges require all members of the HWS community to conduct themselves in a manner that does not infringe upon the rights of others. The Colleges will not tolerate Sexual Misconduct. The Colleges expect all members of our community to foster a safe, welcoming, and respectful environment on campus. The Colleges strongly encourage HWS community members to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct to which an individual is a bystander. Taking action may include direct intervention when safe to do so, enlisting the assistance of friends, contacting law enforcement or seeking assistance from a person in authority. The Colleges will support all HWS community members who choose to engage as an active bystander and protect all members of the community from retaliation for any reports made under this Policy.

SCOPE OF POLICY
This Policy applies to all HWS community members, including students; faculty; staff; and third parties, such as 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 when the conduct:

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

This Policy refers to both reports and complaints. **Report** is used to indicate the process of giving a verbal or written account of Prohibited Conduct to a responsible employee of the Colleges (e.g., “a student reported or made a report to a faculty member that a sexual assault occurred at an off-campus party Friday night”). **Complaint** is used where the Colleges seeks Formal or Informal Resolution under this Policy.

**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 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 HWS representatives 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 HWS;
- 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.

**PROHIBITED CONDUCT**

This Policy prohibits specifically defined forms of behavior: Sexual or Gender-based Harassment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Physical Assault, Stalking, and Retaliation. Prohibited Conduct is determined without regard to the sex, gender, sexual orientation and/or gender identity/expression of the Complainant or the Respondent.

This section also includes definitions and a discussion of key terms, including Affirmative Consent and Incapacitation. The concept of Affirmative Consent is integral to the definition of Sexual Assault, expectations of the HWS community, and guidance for those who are involved in the implementation of the procedures, including the assessment, investigation and adjudication of Prohibited Conduct.

**Definitions:**

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.

**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.
**Colleges’ Definition of Sexual Assault:**

**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.

**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.

**New York State definitions:**

**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:**
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.

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.

**New York State Definitions:**

**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.”

**College’s Definitions:**

**Intimate Partner Violence**
Intimate Partner Violence 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 is not a distinct form of Prohibited Conduct. 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 taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship.

**Stalking:**
1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
   (i) fear for the person’s safety or the safety of others; or
   (ii) 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.

**New York State Definitions:**

**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; 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.

Colleges’ Definition of 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 and with similarities 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.

Consent
CONSENT: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the
time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: (a) less than 17 years old; or (b) mentally disabled; or (c) mentally incapacitated; or (d) physically helpless; or (e) committed to the care and custody or supervision of the state department of correctional services, or a hospital, or committed to the care and custody of a local correctional facility, or (g) or committed to the office of children and family services and is in residential care, or (h) a client or patient of a health care provider or mental health care provider, or (i) a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

CONSENT, ABBREVIATED: Clear, unambiguous, and voluntary agreement between the participating persons who are capable of consent to engage in specific sexual activity.

**Colleges’ Definition of Consent:**

**Affirmative 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. Threats are words or actions that would compel a reasonable person to engage in unwanted sexual activity against their will. Intimidation is an implied threat that menaces or causes reasonable fear in another individual. Coercion is the improper use of pressure to compel another 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, the Colleges will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) 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.

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 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.

**Evaluating Affirmative Consent and Incapacitation**

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, typical signs 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: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” “Do you know whom you are 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.

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.

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. 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.

VI. AMNESTY, OBLIGATION TO PROVIDE TRUTHFUL INFORMATION AND GROUP INFRACTIONS
Amnesty
The health and safety of every HWS 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 HWS 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 HWS 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 HWS community members 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 or 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. This provision does not apply to reports made or information provided in good faith, even if the report is not later substantiated.

**Group Infractions**

When members of a student group, organization, team, or individuals act collusively in violation of the Sexual Misconduct Policy, 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.

**APPLICABLE PROCEDURES**

A “Complainant” is the individual who reports or is reported as having experienced Prohibited Conduct. A “Respondent” is the individual accused of having violated this Policy. This Policy sets forth the provisions applicable to all community members, including how the Colleges will handle the initial assessment of reports of Prohibited Conduct. If Formal or Informal Resolution is required, the report will be considered a Complaint. The specific procedures used to resolve a Complaint will depend upon the nature of the relationship of the Respondent to the Colleges:

- Where the Respondent is a student, the Colleges will resolve Complaints by the procedures outlined in the Procedures for Resolving a Sexual Misconduct Complaint Against a Student, set out in Appendix A to this Policy.
- Where the Respondent is a faculty member, the Colleges will resolve Complaints by retaining an outside investigator to investigate the matter, substantially in the same manner set out in the Procedures for Resolving a Sexual Misconduct Complaint Against a Student, excepting that the investigator will make credibility determinations, observations of demeanor, and recommended findings. The Provost will then either accept or reject the recommended finding of the investigator and propose an appropriate 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.
- Where the Respondent is a staff member, the Colleges will resolve Complaints by retaining an outside investigator to investigate the matter, substantially in the same manner set out in the Procedures for Resolving a Sexual Misconduct Complaint Against a Student, excepting that the investigator will make credibility determinations, observations of demeanor, and recommended findings. The investigator will submit an investigation report to the Director of Human Resources who will accept or reject the recommended finding and determine the appropriate sanction. The Director of Human Resources will consult with the Respondent’s supervisor for resolution, including imposition of any sanction(s).
- Where the Respondent is 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 HWS and another institution, the institutions may work
collaboratively to address Sexual Misconduct 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.

The Colleges’ Procedures provide prompt and equitable responses to all reports of Prohibited Conduct and outline specific timeframes for major stages of the process. The Procedures provide all parties notice and an opportunity to present witnesses and evidence and the opportunity to view all information that will be used to determine whether a violation of this Policy has occurred. The Colleges apply the preponderance of the evidence standard to determine whether a violation occurred. The preponderance of the evidence means that it is more likely than not that a Policy violation occurred.

In any Complaint involving Sexual Misconduct, the Complainant and the Respondent will have the opportunity to review any documents that will be considered in the context of the proceeding, and both a Complainant and Respondent may be accompanied to any meeting by an advisor of choice.

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. HWS employees who are involved in the Colleges’ Title IX response, including the Title IX Coordinator, investigators, and adjudicators, receive specific training about safeguarding private information. Throughout the reporting, investigation and resolution of a complaint, including the implementation of remedial and protective 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 Sexual Misconduct.

HWS Employees are designated as either a Responsible Employee or a Confidential Employee. Responsible Employees have reporting obligations under this Policy, but will 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 a Responsible 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 Sexual Misconduct will only be shared with a limited circle of HWS employees who “need to know” in order to assist in the active review, investigation and resolution of the complaint and implementation of remedial and protective 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 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). HWS 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.
**Responsible Employees**

Unless designated as an HWS Confidential Employee, all HWS employees are Responsible Employees and are required to make an immediate report to the Title IX Coordinator upon receiving information about an incident of Prohibited Conduct. Responsible Employees include Resident Assistants, Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees. Responsible Employees will keep information private, but cannot maintain confidentiality. Responsible Employees are required 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. HWS offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible.

**Public Awareness Events**

Responsible Employees are generally not required to report information reported during public awareness events. Public awareness events including candlelight vigils such as Take Back the Night or other 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 Sexual Misconduct at the Colleges.

**Clery Act Reporting**

Under the Clery Act, the Colleges are required to issue timely warnings to the HWS community where certain reported crimes (including some forms of Sexual Misconduct) 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 Complainants.

**HWS 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 HWS 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 patients 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) 781-4530
By appointment
Monday – Friday 8:30 a.m.-6:30 p.m.
Sunday: 1-5 p.m. (nurse only)

**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 contacts listed below). Call the Geneva Police Department 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)

HWS Campus Safety: Campus Safety is available 24 hours a day, seven days a week, year round, to escort any HWS community member 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.

**HWS Campus Safety**
Campus Services Building
Off Pulteney Street
Medbery parking lot, NE corner

**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.

**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

**Confidential Crisis Resources (Support and Counseling):** All individuals involved in a report are strongly encouraged to seek immediate 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. HWS 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 who has experienced Prohibited Conduct 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 Resident Assistant or Area Coordinator or by calling Campus Safety. During an after-hours mental health emergency, call Campus Safety at (315) 781-3333 to reach the counselor on call. Campus Safety will not require an individual to disclose their name to be connected to the counselor on call.

