



**PAUL SMITH'S**  
COLLEGE



# 2024 Annual Campus Security & Fire Report

Statistical years: 2021, 2022, 2023

## Notice of the Availability of 2024 Annual Security Report & Fire Report

The safety of our community is a top priority for Paul Smith's College. We are dedicated to maintaining a campus where students, faculty, and staff can advance the college's educational mission in an environment unencumbered by safety concerns or fear for personal well-being.

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Paul Smith's College Annual Security Report (ASR) and Fire Report is available on the college's website at <https://www.paulsmiths.edu/campussafety/> and provided in paper format upon request from the Office of Campus Safety.

This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in off-campus buildings or property owned or controlled by Paul Smith's College, and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security and campus fire safety, including policies concerning sexual assault, domestic violence, dating violence and other matters. The Annual Security Report/Fire Report is published each year by October 1. This edition of the Annual Security Report covers the years 2021, 2020, and 2023.

Any questions regarding the information found in this report should be directed to Chief of Staff or the College's Campus Safety office. The College may provide this notice to prospective students and employees along with other information provided to them regarding their candidacy. Additionally, the ASR itself will be provided to prospective students and employees upon their request.

Paul Smith's College will provide upon request the Annual Security Report, Annual Fire Report and all campus crime statistics as reported to the United States Department of Education. The statistics are available on the college website <http://www.paulsmiths.edu/campussafety/>

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

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## CRIME AWARENESS

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

During the 1990 New York State Legislative session, the legislature passed, and the Governor signed into law chapter 739 of the Laws of 1990 new requirements for post-secondary institutions regarding campus security. This law requires post-secondary institutions to provide specific information to incoming students about sexual assault prevention. That law became NYS Education Law 129-A and 129-B.

Most recent changes to the Clery Act were made as a result of the Violence Against Women Act, The Campus SAVE Act and the 2024 Title IX Final Rule which included reporting and required grievance procedures for domestic violence, dating violence, sexual assaults and stalking on campus. In addition, New York State made changes to Education Law Article 129-B and in 2015 added additional requirements to address domestic violence, dating violence, sexual assaults and stalking on campus.

## CAMPUS SAFETY: WHO WE ARE



The office of Campus Safety is responsible for maintaining a safe, secure, and learning-friendly environment for students, faculty, and staff, as well as safeguarding College property.

Located near the entrance of campus, on the ground floor of the Phelps Administration Building, Room 013, the Office of Campus Safety is open 24 hours a day, 365 days a year. Campus Safety can be reached by calling 518-327-6300. Campus Safety can and should be contacted for emergencies, calls for service, to report incidents, and for non-emergency calls.

Paul Smiths College employs licensed New York State Security guards to protect students, faculty and staff, and physical property 24-hours per day.

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

Campus Safety Officers conduct patrols of the campus (including all parking lots, buildings, and other areas of campus) on foot and in vehicles. Campus Safety Officers respond to calls for service, including room/office lockouts, and safety escorts. Additionally, Officers respond to incidents involving emergencies, conduct investigations, and protect college property.

The Office of Campus Safety is the enforcement agency for the campus; however, Campus Safety is not a law-enforcement agency. While Campus Safety Officers enforce College policy, they do not make arrests or issue court appearance tickets. All campus Safety Officer are licensed as New York State Security guards. Neither the Office of Campus Safety nor Residence Life staff can transport students to the hospital.

### **Our mission and values**

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

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

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

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

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

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

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

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

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

## Daily Crime Log

The Office of Campus Safety maintains a Daily Crime Log which records, by date, all crimes and other serious incidents that occur on campus, in a non-campus building or property, on public

property, or within the patrol jurisdiction. The Daily Crime Log is available for public inspection at the Office of Campus Safety during normal business hours.

The Daily Crime Log includes the nature, date, time, and general location of each crime reported to the Office of Campus Safety or any Campus Security Authority, as well as the disposition of the complaint.

Campus Safety posts specific incidents in the Daily Crime Log within two business days of receiving a report of an incident and reserves the right to exclude reports from the log in certain circumstances.