**Confidential Crisis Resources (Support and Counseling):**

- **Emergency Phone**
  - (315) 781-3656
  - (315) 781-3657

- **Non-Emergency Phone**
  - (315) 781-3656
  - (315) 781-3657
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

Confidential Resources
HWS Confidential Employees
Counseling Center
(315) 781-3388
(See additional contact information above)

Office of Spiritual Engagement
Chaplain Maurice Charles
St. John's Chapel
630 S. Main Street
Geneva, NY 14456
(315) 781-3670

Abbey Center
315-679-6924

Hubbs Health Center
(315) 781-3600
(See additional contact information above)

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)

Remedial and Protective Measures
The Title IX Coordinator can provide Complainants and Respondents with information, support, and assistance and can arrange for a broad range of remedial and protective measures. Remedial measures are designed to address a Complainant’s safety, well-being and continued access to educational, employment or program opportunities. Protective measures involve action against a Respondent. Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, housing modifications, academic modifications and support, work schedule modifications, interim suspension, suspension from employment, and leave (with or without pay). Remedial and protective measures are available regardless of whether a Complainant pursues criminal or HWS disciplinary action. The Title IX Coordinator will assist individuals in determining whether certain forms of support, remedial and/or protective measures may be beneficial and appropriate.

The Title IX Coordinator also will promptly inform the Respondent of any action(s) (including any interim protective measures) that will directly impact the Respondent, and provide an opportunity for the Respondent to respond to such action(s). The Title IX Coordinator retains the discretion to impose and/or modify any interim protective measures based on all available information. Interim protective measures will remain in effect, unless new circumstances arise which warrant reconsideration of the protective measures. A
Complainant or Respondent may challenge interim protective measures or other actions, or failure to impose interim protective measures or take other actions, by contacting the Title IX Coordinator.

**Susan Lee**

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

The availability of remedial and protective measures will be determined by the specific circumstances of each case. 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 remedial and/or protective measures; the severity or pervasiveness of the reported Prohibited Conduct; any continuing effects on the Complainant; 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). When implementing such measures, the Colleges will seek to minimize the burden on the individual seeking the measures while considering fairness to the Respondent.

Protective and remedial measures may be temporary or permanent and may be modified by the Colleges as circumstances change. Such measures include:

- Arranging a meeting with law enforcement to discuss or report Prohibited Conduct and/or safety planning;
- Imposition of a No-Contact Order against an HWS community member;
- Assistance seeking a civil Order of Protection
  The Title IX Coordinator can arrange and/or attend a meeting with local law enforcement, who can explain the process for seeking an Order of Protection and can escort individuals to the appropriate office in order to initiate a petition seeking an Order of Protection;
- Arranging access to counseling services and assistance in setting up initial appointments;
- Arranging access to medical services and assistance in setting up initial appointments;
- Assistance in seeking academic assistance, including modified class schedules (including transfer to another section), permission to withdraw from and/or retake a class or attend a class via alternative means (e.g., independent study), extension of assignment deadlines, and voluntary leaves of absence;
- Assistance in modifying HWS housing arrangements, including immediate temporary relocation to safe spaces and/or permanent reassignment of HWS-owned housing;
- Assistance in modifying HWS employment arrangements, including changes in work schedules, job assignments, work locations and/or assigned parking;
- Imposing an interim suspension and/or leave, with or without pay, on the Respondent; and
- Any other measures that may be arranged by the Colleges (to the extent reasonably available) to ensure the safety and well-being of an individual who has been affected by Prohibited Conduct.

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 Director of International Student Affairs, the Hobart or William Smith Deans or other appropriate resources.

The Title IX Coordinator will ensure individuals receive written notification of all their rights and options, regardless of whether the individuals chooses to pursue disciplinary action under the 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 HWS disciplinary action. The Colleges will support Complainants in understanding and assessing their reporting options.

**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 but generally required to be within 96 hours of the incident);
- 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. Under Title IX, once an institution has notice of an act of Prohibited Conduct, it is required to (1) take immediate and appropriate steps to investigate or otherwise determine what occurred; and (2) take prompt and effective action to end any misconduct that occurred; remedy its effects; and prevent its recurrence. 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 HWS community See below D.

Making a Report to the Colleges does not require participation in any subsequent HWS proceedings, nor is a report required in order for an individual to receive support or remedial 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 HWS community, the Colleges will provide appropriate remedial 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:

**Susan Lee**  
**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**

**D. Anonymous Reporting**

Any individual may make an anonymous report concerning an act of Prohibited Conduct, including through the Colleges’ online Bias Incident Reporting System. 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 may call the Title IX Coordinator to discuss options 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.

**COLLEGES’ INITIAL RESPONSE TO ALL REPORTS OF PROHIBITED CONDUCT**

**Intake Assessment**
Upon receipt of a report of Prohibited Conduct, 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:

- Assess the Complainant’s safety and well-being and offer immediate support and assistance;
- 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 HWS and community resources, the right to seek appropriate and available remedial and protective measures, and how to request those resources and measures;
- Inform the Complainant of the right to seek an informal resolution (where available) or formal resolution; 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 HWS investigation and resolution;
- 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), contact the appropriate child protective service agency;
- Coordinate with appropriate HWS officials 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.

**Determination of Colleges’ Response Following Intake Assessment**
Following the Intake Assessment, the Title IX Coordinator will promptly evaluate every report of Prohibited Conduct and review new information as it becomes available. The Title IX Coordinator will review all known information about the reported incident of Prohibited Conduct. Such information includes, if known, the names and/or any other information that personally identifies the Complainant, the Respondent, any witnesses, and/or any other third parties with knowledge of the reported incident. The Title IX Coordinator may consult with members of the HWS community, including the Director of Campus Safety, Vice President for Student Affairs, Vice President for Human Resources and/or Provost.

The Title IX Coordinator will determine whether the reported information and any other available information provides a reasonable basis for concluding that there is a threat to the safety or well-being of the Complainant or to the HWS community. The Title IX Coordinator will make this determination based upon a review of the totality of the known circumstances, and will be guided by a consideration of 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 HWS no-contact orders, other HWS protective measures, 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 “date-rape” or similar 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.

Upon completion of the safety and well-being assessment, the Title IX Coordinator will determine the course of action, which may include but is not limited to Formal Resolution and/or Informal Resolution (if available).

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. 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.

Where the Complainant Wishes to Pursue Formal or Informal Resolution
In every case in which the Complainant reports Prohibited Conduct and requests an investigation and disciplinary action, the Title IX Coordinator will promptly initiate Formal Resolution if, taking all known information as true, the report would constitute a violation of the Policy.

Where the Complainant Requests Anonymity, that an Investigation not be Pursued, that a Complaint be Withdrawn and/or that No Disciplinary Action Be Taken
A Complainant may request that personally-identifying information not be shared with the Respondent, that no investigation be pursued, that a complaint be withdrawn, and/or that no disciplinary action be taken.

The Title IX Coordinator will consider the following factors in evaluating such request(s): (1) the totality of the known circumstances; (2) the presence of any safety factors; (3) the potential impact of such action(s) on the Complainant; (4) fairness to the Respondent (5) any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct; (6) the existence of any independent information or evidence regarding the Prohibited Conduct; and (7) any other available and relevant information. The Colleges will seek to honor the Complainant’s request(s) if it is possible to do so while also protecting the safety and well-being of the Complainant and the HWS community.

Determination that a Complainant’s Request(s) Can be Honored
Where the Title IX Coordinator determines that a Complainant’s request(s) (that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken) can be honored, the Colleges may nevertheless take other appropriate steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and the HWS community. Those steps may include offering appropriate remedial measures to the Complainant, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances as a form of Informal Resolution.

At any time, the Complainant may choose to pursue Informal Resolution (if available) or Formal Resolution under the Procedures applicable to the nature of the complaint. The Title IX Coordinator also may request that a report be re-opened and pursued under these Procedures if any new or additional information becomes available.

Determination that a Complainant’s Request(s) Cannot be Honored
Where the Title IX Coordinator has determined that a Complainant’s request(s) (that personally-identifying information not be shared with the Respondent, that no investigation be pursued, that a complaint previously filed be withdrawn, and/or that no disciplinary action be taken) cannot be honored (i.e., because honoring the Complainant’s request(s) would impede the Colleges’ ability to ensure the safety and well-being of the Complainant and other members of the HWS community), the Title IX Coordinator will first notify the Complainant when reasonably possible to do so. The Title IX Coordinator will take appropriate actions on behalf of the Colleges, which may include, without limitation, (i) imposing a no-
contact order or requesting that the Colleges impose an Interim Suspension or Leave on the Respondent; (ii) initiating an investigation and Formal Resolution; and/or (iii) arranging, imposing, or extending any other appropriate remedial and/or protective measures.

Where the Title IX Coordinator has determined that the Colleges must proceed with an investigation 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 an investigation, but that the Complainant is not required to participate in the investigation or in any other actions undertaken by the Colleges. In such cases, the Colleges will serve as the Complainant in seeking disciplinary action against a Respondent.

Where a Complainant declines to participate in an investigation, the Colleges’ ability to meaningfully investigate and respond to a report may be limited. In such cases, the Title IX Coordinator may pursue the report if it is possible to do so without the Complainant’s participation in the investigation or resolution (e.g., where there is other relevant evidence of the Prohibited Conduct, such as recordings from security cameras, corroborating reports from other witnesses, physical evidence, or any evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the Prohibited Conduct). In the absence of such other evidence, however, the Colleges will only be able to respond to the report in limited and general ways (i.e., through the provision of remedial measures, targeted training or prevention programs, or other remedies tailored to the circumstances).

When a decision is reached that impacts a Respondent (including the imposition of interim protective measures), the Title IX Coordinator will ensure that the Respondent is notified, receives a written explanation of all available resources and options, and is offered the opportunity to meet to discuss those resources and options.

E. Considerations and Rights Associated with Reports of Sexual Misconduct

1. 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, who is not otherwise a party or witness involved in the investigation or adjudication. 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 speak on behalf of the parties or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings. Where an Advisor to any party is an attorney, the Colleges’ Title IX Coordinator and/or attorney may also attend the meeting or proceeding.

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 while an external law enforcement agency is gathering evidence. The Investigator will promptly resume the Colleges investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

TRAINING, EDUCATION AND PREVENTION PROGRAMS

The Colleges provide training to students and employees to ensure they understand this Policy and the topics and issues related to maintaining an education and employment environment free from sexual misconduct.

The Colleges are committed to the prevention of Sexual Misconduct through ongoing education and awareness programs. The Colleges offer programs to promote awareness and prevention of Sexual Misconduct, including an overview of the Colleges’ Policy and Procedure, relevant definitions (including Prohibited Conduct, discussion of the impact of alcohol and illegal drug use, Affirmative Consent), and information about bystander intervention and risk reduction.

The Colleges’ Title IX Coordinator oversees the education and prevention calendar, tailoring
programming to campus needs and climate. Incoming first-year 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.

RELATED POLICIES
For Students: Handbook of Community Standards
For Staff: Employee Handbook
For Faculty: Faculty Handbook

PROCEDURES FOR RESOLVING A SEXUAL MISCONDUCT COMPLAINT AGAINST A STUDENT

INTRODUCTION
The Colleges are committed to providing a safe and non-discriminatory environment for all members of the HWS community. The Colleges prohibit Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Intimate Partner Violence, Physical Assault, Stalking, and Retaliation (“Prohibited Conduct”). These forms of Prohibited Conduct are defined in the Colleges’ Sexual Misconduct Policy (“the Policy”). This accompanying Appendix (“the Procedures”) outlines the procedures for resolving Complaints of Sexual Misconduct against a student. The Colleges use prompt and equitable procedures to assess, investigate and adjudicate reports of Prohibited Conduct and to impose sanctions as appropriate and necessary.

NOTICE TO THE COMPLAINANT AND RESPONDENT OF ACTION BY THE COLLEGES
The Title IX Coordinator will promptly inform the Complainant of any action(s) undertaken by the Colleges to respond to a safety or well-being concern for the Complainant or the HWS community. The Colleges will promptly inform the Complainant and Respondent of a decision to proceed with an investigation.

The parties will be notified of their right to choose and consult with an Advisor of their choice. The Advisor may be any person, including an attorney, who is not otherwise a party or witness to the reported incident(s). Each party may be accompanied by their respective Advisor at any meeting or proceeding under this Policy and Procedures. While the Advisor may provide support and advice to the party at any meeting and/or proceeding, they may not speak on behalf of the party or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings. At any meeting and/or proceeding the Colleges’ Title IX Coordinator and/or attorney may also present.

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 Complaints and (2) Formal Resolution, which involves an investigation and adjudicatory hearing.

Informal Resolution
The Complainant or Respondent may seek Informal Resolution in place of an investigation and Formal Resolution. Informal Resolution will not be used to impose disciplinary action against the Respondent. The Title IX Coordinator or designee has the discretion to determine whether the nature of the reported conduct is appropriate for Informal Resolution, to determine the type of Informal Resolution that may be appropriate in a specific case, and to refer a report for Formal Resolution at any time. In addition, Informal Resolution may not be available where the Title IX Coordinator has determined that one or more of the safety factors is present. Informal Resolution is not available in cases involving Sexual Assault.

Participation in Informal Resolution (including any specific form of Informal Resolution) is voluntary. The Colleges will not compel a Complainant or Respondent to engage in Informal Resolution, will not compel the parties to directly confront each other, and will allow a Complainant or Respondent to withdraw from Informal Resolution at any time. The Colleges may decline the request for Informal Resolution in any particular case and may terminate an ongoing Informal Resolution process at any time. Pursuing Informal Resolution does not preclude later use of Formal Resolution if the Informal Resolution fails to achieve a resolution acceptable to the parties and the Colleges. 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 may be considered in a subsequent investigation and Formal Resolution.
Informal Resolution agreements may involve a host of interventions and remedies, such as actions designed to maximize access to educational, extracurricular, and/or HWS employment activities; increased monitoring, supervision, and/or security at locations or activities where the alleged Prohibited Conduct occurred or is likely to reoccur; targeted or broad-based educational programming or training for relevant individuals or groups; academic and/or HWS housing modifications; workplace modifications for employees; restorative remedies; and/or any other remedial or protective measures that can be tailored to the involved individuals to achieve the goals of the Policy.

Any form of Informal Resolution and any combination of interventions and remedies may be utilized. If an agreement acceptable to the Colleges, the Complainant, and the Respondent is reached through Informal Resolution, the terms of the agreement are implemented and the matter is resolved and closed. The matter may be referred for Formal Resolution if: an agreement is not reached, a Complainant requests investigation, either party withdraws their agreement to participate in Informal Resolution, or a Respondent fails to comply with the terms of the Informal Resolution.

Typically Informal Resolution will be completed within thirty (30) calendar days. The Title IX Coordinator will maintain records of all reports referred for Informal Resolution.

**Formal Resolution**

Formal Resolution is commenced when:

- A Complainant reports that a student has engaged in one or more instances of Prohibited Conduct and requests, at any time, an investigation and disciplinary action;
- The Colleges are aware of allegations of one or more instances of Prohibited Conduct;
- Informal Resolution does not resolve a reported incident of Prohibited Conduct; or
- At the conclusion of the Intake Assessment process, the Title IX Coordinator has determined, based upon a review of the totality of the circumstances and guided by a consideration of the safety factors, that investigation of the reported conduct is necessary to ensure the safety and well-being of the Complainant and/or other members of the HWS community, notwithstanding the Complainant’s request that personally-identifying information not be shared with the Respondent, that no investigation be pursued, and/or that no disciplinary action be taken.

1. **Relevance of Evidence**

**Prior or Subsequent Conduct**

Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation. The determination of relevance of the evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar Prohibited Conduct. The Title IX Coordinator will determine the relevance of this information and both parties will be informed if evidence of prior or subsequent conduct is deemed relevant.

**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. The Title IX Coordinator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

**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 a prompt, thorough, fair, and impartial investigation. All Investigators will receive annual training on issues related to Prohibited Conduct and on how to conduct an investigation that is trauma-informed, fair and impartial, provides parties with notice and a meaningful opportunity to be heard, and protects the safety of Complainants and the HWS community while promoting accountability.
Notice of Investigation
The Title IX Coordinator will notify the Complainant and the Respondent, in writing, of the commencement of an investigation. 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; (3) identify potential Policy violation(s); (4) identify the Investigator; (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 these Policy and Procedures; (7) explain the prohibition against Retaliation; (8) instruct the parties to preserve any potentially relevant evidence in any format; (9) inform the parties how to challenge participation by the Investigator on the basis of bias or a conflict of interest; and (10) provide a copy of the Policy and these Procedures.