## **Equal Opportunity Policy & Nondiscrimination Statement and Title IX**

Paul Smith's College subscribes to a policy of equal opportunity. The College believes that commitment to principles of fairness and respect for all helps create a climate that is favorable to the free and open exchange of ideas, and the College seeks to reach out as widely as possible in order to attract the best individuals as students, faculty, and staff. For these reasons, decisions concerning admission to college academic and other programs, as well as employment decisions in all College departments and offices, are made on the basis of an individual's qualifications to contribute to meeting Paul Smith's educational objectives and its institutional needs. In applying this policy, the College is committed to the principle of not discriminating against individuals on the basis of personal beliefs or characteristics such as political views, religion, national or ethnic origin, race, color, sex, sexual orientation, gender identity, age, marital status, veteran status, or disability unrelated to job or program requirements.

### **Nondiscrimination Statement**

Paul Smith's College does not discriminate and prohibits discrimination against any individual based on any category protected under applicable federal, state, or local laws. Accordingly, Paul Smith's College does not discriminate, and strictly prohibits unlawful discrimination on the basis of race (including traits historically associated with race, such as hair texture and protective hairstyles), color, religion, creed, national origin, ancestry, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity or expression, age, sexual orientation, physical or mental disability, citizenship, genetic information or predisposing genetic characteristics, marital status, familial status, domestic violence victim status, caregiver status, military status, including past, current, or prospective service in the uniformed services, or any other category or characteristic protected by applicable law. When brought to the attention of

Paul Smith's College, any such discrimination will be appropriately addressed by Paul Smith's College according to the procedures outlined in our Non-Discrimination and Harassment Policy and any applicable collective bargaining agreement. Diverse candidates are encouraged to apply.

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

- **Isabella Lambert:** Director of Compliance, Title IX Coordinator, (518) 327-6565, [ilambert@paulsmiths.edu](mailto:ilambert@paulsmiths.edu)
- **Vanessa Case:** Coordinating Officer, Section 504/ADA Compliance: Director of Accommodative Services, (518) 327-6414, [vcase@paulsmiths.edu](mailto:vcase@paulsmiths.edu)



## Reporting Emergencies and Criminal Activity

All students, employees, and guests must immediately report criminal incidents, accidents, and other emergencies to the Office of Campus Safety by calling 518-327-6300. Individuals may also report incidents in person at the Campus Safety Office in the Phelps Administration Building, Room 013.

The Office of Campus Safety is staffed 24 hours a day, 365 days a year. In response to a call, the Office of Campus Safety will take the required action by dispatching a Campus Safety Officer or asking the reporting person to report to the Campus Safety building to file a report.

While the preferred methods of reporting to Campus Safety is in person at the Campus Safety Office or by telephone at 518-327-6300, reports can also be made online at the link below. Members are encouraged to report incidents immediately to ensure Campus Safety. Reporting immediately promotes a timely and effective review and response from the College.

While the College prefers the community promptly report crimes and other emergencies directly to the Office of Campus Safety, we also recognize that some may prefer to report crimes to other individuals or campus offices. The Clery Act recognizes these individuals and offices as Campus Security Authorities (CSA). These include individuals on campus who have a significant responsibility for student and campus activities. Student This group includes but is not limited to club advisors, club presidents, resident assistants, coaches, Affairs staff and athletic directors.

Paul Smith’s College has identified several CSAs on campus; however, these are the official locations at which the campus community can report crimes.

Office/Employee	Phone Number	Location
<b>Campus Safety</b>	518-327-6300	Campus Safety Office: Phelps Admin. Building, Room 013
<b>Coordinator of Community Standards</b>	518-327-6263	Joan Weill Student Center
<b>Director of Residence Life and Housing</b>	518-327-6209	Joan Weill Student Center
<b>Resident Assistants</b>		In individual residence halls
<b>Any Athletic Staff Member</b>		Saunders Sports Complex
<b>Director of Compliance, Title IX Coordinator</b>	518-327-6565	Phelps Admin. Building Room 001
<b>Director of Campus Safety</b>	518-327-6300	Campus Safety Office
<b>Human Resources</b>	518-327-6374	Phelps Administration Building

College Professional Counselors, Student Health Center employees, and the Peer Educators in the Counseling Center, when acting in their roles, are confidential resources and are not considered a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics.