Presumption of Non-Responsibility and Participation by the Parties
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(s) 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, and the adjudicator(s) will not draw any adverse inference from a decision by either of the parties not to participate.

Timing of Investigation
The investigation typically will be completed within thirty (30) calendar days. This period may be extended to account for a previous attempt, if any, at Informal Resolution, or for other good cause, as described in the section on Timeframe for Completion of Investigation and Adjudication; Extension for Good Cause. Any extension, other than for Informal Resolution, 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 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).

Site Visit(s)
The Investigator may visit relevant sites or locations and record observations through written, photographic, or other means.

Expert Consultation(s)
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
At the conclusion of the investigation, the Investigator will prepare a Preliminary Investigation Report summarizing the information gathered and outlining the contested and uncontested information. The Preliminary Investigation Report will not include any findings or credibility assessments, which are reserved for the adjudicator, but may note observations relevant to credibility. The Title IX Coordinator or designee will review the Preliminary Investigation Report and has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence or to defer those decisions to the adjudicator(s). The Title IX Coordinator may redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party’s general reputation for any character trait. The Complainant and the Respondent will have an opportunity to review the Preliminary Investigation Report and will meet with the Investigator, 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. The Investigator will designate a reasonable time for this review and response by the parties, not to exceed seven (7) calendar days. 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(s) or the Appeal Panel.

Final Investigation Report
Unless there are significant additional investigative steps required as identified by the Investigator, within seven (7) calendar days 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. The Investigator will deliver the Final Investigation Report to the Title IX Coordinator. The Title IX Coordinator will notify both parties, simultaneously, that the Final Investigation Report is complete and available for review.

The Title IX Coordinator will review the Final Investigation Report to determine whether, taking all the information in the report in the light most favorable to the Complainant, an adjudicator could make a finding that a Policy violation occurred. Where the Title IX Coordinator, taking all the information in the report in the light most favorable to the Complainant, determines that an adjudicator could not make a finding that a Policy violation occurred, the Complainant and Respondent will be notified that the Complaint is closed. The Complainant or Respondent may submit to the Title IX Coordinator a written appeal explaining why they contest the Complaint closure. The Title IX Coordinator will provide the Final Investigation Report, together with any statements by the parties, to the Appeal Panel for review and response in writing to any such statement of appeal. The Title IX Coordinator will provide the Final Investigation Report, together with any statements by the parties, to the Appeal Panel for review and response in writing to any such statement of appeal.

Adjudication
The Colleges have two adjudication options: (1) Administrative Conference before the Associate Dean of Students or other appropriate administrator designated by the Title IX Coordinator and (2) Hearing by a single external decision-maker or panel of external decision-maker(s). All persons serving as an adjudicator must be impartial and free from actual bias or conflict of interest. All adjudicators are 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; the manner of deliberation; evaluation of consent and incapacitation; the application of the preponderance of the evidence standard; sanctioning; and the Colleges’ Sexual Misconduct Policy and these Procedures.

Administrative Conference
Either party may request an Administrative Conference or the Title IX Coordinator may determine that such a conference is appropriate. In an Administrative Conference, the Title IX Coordinator’s designee will meet with the parties to determine responsibility and sanction, if appropriate. The Final Investigative Report will serve as the primary evidence in making a determination of responsibility. An Administrative Conference is particularly appropriate when the Respondent has admitted to the Policy violation(s), or there is no discernible dispute in the relevant facts of the Final Investigative Report. The process in an Administrative Conference is likely to be less formal in nature. The Title IX Coordinator has ultimate discretion to determine whether resolution by an Administrative Conference is appropriate.

Hearing by External Adjudicator(s)
An external adjudicator is an individual or panel selected by the Title IX Coordinator or designee who is a neutral person(s) external to the Colleges trained to conduct a Hearing according to the Policy and these Procedures.

Notice and Timing of Hearing
Typically, a Hearing will be held within forty-five (45) calendar days from the date of the Notice of Investigation, subject to extension for good cause. The Title IX Coordinator will notify the parties in writing of the specific charge, the date, time, and location of the Hearing, the name(s) of the adjudicators, and how to challenge participation by any adjudicator(s) for bias or conflict of interest.

Postponement of Hearing
The Colleges may postpone the hearing at the
discretion of the Title IX Coordinator. Good cause for extension may include the unavailability of the parties, the timing of semester breaks or HWS holidays, or other extenuating circumstances. 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 emergency and communicated to the Title IX Coordinator prior to the time of the Hearing.

**Acceptance of Responsibility**
The Respondent may, at any time, elect to resolve the Formal Resolution process by accepting responsibility for the Prohibited Conduct, in which case the Title IX Coordinator will refer the matter for Administrative Conference.

**Hearing Format**
The Hearing is an opportunity for the parties to address the adjudicator in person about issues relevant to the finding of responsibility. The parties may address any information in the Final Investigation Report and the supplemental statements submitted in response to the Final Investigation Report. 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. The parties may not directly question each other or any witness, although they may proffer questions for the adjudicator, who may choose, in their discretion, to pose appropriate and relevant questions to the parties and/or any witnesses. 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 brief concluding remarks by the Complainant and Respondent.

**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.

Either party may also request alternative methods for participating in the Hearing that do not require physical proximity to the other party, including participating through electronic means. This request should be submitted to the Title IX Coordinator at least three (3) calendar days prior to the Hearing.

If, despite being notified of the date, time, and location of the Hearing, either party is not in attendance, the Hearing may proceed and applicable sanctions may be imposed. Neither party is required to participate in the Hearing in order for the Hearing to proceed.

**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.

**Post-Finding Written Impact and Mitigation Statements**
Where there is a finding of responsibility on one or more of the charges, both parties may submit a written statement 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.

**Sanctions**
Where a student is found responsible for a violation of the Sexual Misconduct Policy, the adjudicator, in consultation with the Associate Dean of Students or other appropriate administrator (designated by the Title IX Coordinator prior to the Hearing) will determine the appropriate sanction(s). The Colleges may impose any of the below possible sanctions:
• 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.

Final Outcome Letter
The adjudicator will simultaneously issue a written decision (the “Final Outcome Letter”) to both the Complainant and the Respondent, with a copy to the Title IX Coordinator, within seven (7) calendar days following the Hearing. The Final Outcome Letter will set forth the violation(s) of the Policy for which the Respondent was found responsible or not responsible, the rationale; the sanction(s) (if applicable) imposed against the Respondent; and the rationale for any sanction(s) imposed. The Final Outcome Letter may also identify protective measures implemented with respect to the Respondent or the broader HWS community. The Final Outcome Letter will not disclose any remedial measures provided to the Complainant.

Appeals
The Complainant and the Respondent may appeal the Final Outcome. An appeal must be filed with the Title IX Coordinator in writing within seven (7) calendar days of receiving the Final Outcome Letter. The grounds for appeal are:
• previously unavailable relevant evidence that could significantly impact the Final Outcome;
• procedural error(s) that had a material impact on the Final Outcome; and
• 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. 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 seven (7) calendar days from receipt of the appeal.

The appeal will be conducted in an impartial manner by an Appeal Panel. 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 is not a new review of the underlying matter. The Appeal Panel will consider an appeal only on the basis of one or more of the three (3) 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 can dismiss the appeal for failing to state a grounds for appeal, affirm the original findings, or send the case back to the adjudicator for reconsideration.

Absent extenuating circumstances, 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.

Timeframe for Completion of Investigation and Adjudication; Extension for Good Cause
Typically, the period from commencement of an investigation through resolution (finding and sanction, if any) will not exceed sixty (60) calendar days. This timeframe 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 HWS 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, 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. After one year, 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.

WITHDRAWAL PENDING OUTCOME
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. Students who withdraw while conduct charges are pending may not apply for readmission to the Colleges.

RELEASE OF DOCUMENTS
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. The Colleges will not, however, impose any restrictions on the parties regarding re-disclosure of the incident, their participation in proceedings, or the Final Outcome Letter.

RECORDS
The Title IX Coordinator will retain all records relating to reports of Sexual Misconduct for no fewer than eight years.

The Office of Student Affairs maintains conduct records relating to all student disciplinary matters. Reports resolved by Informal Resolution are not kept in a student’s conduct record. Findings of no responsibility are not kept in the student’s conduct record. Affirmative findings of responsibility are part of a student’s conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student’s conduct record. The conduct files of students who have been suspended, expelled, or have withdrawn from the Colleges with conduct charges pending are
maintained in the Office of Student Affairs for no fewer than eight years following a student’s departure from the Colleges.

**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.

**2014 Students – Primary Prevention and Awareness Programming**

The Colleges offered the following primary prevention and awareness programs during orientation for new students and transfer students in Fall 2014:

**Orientation**

Several elements of orientation were tailored to address sexual violence. In close collaboration with the Center for Counseling and Student Wellness, and in partnership with select faculty and staff, the Title IX Office trained interested faculty and staff members to facilitate dialogue groups on sexual assault with all first year students at orientation (8/21/14). The dialogues took place with first year students following their viewing of a performance about sexual assault by the on-campus social justice group MOSAIC (8/30/14). Students then split up into groups of about 15, and were joined by one of the trained faculty and staff members who then helped students to explore their thoughts on the performance. Each group discussed issues of consent, how to be a proactive bystander, and available campus resources. It was emphasized that these conversations were just the beginning of a larger campus-wide discussion about sexual violence, and that students, faculty, and staff would continue to dialogue about the issues involved in sexual violence throughout the students’ college experience.

**Easy access to information about resources and support in August 2014**

The Colleges provided every campus residence hall room with a poster titled “Sexual Violence Emergency Support Guide,” which was also displayed in common spaces of academic and residential buildings. Confidential and non-confidential resources and supports available to students were also printed on bookmarks and magnets and distributed on and off campus. In addition, the Title IX Office ensured that all students (as well as faculty and staff) were given a copy of the brochure “Title IX Know Your Options: Sexual Misconduct Policy Guide to Resources” and a copy of the Policy. The brochure includes a campus map showing the location of all confidential and non-confidential resources.

**Student Athlete Awareness in August 2014**

Beginning in August 2014, President Gearan and one member of the Title IX Office met with every athletic team during the team’s first meeting to share information regarding the Title IX Office and supports and resources on campus. The discussions centered around educating student-athletes about the Interim Sexual Misconduct Policy and available resources/supports, and encouraging student-athletes to partner with the Colleges in preventing sexual violence on campus. Many student-athletes also participated in the Bringing in the Bystander Training described below.

**Bringing in the Bystander Training**

In 2014, the Colleges’ Title IX Office introduced the University of New Hampshire’s “Bringing in the Bystander” training program to campus. The “Bringing in the Bystander training” is a bystander intervention model which empowers students to stand up and
speak out against sexual violence. UNH’s program was selected due to robust research indicating that the training created long-lasting positive behavioral and attitudinal changes in students. The following link provides more information about UNH’s program and the research behind the program’s success: http://cola.unh.edu/prevention-innovations/bystander-prevention.

UNH’s program trainers were brought to HWS campus to train select faculty and staff members as campus facilitators to deliver the training (8/20/14). The Colleges’ top priority was to offer the training to all first year students within the first six weeks of school, both in order to deliver this information during the critical “Red Zone” of student risk, and also in order to remain compliant with Title IX regulations. The Bystander Training was offered to all first year students, with a 96% completion rate among students in that year.

In addition, the Bringing in the Bystander training emphasizes leveraging the social capital of student leaders across campus, and consequently the Colleges sought ways to deliver the training to student leaders. Hobart Athletics trained first year students and select members of the coaching staff, along with some upper-class students in leadership positions. William Smith Athletics trained their entire field hockey, ice hockey and sailing teams, and also first year students and team leaders from the rowing, basketball, lacrosse, soccer, swimming, tennis, golf, cross-country country, and squash teams. Five fraternities were trained, and five make-up sessions for first year students were held. In addition, students working in the Office of Student Life were provided the training, as were students enrolled in interested academic classes. Training was provided in 2014 on the following dates: 9/17, 9/22, 9/23, 9/24, 9/25, 9/26, 9/28, 9/29, 9/30, 10/1, 10/2, 10/3, 10/6, 10/7, 10/9, 10/10, 10/23, and 10/28.

November 12, 2014 PRIDE Executive Team and Advisor Meeting
The Title IX Coordinator met with the PRIDE group to discuss the Interim Sexual Misconduct Policy, education and outreach from the perspective of LGBTQ students.

2015 Students—Primary Prevention and Awareness Programming
The Colleges offered the following primary prevention and awareness programs during orientation for new students and transfer students in Fall 2015:

Orientation

Orientation - Mosaic Performance
In collaboration with The Counseling Center, the Office of Title IX Programs & Compliance trained faculty and staff who volunteered to facilitate small-group dialogues with first year and transfer students following the students’ viewing of the MOSAIC performance. The training included best practices in how to facilitate dialogues on sensitive and challenging material, such as sexual violence, and thoroughly described the resources that are available for students both on and off-campus. First year and transfer students viewed a performance by MOSAIC, the social justice theatre group, that was focused on inclusivity; the performance emphasized the importance of Affirmative Consent and increased students’ awareness of sexual violence including intimate partner violence. After the performance faculty and staff engaged the students in small-group discussions and began a dialogue regarding sexual violence, Affirmative Consent, and the availability of on and off-campus resources.

Bringing in the Bystander Training
First year and transfer students completed the University of New Hampshire’s (UNH) Bringing in the Bystander training program in the fall of 2015. The Bringing in the Bystander training is a bystander intervention model that empowers students to recognize dangerous or potentially dangerous situations and builds practical skills for intervening in those situations. UNH’s program was selected due to robust research indicating that the training created long-lasting positive behavioral and attitudinal changes in students. The following link provides more information about UNH’s program and the research behind the program’s success: http://cola.unh.edu/prevention-innovations/bystander-prevention.

Launch of Circle of 6 Mobile Application
In September of 2015 the Title IX Office introduced the Circle of 6 mobile application. Faculty and staff decided on Circle of 6 in part because of its national recognition as the winner of the White House “Apps Against Abuse” challenge. Through the app students add six friends to their circle and can then send those friends pre-written text messages that indicate the student needs immediate assistance. The app also includes customized resources such as local helplines and Campus Safety contact information so that students can quickly get the help they may need. The
goal of the application is to provide students with information and resources to leave a situation that may involve dating violence, domestic violence, sexual assault, and/or stalking.

### 2016 Students—Primary Prevention and Awareness Programming

The Colleges offered the following primary prevention and awareness programs in 2016:

<table>
<thead>
<tr>
<th>Name of Program</th>
<th>Date</th>
<th>Student Population</th>
<th>Prohibited Behavior Covered</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interfraternity Council – Title IX Training</td>
<td>Jan. 31</td>
<td>Members of the Interfraternity Council</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Extended Orientation – Bringing in the Bystander Facilitator Training</td>
<td>August 18</td>
<td>Student ‘Bringing in the Bystander’ Facilitators</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Orientation – International Students</td>
<td>August 23</td>
<td>All Incoming International Students</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Orientation – Mosaic NY</td>
<td>August 27</td>
<td>All FY, Transfer Students</td>
<td>DV, Dt.V, SA</td>
</tr>
<tr>
<td>Resident Assistants Title IX Training – Rights, Responsibilities, &amp; Resources</td>
<td>August 23</td>
<td>New and Returning Resident Assistants</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Extended Orientation – Bringing in the Bystander</td>
<td>September 5 – October 20</td>
<td>All FY, Transfer</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>William Smith Student-Athletes Title IX Training - Rights, Responsibilities, &amp; Resources</td>
<td>August 22</td>
<td>New and Returning William Smith Student-Athletes</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Hobart Student-Athletes Title IX Training - Rights, Responsibilities, &amp; Resources</td>
<td>August 23</td>
<td>New and Returning Hobart Student-Athletes</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Title IX - Rights, Responsibilities, &amp; Resources</td>
<td>August 26</td>
<td>All FY, Transfer Students</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Hobart Student-Athletes Title IX Training - Rights, Responsibilities, &amp; Resources</td>
<td>August 31</td>
<td>New and Returning Hobart Student-Athletes</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>William Smith Student-Athletes Title IX Training - Rights, Responsibilities, &amp; Resources</td>
<td>Sept. 5</td>
<td>New and Returning William Smith Student-Athletes</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Hobart Student-Athletes Title IX Training - Rights, Responsibilities, &amp; Resources</td>
<td>Sept. 7</td>
<td>New and Returning Hobart Student-Athletes</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Hobart and William Smith Student-Athletes Title IX Training - Rights, Responsibilities, &amp; Resources</td>
<td>Sept. 13</td>
<td>New and Returning Hobart and William Smith Student-Athletes</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Interfraternity Council Title IX Training - Rights, Responsibilities, &amp; Resources</td>
<td>Sept. 14</td>
<td>Student members of the Interfraternity Council</td>
<td>DV, Dt.V, SA, S</td>
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<tr>
<td>Hobart Student-Athletes Title IX Training - Rights, Responsibilities, &amp; Resources</td>
<td>Oct. 6</td>
<td>New and Returning Hobart Student-Athletes</td>
<td>DV, Dt.V, SA, S</td>
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<tr>
<td>Interfraternity Council Title IX Training - Rights, Responsibilities, &amp; Resources</td>
<td>Oct. 12</td>
<td>Student members of the Interfraternity Council</td>
<td>DV, Dt.V, SA, S</td>
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<tr>
<td>Hobart Student Government and William Smith Congress – Title IX Discussion</td>
<td>Dec. 6</td>
<td>Members of Hobart Student Government and William Smith Congress</td>
<td>DV, Dt.V, SA, S</td>
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</tbody>
</table>
2014 Students – Ongoing Awareness and Prevention Programming