## Voluntary and Confidential Reporting of Crimes and other Serious Incidents

Paul Smith's College has several methods for individuals to report crimes and other serious incidents on a voluntary and confidential basis, such as the [Anonymous Report of Sexual Assault](#). This form allows reporting individuals or witnesses to anonymously report an incident of sexual assault. It assists the College in evaluating whether a Timely Warning should be issued and assists in collecting statistical information about sexual assaults. It is a valuable tool available to any member of the community. To obtain the form, contact the Office of Campus Safety, Health Services, the Counseling Center, or Student Affairs. The form is also available electronically at:

[http://www.paulsmiths.edu/campussafety/files/2016/03/confidential\\_sexual\\_assault\\_report16b1iii.pdf](http://www.paulsmiths.edu/campussafety/files/2016/03/confidential_sexual_assault_report16b1iii.pdf)

## Timely Warnings/Emergency Notifications and Evacuations

### PSC-BOBCAT-Alert

PSC BOBCAT-Alert is a system powered by Everbridge to allow Paul Smith's College to warn students, employees, visitors, and parents of an impending emergency and provide timely information to protect lives and minimize campus disruption. Messages can be received via cell phone (text and/or voice), telephone, and email.



Paul Smith's College will, without delay, and considering the safety of the community, determine the content of a notification and initiate the notification system, unless issuing a notification will in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or mitigate the emergency.

Students, Faculty and Staff can enroll to receive e-mail alerts via their paulsmiths.edu e-mail addresses. To receive additional notification alerts, individuals will need to log into the BOBCAT-Alert System and choose the format in which they would like to receive emergency notification messages. The BOBCAT-Alert system is managed through our Campus Safety.

Authorized and trained PSC personnel administer the BOBCAT-Alert system. BOBCAT-Alert notifiers include the college's Office of Campus Safety. They can send emergency messages, emergency protective actions, warnings, and post-incident information, whenever needed.

### **Timely Warnings**

If a Clery listed crime arises, either on or off campus, that, in the judgment of the Director of Campus Safety and/or the Vice President of Student Affairs, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the PSC BOBCAT-ALERT System, by e-mail to students, faculty, and staff. In all instances in which a timely warning is warranted, the identity of any victim of crime will not be disclosed.

### **Emergency Notifications**

In addition to timely warnings Paul Smith's College may issue "Emergency Notifications." An "Emergency Notification" is issued when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus community. These significant emergencies include all hazards such as natural disasters, environmental emergencies, weather emergencies, terrorist attacks, fires and other similar situations. Emergency notifications will be issued without delay to the campus community. The notification will utilize the same communication process as that used to issue timely warnings.

The college may also choose to utilize the emergency notification system (BOBCAT -Alert) to keep the campus community informed of unusual events or situations that are occurring on campus that are not emergencies (i.e. Snow closings, delays etc.).

### **Emergency Management, Response and Evacuation Procedures**

The College's Emergency Management Plan includes information about incident response plans, college operating status parameters; incident priorities and performance expectations; sheltering-in-place and evacuation guidelines; and local contingency and continuity planning requirements. These exercises are designed to assess and evaluate the emergency plans and capabilities of the institution and may be announced or unannounced.

When an incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Campus Safety Officers backed up by the New York State Police, Paul Smiths-Gabriels Volunteer Fire Department, and Saranac Lake Rescue Squad. Depending on the nature of the incident, other PSC departments and other local or federal agencies could also be involved in responding to the incident.

All members of the PSC Community are notified on an annual basis that they are required to notify 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 and/or employees on campus. The Office of Campus Safety have the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency.

### **Procedures for Testing Emergency Response and Evacuation Procedures**

Evacuation drills are conducted quarterly in compliance with NYS Fire Codes by PSC Campus Safety for all campus facilities. The emergency response and evacuation procedures are tested at least four times each year in residence halls and, for some of the buildings, more often. Additionally, drills are conducted in non-residential buildings on a schedule established by the NYS Fire Code.