The Colleges offered the following ongoing awareness and prevention programs for students in 2014:

Easy access to information about resources and support in August 2014
The Colleges provided every campus residence hall room with a poster titled “Sexual Violence Emergency Support Guide,” which was also hung in common spaces of academic and residential buildings. Confidential and non-confidential resources and supports available to students were also printed on bookmarks and magnets and distributed on and off campus. In addition, the Title IX Office ensured that all students (as well as faculty and staff) were given a copy of the brochure “Title IX Know Your Options: Sexual Misconduct Policy Guide to Resources” and a copy of the Policy. The brochure includes a campus map showing the location of all confidential and non-confidential resources.

Bringing in the Bystander Training
As listed above under 2014 primary prevention and awareness programs bringing in the bystander training also served as ongoing prevention and awareness training for some students, faculty and staff.

Quilt Project November 20, 2014: The Title IX Office helped to promote and provide consultation around this event, which was organized by the members of the student organization H.E.A.R. (Hobart Men for Equality and Respect). Faculty, staff, and students designed t-shirts speaking out against violence, which were then sewn into a quilt for display at the Scandling Center.

Dine with IX (approx. 1/month): The Title IX Office provided bi-monthly opportunities for students to meet with anyone in the Title IX Office over lunch in the faculty dining spaces to discuss their general ideas, concerns, and suggestions for how to promote equity on campus. These meetings were also available upon request for any interested student, and the opportunity to schedule such a meeting was regularly published in Nine from IX.

October 6, 2014 Take Back the Night Domestic Violence March and Candle Light Vigil:
This event was attended by students, faculty and staff and brought awareness to the campus community about sexual assault, dating and domestic violence.

November 20, 2014 Sexual Minority Movement Class: The Title IX Coordinator attended this class and educated students on Title IX issues.

December 9, 2014 President's Forum Speaker
Susan Brison, Chair of the Philosophy Department of Dartmouth College, and an expert on sexual violence and author of Aftermath: Violence and the Remaking of a Self, spoke to students, faculty and staff regarding issues of sexual violence.

2015 Students Ongoing Prevention and Awareness Programming

Enough is Enough and VAWA Training
The Title IX Coordinator, Susan Lee, conducted trainings to key student groups including: Hobart and William Smith athletes, Interfraternity Council Members and Fraternity Officers, Student Orientation Leaders and Mentors, Hobart Student Government, William Smith Congress, and Higher Education Opportunity Program students, and International Students. In total 389 students received this training. The training covered the Colleges’ Sexual Misconduct Policy and described dating violence, domestic violence, sexual assault and stalking.

Yards for Yeardley
Members of William Smith athletic teams and Hobart athletic teams took part in the national Yards for Yeardley event, which is part of the One Love foundation dedicated to increasing student awareness of relationship violence and ways in which they can intervene before the violence escalates. Members participating in the event pledge to run one million yards in one month in honor of Yeardley Love, who lost her life to relationship violence.

Table at Involvement Expo
Each year Hobart and William Smith Colleges host an Involvement Expo at which students, especially first year and transfer students, have the opportunity to learn about the various clubs, organizations, and departments on campus. The Office of Title IX Programs and Compliance had a table at the event and advertised the resources available through the office as well as the available community resources.
Campus Safety Title IX Training
In January of 2015 the Office of Title IX Programs and Compliance offered a training to all campus safety officers. The first half of the training was given by Staff Psychologists and the Title IX Prevention and Education Coordinators Dr. Maria Saavedra Finger and Liz Carroll. This portion of the training focused on the neurobiology of sexual assault and trauma, and how to best respond to survivors given normative post-trauma neurobiological responses. The second half of the training was provided by law firm Harter, Seacrest, and Emory, and focused on best practices for conducting a sexual assault investigation.

Stand With Survivors
The Office of Title IX Programs and Compliance hosted an on-camps “Stand with Survivors” event on January 28, 2015 that allowed members of the campus community to show their support for survivors of sexual and domestic violence. The event was comprised of two parts. The first part included student organizations, campus resources, and community resources discussing information on sexual and domestic violence and offering ways for students to get involved with their work. The second half of the event included student and faculty performances focused on the “Stand with Survivors” theme.

Quilt Project
The Office of Title IX Programs & Compliance helped to promote and provide consultation around the Quilt Project, which was organized by the members of the student organization H.E.A.R (Hobart Men for Equality and Respect). Faculty, staff, and students designed t-shirts speaking out against violence, which were then sewn into a quilt for display on-campus.

Sexual Assault Awareness Month (SAAM)
In April of 2015 the Office of Title IX Programs and Compliance hosted and co-sponsored multiple events for SAAM.

Breaking the Silence - A Capella Concert: The Title IX Office worked with three campus a capella groups to help create and sponsor a concert built around the theme “Breaking the Silence.” Over 100 community members attended the event; the event’s goal was to raise awareness of sexual assault. Members from each group spoke to the audience during the show to encourage awareness around sexual assault prevention as well as on and off-campus resources. Group members also sold SAAM merchandise and donated the proceeds to Safe Harbors of the Finger Lakes.

Tabling in Scandalng Center: During several days during SAAM, students committed to the cause of sexual assault prevention volunteered their time to staff a table in the Scandling Student Center. The students sold SAAM merchandise, registered students for the Walk a Mile in Her Shoes event, and sold raffle tickets to win SAAM merchandise. All of the proceeds were donated to Safe Harbors of the Finger Lakes. The Title IX Office helped to coordinate the table schedule, the purchasing of materials, and the donation process.

Wear Teal Day: Members of the campus community were encouraged to wear teal in support of survivors of sexual violence and those working to end this violence.

Food Trucks
In September of 2015 the Title IX Office rented food trucks for students and discussed the work of the Title IX Office as well as advertised opportunities for students to become involved with the work of the Office. The food trucks were part of building positive and collaborative relationships with students. The event provided an informal way for Title IX staff to interact with students and let them know about the resources available on and off-campus.