All students should learn the locations of the emergency exits in the buildings they occupy and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Office of Campus Safety does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In all cases, The Office of Campus Safety and Residence Life staff on the scene will communicate information to students regarding any developments or any evacuation status changes. The purpose of an evacuation drill is to prepare building occupants for an organized action in case of an emergency.

At PSC, evacuation drills are used to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' evacuation procedures and familiarize themselves with the location of exits and the sound of the fire alarm. The process also provides the college an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by the Office of Campus Safety and Residence Life Staff to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficiencies so that corrective actions can be taken immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation and shelter-in-place procedures during their initial residence hall floor meeting of the semester and during other educational sessions available to them throughout the year. The Residence Life staff members are trained in these procedures as well and act as an on-going resource for the students living in residential facilities.

The Office of Campus Safety conducts both announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. The Office of Campus Safety assesses and evaluates the emergency evacuation plans and capabilities. A summary of its emergency response and evacuation procedures will be published in conjunction with at least one drill or exercise each calendar year.

## Shelter-in-Place Procedures

**What it means to "Shelter-in-Place"**- If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. "Shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

**Basic "Shelter-in-Place" Guidance** - If an incident occurs and the building you are in is not damaged, stay inside seeking an interior room-until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, ID card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest available building quickly. If campus safety, police, fire department or other emergency services personnel are on the scene, follow their directions.

**How You Will Know to "Shelter-in-Place"** - A "shelter-in-place" notification may come from several sources, including the Office of Campus Safety, Emergency Management, Residence Life Staff members, other College employees, the federal or State government, or other authorities utilizing the College's emergency communications tools PSC BOBCAT-Alert.

**How to "Shelter-in-Place"** - No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise follow these steps, unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. Collect any emergency “shelter-in-place” supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
  - An interior room.
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a building, several rooms may be necessary.
- Shut and lock all windows and close all exterior doors.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Make a list of the people with you and call the list into the Office of Campus Safety

## Access to Campus Facilities and Residence Halls

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. The College encourages an open environment with limited constraints to ensure the reasonable protection of all members of the community. Except for residence halls, most campus facilities are open during weekday business hours. Individuals who wish to access college buildings or property during non-business hours or for special event services should contact the appropriate office administrator, the Office of Conference and Event Services, or complete a Building Access Request form and submit it to the Office of Campus Safety.

All residence halls have key or card swipe access. Access is available to students and authorized staff. Students may allow other PSC students into their rooms, provided both host roommates agree. The exterior doors to student residence halls remain locked 24 hours a day. Exterior doors have door prop alarms installed which will sound if a door is not properly closed.

After evening classes/functions and during times when the campus is officially closed, campus buildings are locked and only faculty, staff and students with proper authorization are admitted. Campus employees with assigned offices are issued keys and are responsible for reporting missing and stolen keys. All campus community members are responsible for securing those areas to which they have access.



## Missing Student Notification Policy

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

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

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

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

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

### **General Procedure:**

1. The Paul Smith's College official receiving the report will collect and document the following information at the time of the report:
  - a. The name and relationship of the person making the report.
  - b. The last date, time, and location of the missing student



- c. The general routine or habits of the missing student (e.g.-visiting friends who live off-campus, working a job away from campus) including any recent changes in behavior or demeanor.
    - d. The missing student's cell phone number (if known by the reporter)
  2. The Paul Smith's College official receiving the report will contact the Office of Campus Safety in order to provide them with the obtained information and turn the incident over to them.
  3. Upon receiving a report of a missing student, a Campus Safety Officer will attempt to contact the reported missing student, by performing the following:
    - a. Go to the student's residence hall room.
    - b. Call the student's cell phone.
    - c. Check to see if the student is listed as being on any College trips, and confirm the student is, in fact, on the trip.
    - d. If the Armory is open, check records to see if the student checked out to go hunting.
    - e. Email the student.
    - f. Text the student's cell phone
    - g. Talk to the student's RA, roommate, floormates, and friends to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen.
    - h. Check all possible locations mentioned by the parties above including but not limited to the dining hall, library, residence hall lounges, fitness center, etc.
    - i. Check if the student has a vehicle registered, and if so, attempt to locate the vehicle on campus.
  4. If the Campus Safety Officer is unable to locate the reported missing student after taking the above actions, they will notify the Director of Campus Safety of the reported missing student. The Director of Campus Safety will then notify the Dean of Students.
  5. The Campus Safety Officer will continue to attempt to contact and locate the reported missing student by performing the following:
    - a. Continue to check the student's room.
    - b. Continue to call the student's cell phone.
    - c. Secure a current student ID or other photo of the student.
    - d. Contact and notify Residence Life staff and request their assistance in locating the reported missing student.
    - e. Check the student's social media accounts, if known.