News at IX
The Title IX Office published monthly an electronic newsletter that went out to faculty, staff, and students. The newsletter advertised campus events and initiatives surrounding the awareness and prevention of sexual misconduct and recognized individuals and community organizations for their dedication to preventing sexual violence. Increasing the transparency of the work of the Title IX Office and fostering positive community relationships were two main goals of the newsletter’s publication.
2016 Students Ongoing Prevention and Awareness Programming

The Colleges offered the following ongoing awareness and prevention programs for students in 2016:

<table>
<thead>
<tr>
<th>Name of Program</th>
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<th>Student Population</th>
<th>Prohibited Behavior Covered</th>
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<tr>
<td>News @ IX – Monthly Title IX Newsletter</td>
<td>Jan., Feb., March, April, May</td>
<td>Emailed to All Students, Faculty, and Staff</td>
<td>DV, Dt.V, SA, S</td>
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<td>Three Miles Lost: It’s On Us Rally</td>
<td>March 22</td>
<td>Open to All Students, Faculty, and Staff</td>
<td>SA</td>
</tr>
<tr>
<td>Sexual Assault Awareness Month – Screening of The Hunting Ground</td>
<td>April 27</td>
<td>Open to All Students, Faculty, and Staff</td>
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<tr>
<td>Sexual Assault Awareness Month – Tabling in Scandling Center</td>
<td>April 25-28</td>
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<td>SA</td>
</tr>
<tr>
<td>Sexual Assault Awareness Month – Wear Teal Day</td>
<td>April 26</td>
<td>Open to All Students, Staff, and Faculty</td>
<td>SA</td>
</tr>
<tr>
<td>Sexual Assault Awareness Month – Title IX Open House and Ice Cream Social</td>
<td>April 29</td>
<td>Open to All Students</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Orientation Leaders and Orientation Mentors Title IX Training – Rights, Responsibilities, &amp; Resources</td>
<td>August 25</td>
<td>Orientation Student Staff</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Kappa Sigma – Title IX and Bystander Intervention Discussion</td>
<td>Oct. 27</td>
<td>Members of Kappa Sigma Fraternity</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Sigma Chi – Title IX and Bystander Intervention Discussion</td>
<td>Nov. 20</td>
<td>Members of Sigma Chi Fraternity</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Fall Involvement Expo</td>
<td>Sept. 2</td>
<td>Open to All Students</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>The Red Flag Campaign – Tabling in Scandling Center</td>
<td>Oct. 12-14</td>
<td>Open to All Students</td>
<td>DV, Dt.V,</td>
</tr>
<tr>
<td>Healthy Relationships Night</td>
<td>Oct. 17</td>
<td>Open to All Students</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>One Love Foundation – Escalation Workshop</td>
<td>Oct. 20</td>
<td>Open to All Students</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Women’s Collective – Take Back the Night</td>
<td>Oct. 24</td>
<td>Open to All Students</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Domestic Violence Awareness Month Speaker – Linda Dynel</td>
<td>Oct. 25</td>
<td>Open to All Students, Faculty, and Staff</td>
<td>DV, Dt.V,</td>
</tr>
<tr>
<td>The Red Flag Campaign -Movie Screening</td>
<td>Oct. 27</td>
<td>Open to All Students</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>HWS GirlUp Student Organization – Title IX Discussion</td>
<td>Nov. 6</td>
<td>Members of the HWS GirlUp Student Organization</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Preview of Not Anymore by Student Success – Online prevention training program</td>
<td>Dec. 7</td>
<td>Open to All Students, Faculty, and Staff</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Leadership Institute – The Past, Present, and Future of Title IX Activism</td>
<td>Dec. 14</td>
<td>Leadership Institute Participants</td>
<td>DV, Dt.V, SA, S</td>
</tr>
</tbody>
</table>
2014 Employees – Primary Prevention and Awareness Programming

Faculty and Staff Training: Supports and Resources Available to Students and the Responsible Employee Obligation (August, September, October, November and December 2014)

The Title IX Office offered training across campus—to RAs, Orientation Mentors, Hobart coaches, William Smith coaches, staff members across campus, new faculty members, and other members of the faculty—in: (1) how to support someone who has experienced a sexual assault, (2) available confidential and non-confidential resources on and off campus, and (3) the obligation to notify the Title IX Coordinator of any reports of sexual misconduct and race, color, national origin, sex or disability discrimination. The training sessions also included recommendations for explaining the notice obligation to students and were grounded in showing our students compassion and helping them connect to on- and off-campus supports and resources.

At the September 8th and November 3, 2014 faculty meetings, the Provost and Dean of Faculty held a session for faculty to give them information, resources, and tools to speak with students and connect them to appropriate resources on and off campus. The Provost and Dean of Faculty also held a special session on Title IX and sexual misconduct for those faculty members teaching first-year seminars, including how to respond to students in crisis and information on supports and resources available to students.

August 21, 2014 Title IX training for Hubbs Health Center Staff
Members of the Hubbs Health Center received training about the Colleges’ sexual misconduct policy.

November 20 and 24, 2014 Responsible Employee Title IX training
Training related to responsible employee’s obligations under Title IX and the colleges sexual misconduct policy were provided on two dates.

2015 Employees - Primary Prevention and Awareness

Enough is Enough and VAWA Training:
The Title IX Coordinator conducted employee trainings regarding the Colleges’ Sexual Misconduct Policy, employees’ designation as Responsible Employees, and their obligation to refer reports of sexual misconduct to the Title IX Office. The trainings described the behaviors prohibited under the Colleges’ Sexual Misconduct Policy including dating violence, domestic violence, sexual assault and stalking. These trainings were conducted for a wide range of campus employees including: new faculty, Resident Assistants, Hobart athletic coaches and staff, William Smith athletic coaches and staff, Study Abroad faculty and Global Affairs staff, Office of Advancement staff, Senior Staff, the Counseling Center staff, Hubbs Health Center staff, Intercultural Affairs staff, Office of the Provost staff, Office of Finance staff, and Office of Admissions staff. These trainings covered the available reporting options for students as well as the role and availability of on and off-campus resources.

Bringing in the Bystander Facilitator Training:
Faculty and staff interested in facilitating and/or learning about the Bringing in the Bystander program attended a Facilitator Training session that taught them how to best facilitate the session and how to engage with students during the program.

Mosaic Facilitator Training:
In collaboration with The Counseling Center, the Office of Title IX Programs & Compliance trained faculty and staff who volunteered to facilitate small-group dialogues with first year and transfer students following the students’ viewing of the MOSAIC performance. The training included best practices in how to facilitate dialogues on sensitive and challenging material, such as sexual violence, and thoroughly described the resources that are available for students both on and off-campus. First year and transfer students viewed a performance by MOSAIC, the social justice theatre group, that was focused on inclusivity; the performance emphasized the importance of Affirmative Consent and increased students’ awareness of sexual violence including intimate partner violence. After the performance faculty and staff engaged the students in small-group discussions and began a dialogue regarding sexual violence, Affirmative Consent, and the availability of on and off-campus resources.
2016 Employees - Primary Prevention and Awareness Programming

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<tr>
<td>Audrey Stone Title IX and VAWA Training</td>
<td>Jan. 29</td>
<td>DV, Dt.V, SA, S</td>
<td></td>
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<tr>
<td>Employee Responsibilities and Title IX Training</td>
<td>Feb. 19</td>
<td>Open to All Staff and Faculty</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>New Faculty Orientation – Title IX</td>
<td>August 12</td>
<td>New Faculty Members</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Bringing in the Bystander Facilitator Training</td>
<td>August 18</td>
<td>Staff, Faculty, and Student Facilitators</td>
<td>DV, Dt.V, SA, S</td>
</tr>
<tr>
<td>Mosaic NY Facilitator Training</td>
<td>August 22</td>
<td>Staff and Faculty Mosaic NY Facilitators</td>
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2014 Employees – Ongoing Awareness and Prevention Programming

Sexual Violence Resources and Responsible Employee Obligation
Resident Assistants, Orientation Mentors (OMs), and faculty members received training in how to support someone who has experienced a sexual assault, available resources on and off campus, and the responsible employee obligation to report sexual violence to the Title IX Coordinator. Training also discussed recommendations for explaining the responsible employee obligation to students. Training for OMs took place during orientation (8/25/14, 8/26/14), and training for RAs took place at the start of each semester (8/25/14, 8/28/14).

At the September 8th and November 3, 2014 faculty meetings, the Provost and Dean of Faculty held a session to give faculty information, resources, and tools to speak with students and connect them to appropriate resources on and off campus. The Provost and Dean of Faculty also held a special session on Title IX and sexual misconduct for those faculty members teaching first-year seminars, including how to respond to students in crisis and information on supports and resources available to students.

The following information sessions were open to the entire campus, including employees:

Nine from IX (weekly). At the start of the year, the Title IX Office initially created a printed community newsletter for the purpose of delivering updates on the work of the Title IX Office, notifying the community about upcoming events, and highlighting the work of community members on issues around sexual assault prevention. In response to feedback from the community, and the Title IX Office’s desire to reach a larger audience, the Title IX office transitioned to an electronic newsletter called “Nine from IX”. Nine from IX was emailed weekly to staff, faculty, and students, and included nine bullet points on relevant topics. This format allowed the Title IX Office to deliver to the community regular updates on its progress, with the aim of increasing transparency around the Title IX Office’s work. The Title IX Office also leveraged Nine from IX to help cross-promote events from community organizations doing related events and recognize individual community members’ successes in sexual assault prevention, allowing the Title IX Office to build positive community relationships.
Title IX Open Houses and Community Conversations (approx. 4x/year). During the first few months following the creation of the Title IX Office, it promoted “Open House” opportunities for campus community members to visit the Title IX Offices. On these occasions, the full Title IX staff was available to answer questions, provide information about its work and campus policies, and to hear suggestions from community members. Similarly, during the first few months of the year, the Title IX Office offered three separate “Community Conversation” opportunities. These events were intended to be “town hall” format, allowing for the Title IX Office to present updates to the community on its efforts, and for the community to present questions, concerns, and comments to the Title IX Office staff.

2015 Employees- Ongoing Awareness and Prevention Programming

News at IX
The Title IX Office published monthly an electronic newsletter that went out to faculty, staff, and students. The newsletter advertised campus events and initiatives surrounding the awareness and prevention of sexual misconduct and recognized individuals and community organizations for their dedication to preventing sexual violence. Increasing the transparency of the work of the Title IX Office and fostering positive community relationships were two main goals of the newsletter’s publication.

Title IX Open House
In September of 2015 Title IX Coordinator Susan Lee hosted a Title IX Meet & Greet that was open to all community members including faculty and staff. The goal of the Meet & Greet was to introduce the community to the new Title IX staff and allow for the community to ask questions and become familiar with the work of Title IX on-campus.

2016 Employees- Ongoing Awareness and Prevention Programming

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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 http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp

2. The Ontario County Sheriff’s Office online “offender search” at http://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 http://www.criminalcheck.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 Residential Education staffs will report student violations of the Policy on Alcohol and Drugs to members of the Office of Student Affairs. 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
I. 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.

II. 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).

III. 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.

IV. 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.

III Alcohol Policy Prohibited Activities
The following actions/activities are prohibited:
A) Underage Possession or Consumption: The possession or consumption of alcohol by any student under the age of 21 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.
C) Providing Alcohol to Underage Individuals: Providing alcoholic beverages to any person who is under 21 years of age is prohibited.
D) 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.
E) In The Presence of Drinking Games: Being in the presence of drinking games with alcoholic beverages is prohibited.
F) Coercion: Coercing individuals to drink alcohol or use other drugs is prohibited.
G) 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.
H) OpenContainers: Possession of open containers of alcohol is prohibited on and immediately adjacent to public roads, parking lots, and in the common areas in and around residence halls on the campus is prohibited.
I) 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.
J) 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, etc. 2) Alcohol bottles and containers (full or empty) are not permitted as decorations in the exterior 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 Residential Education.
K) Other Alcohol Regulations: 1) 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.); 2) 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.

3) Alcohol Moderation: The Colleges’ reserve the ability to limit the amount of alcohol an individual or group may possess as follows:
   a  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
   b  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,
      § OR two (2) one-liter bottles of wine,
      § OR a reasonable combination of these types.

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

5) 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, and mixes.

6) Identification: Students or guests of legal drinking age must have valid forms of identification of age (e.g., Drivers 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.

7) False Identification: Possession of a fictitious ID, fraudulent ID or another person’s driver’s license 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.

Existing federal and state laws prohibit the possession, use, manufacture, and distribution of controlled substances. 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 [http://www.dea.gov/druginfo/ftp3.shtml](http://www.dea.gov/druginfo/ftp3.shtml). 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. They do not apply sanctions of the law, but they do not ignore the law nor stand between the student and the law.

Among the relevant laws are the following:
Unlawful possession of any controlled substance is a crime.
Giving another person an illegal drug or prescription controlled substance is the same as selling it.
The sale (or giving) of any controlled substance is a felony. This statute also includes legally possessed prescription drugs that are controlled substances.
Possession of marijuana is against the law; the charges and sanctions vary according to the amount possessed.
The sale of marijuana is a more serious crime than simple possession.
Possession of gelatin caps, glassine envelopes, other packaging materials, or scales under circumstances evincing intent to use is a crime.

Hobart and William Smith Colleges take this position because use of these drugs can: (1) Create personal hazards and costs whether legal, academic, medical, or otherwise for users and others; (2) Affect negatively the well-being, intellectual, social, emotional, and spiritual/ethical growth and development of members of the community; (3) Cause situations in the setting of a residential college in which individual actions affect all members.

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.
The Colleges prohibit and will hold students accountable for the following behaviors:
1) Possession of marijuana and/or drug paraphernalia
2) Use or possession of illegal drugs other than marijuana
3) 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
4) Distributing illegal drugs to include the sharing of (including, but not limited to, marijuana) or other controlled substances (legal, prescription drugs)
5) Selling illegal drugs (including, but not limited to, marijuana) or other controlled substances (legal, prescription drugs)

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 Director of Alcohol and Other Drug Prevention, Residential Education, The Center for Counseling and Student Wellness, and various offices and organizations including athletics, Student Activities, and fraternity houses. Courses in a variety of disciplines (e.g., biology, chemistry, philosophy) also provide academic discussion of alcohol or other drug use.

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 http://www.hws.edu/offices/hr/index.aspx.

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 http://www.hws.edu/studentlife/health_center.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 Counseling Center also offers psychological consultation to students. For more information, please call (315) 781-3388 or visit http://www.hws.edu/studentlife/counseling.aspx

The Office of Alcohol and Other Drug Prevention
The Director of Alcohol and Other Drug Prevention (AOD) manages the alcohol and other drug education and prevention programs and services. The Director of AOD Prevention 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 Director of AOD Prevention 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 Center for Counseling and Student Wellness, local OASAS-approved alcohol and drug treatment centers, and local AA and NA chapters. Students seeking assistance for themselves or a friend are protected under federal confidentiality guidelines.

For more information please call Brittany Broderick, Director of Alcohol and Other Drug Prevention at 315-781-3869 or visit http://www.hws.edu/studentlife/health_promotions.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’ Center for Counseling and Student Wellness website, at http://www.hws.edu/studentlife/alcohol_resources.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 [http://www.hws.edu/studentlife/pdf/community_standards.pdf](http://www.hws.edu/studentlife/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 Field House, Bristol Gym, Lansing Science Building and the Elliot Arts Studio. Once an emergency notification message is received the recipient will need to acknowledge receipt of the message. All students, faculty and staff are automatically entered in the Everbridge Mass Notification System through the PeopleSoft system. Faculty or staff wishing to modify or prioritize their preferred method of receiving 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](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 (EAP’s) on the College’s 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
Evacuate:
Evacuate means to exit a building using the nearest available exit, reporting to the building's predetermined meeting area and following further instructions from college officials or campus safety.

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.

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 College's 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 College's emergency response procedures is available on the campus safety emergency planning and preparedness webpage at [http://www.hws.edu/studentlife/planning](http://www.hws.edu/studentlife/planning). The emergency planning and preparedness webpage is populated with emergency action plans (EAP's). 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 [http://assembly.state.ny.us/leg/?cl=82&a=81](http://assembly.state.ny.us/leg/?cl=82&a=81). 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](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 then 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’ web site at [http://www.hws.edu/about/bias_reporting.aspx](http://www.hws.edu/about/bias_reporting.aspx). 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.

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’ web site at [http://www.hws.edu/about/bias_reporting.aspx](http://www.hws.edu/about/bias_reporting.aspx). In addition, members of the campus community are encouraged to report hate crimes directly to the Geneva Police Department.

**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
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

2014:
No reported hate crimes

2015:
No reported hate crimes

2016:
One on-campus intimidation incident characterized by race.

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 website is: http://ope.ed.gov/security/Search.asp.

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 twelve crime statistical categories listed by location.

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 institution’s educational purposes, including residence halls, and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes.

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

The Hellstrom Boat House and Hanley Preserve are included in the Non-campus property category.

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.

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—
   (i) fear for the person’s safety or the safety of others; or
   (ii) 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.]
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<th>Offense</th>
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<th>Residential Facility</th>
<th>Non-Campus</th>
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