- f. Contact the Dining Services to check when the student last used dining service.
  - g. Contact the IT staff and request information on when the student last logged into a campus computer and/or accessed the College's network.
6. The Campus Safety Officer will update the Director of Campus Safety.
7. The Director of Campus Safety will notify the Dean of Students
8. The Dean of Students will contact the emergency contact(s) provided by the student on the submitted Missing Student Emergency Contact Form.
9. Once all the information is collected and documented and the Dean of Students (or a designee) and the Director of Campus Safety is consulted, Paul Smith's College will contact the local police to report the information.
  - a. (Note: If while gathering information as described above, foul play is evident or strongly indicated, the police will be contacted immediately.) If it is necessary to contact the local or state authorities, police procedures and protocol will be followed by the College.
10. Every Report made to the campus will be followed up with an immediate investigation lasting up to 24 hours of the initial report. If it is determined that the student is missing, Paul Smith's College will notify local law enforcement within 24 hours of that determination.

## Security/Safety considerations in the maintenance of campus facilities

Paul Smith's College is committed to campus safety and security. Exterior and interior lighting and landscape control is a critical part of that commitment. As part of patrol duties, the Office of Campus Safety conducts lighting surveys on a routine basis to ensure that campus lighting is adequate, and that landscaping is appropriately controlled. If lights are out or dim, officers will submit a work order, which is acted upon by a representative of the Facilities Department, usually within 24 hours, or on the next business day. We encourage community members to report any deficiency in lighting to the Facilities Department at 518-327-6438.

We also encourage community members to promptly report any locking mechanism deficiency to the Facilities Department at 518-327-6438 or to the Office of Campus Safety at 518-327-6300. Facilities staff is available to respond to calls for service regarding unsafe building and ground conditions. These conditions may include unsafe steps or handrails, unsafe roadways on campus, and unsecured equipment.

## **Campus Policing and Security Policies**

### **Campus Safety Officer's law enforcement authority and inter-agency cooperation**

Campus Safety Officers are required to be licensed as New York State Security Guards and to complete New York State Security Guard Training courses approved by the Department of Criminal Justice. Officers are also required to attend mandatory-in-service training throughout the year to enable them to perform more efficiently and safely. All officers participate in a minimum of 120-hour Field Training and Evaluation Program to further orient them to their role in campus safety at Paul Smith's College. Campus Safety Officers are not law enforcement officers or public servants. While Campus Safety enforces College policy, rules, and regulations, they do not make arrests or issue court appearance tickets.

### **Inter-agency cooperation**

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

### **Monitoring Off-Campus Criminal Activity**

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

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

## Education Programs

### Crime Prevention Education and Awareness

The campus' crime-prevention strategy rests on a multilayered foundation of a proactive area patrol of the campus, crime prevention training, building and area security checks, and property registration. This approach relies on the dual concept of eliminating or minimizing criminal opportunities, whenever possible, and encouraging community members to take responsibility for their own and other's safety.



- Members of the Office of Campus Safety are available to assist any individual or group in planning, presenting, and coordinating programs of interest or concern.
- Presentations during SOAR and Welcome Week help to inform parents and students about crime prevention and personal safety.
- The Counseling Center conducts campus substance abuse and harassment surveys. The reports are submitted to appropriate personnel for review and action.
- New employees receive a campus orientation and are provided with information on personal safety, crime prevention, emergency procedures and other prevention measures.
- All faculty and staff receive sexual harassment training on an annual basis, as required by NYS.
- All faculty and staff receive Title IX and Clery reporting information on a regular basis.
- PSC [Emergency Guidebooks](#), which describe emergency response procedures, are distributed to all PSC departments and are available [online](#).
- All first-year students receive training in Bystander Intervention during Welcome Week.
- All first-year students receive education on Title IX, Students' Rights, sexual misconduct prevention, and reporting.
- All student leaders receive annual training on Title IX and Clery reporting.
- All athletes receive education on Title IX, VAWA crimes, and sexual misconduct prevention/bystander intervention.

## **Educational Programs Are Offered Each Year on Crime Prevention**

Listed below are the variety of programs Paul Smith's College has offered:

- Sexual Awareness Month activities conducted through the Counseling Center and Student Affairs.
- Domestic Violence Awareness Month activities conducted through the Counseling Center and Student Affairs.
- General Safety through the Office of Student Affairs and/or the Counseling Center.
- Drug & alcohol assessment & Awareness through the Counseling Center and Student Affairs.
- A Campus sexual harassment Climate Survey is conducted biannually, and the results are distributed to the appropriate offices for action, as well as published on the College's website.
- Fire Safety through the Office of Student Affairs and Campus Safety.
- National Campus Safety Awareness Month (September) activities including seminars and events to promote safety and security.

## **Programming on Security and Safety**

In addition to the full-time Campus Safety Officer coverage, the Student Affairs/Residence Life staff is a team of individuals who work to provide a safe and secure environment in which resident students can live and learn. The Dean of Students supervises the Director of Residence Life and Housing who is responsible for the overall operation of the residence halls.

The Residence Life Staff live on college property and are available to respond to any situation on campus at any given time. There are Resident Assistants in each building and rotate on duty calls. These students are carefully selected and trained in counseling, Title IX, and intervention techniques. They work closely with the residents of their floor to develop a sense of community and to help students make adjustments to living at a college.

Paul Smith's College offers many opportunities for campus-wide programming throughout the year. These programs, designed to inform students and employees about campus security procedures and practices, include lecture series, residence hall meetings, counseling, health services, classroom discussions, and new student orientation.



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

### **Campus Safety Escorts**

If a Paul Smith's College community member must travel alone at night, or at any time feel unsafe, they can call the Office of Campus Safety who will gladly escort the person to the place they are traveling. Safety Escorts may come in the form of a walking escort, or a ride in the Campus Safety vehicle.

## **Alcohol and Drugs**

Paul Smith's College policy prohibits the unlawful possession, use, or distribution of alcohol and controlled/illegal drugs by any member of the College community. All community members are expected to fulfill their obligations and responsibilities pursuant to Paul Smith's College policy as well as federal, state, and local laws. Disciplinary action imposed by the College may be in addition to criminal penalties. Both students and employees are subject to the applicable state and federal laws.

The college follows a Zero Tolerance philosophy toward alcohol and drug violations. The Coordinator of Community Standards will take appropriate action for each alcohol policy violation

and the student will be met with educational requirements. There is a need to send both a consistent and strong message that illegal consumption of alcohol, alcohol abuse as well as drug abuse and the resulting behavior is contrary to Paul Smith's College policy and community values. A violation of any federal or state law regarding alcohol and/or drugs is also a violation of the College's Student Code of Conduct and will be treated as a separate disciplinary matter by the Paul Smith's College.

### **Alcohol Policy**

Students at Paul Smith's College are expected to be acquainted with, and abide by, State Laws and college regulations regarding alcohol. Students are also expected to be aware of the social, physiological, and psychological consequences of excessive drinking to make responsible and informed decisions about the serving and consumption of alcohol. The college provides regular educational programs on alcohol and drug abuse as well as counseling services. The college's alcoholic beverage policy is designed to be consistent with the laws of the State of New York, which, in general, prohibit the possession, consumption, and serving of alcoholic beverages by and to persons less than 21 years of age.

If you have questions or concerns, call the Office of Campus Safety at 518-327-6300 or the Residence life and housing at 518-327-6209. New York State Law and College policy is detailed in the Community Guide which is available on Paul Smith's College website and emailed to the community at the beginning of each semester.

### **Drug Policy**

Paul Smith's College does not condone the possession, use, manufacture, or distribution of illegal substances or drug paraphernalia of any kind in any amount. The College maintains a Zero Tolerance policy towards illegal substances. Students in violation of this policy may be jeopardizing their own well-being as well as the well-being of the College community. Therefore, any cases involving narcotics of any kind will be handled through the Coordinator of Community Standards and as appropriate, local, and state law enforcement.

### **Response to Violations of Alcohol and Drug Policies**

The College recognizes that when alcohol or illegal drugs are abused, the health and safety of students are the primary concerns. Consequently, when students make the choices that violate the College's policies, an educational response is the ideal approach to help students to think about their options and the decision-making process. Therefore, when there have been incidents that place the student and/or others at the risk of harm or when College policy regarding drugs and alcohol has been violated, the student will be required to meet with the counselor at the Student Counseling Center, as well as attend an educational program (Additional information on programs may be found in Chapter 9 under Student Counseling Center). Outside assistance by a



local treatment facility or a leave of absence from the College in order to gain some insight into what might be contributing to the unhealthy behavior are also possible outcomes.

Students violating our alcohol or drug policy will also face other sanctions as part of the College's conduct process.

PSC Health Services Office provides an overall coordination of the Drug-Free School Program and services include alcohol and drug education, counseling services, and referral services.

## Amnesty Policy

The health and safety of every student at Paul Smith's College is of the utmost importance. Paul Smith's College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that sexual misconduct, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Paul Smith's College strongly encourages students to report sexual misconduct, including but not limited to domestic violence, dating violence, stalking, or sexual assault to college officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of sexual misconduct, including domestic violence, dating violence, stalking, or sexual assault to the College officials or law enforcement will not be subject to Paul Smith's College code of conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the sexual misconduct. This does not limit Paul Smith's College from seeking assistance for a student who is struggling with alcohol or drug addiction or is otherwise in danger, provided the assistance is not disciplinary in nature.



## Medical Intervention Policy

Paul Smith's College Medical Intervention Policy was implemented to protect the health and safety of the campus community. Students are encouraged to activate an emergency medical response for students who are intoxicated, either themselves or others, without fear of the normal conduct process. Students who avail themselves of the code of conduct will be referred to Coordinator of Community Standards, however, conduct sanctions associated with the violation may be waived. This does not limit Paul Smith's College from requiring a student who is

struggling with alcohol or drug addiction or is otherwise in danger from attending SAFE provided the assistance is not disciplinary in nature.

## Drug and Alcohol Abuse Education

As an educational institution, Paul Smith's College believes that the best approach to drug and alcohol abuse is education. The Student Counseling Center provides ongoing drug and alcohol awareness educational programs and dissemination of pertinent information as illustrated below:

**Alcohol and Drugs Awareness:** This program provides students with the facts and statistics about alcohol and other drugs and how they can affect your life. It also addresses legal issues. It also provides students with alternatives to drinking and using drugs.

**Signs of someone who is possibly abusing drugs and alcohol:** This program provides RAs with behavior signs of someone who is possibly abusing drug/alcohol. RAs are informed as to how to contact a counselor for referral and given numbers for direct referrals to outside agencies.

**Drug Recognition:** This program provides RAs with the latest information about current drug use trends in higher education and drug identification strategies. The program includes live displays and demonstrations of drugs and drug paraphernalia confiscated on campus.

**Caution: Drugs & alcohol do not mix:** This program explains the possible consequences of mixing alcohol with certain types of medication; mixing antibiotics, antihistamines, over-the-counter pain killers, and sleep medicines, for example, are dangerous when mixed with alcohol. It also provides students with an overview of marijuana and how it affects the body and mind. Issues covered are personality changes, panic reactions, memory deficits, risks, and side effects.

**Alcohol Poisoning and Binge drinking:** The program describes what binge drinking is, the dangers and what it can lead to, how to resist pressures, and health options. The program also covers warning signs of alcohol poisoning and how to react immediately. In addition, it gives information about the size of a drink, Blood Alcohol Content, social norms, and legal information about liability.

**Alcohol Screening**— this program provides the opportunity for students who think they may have a problem with alcohol to see if they need further help or treatment and then offers those referrals.

**Fatal Vision Goggles-** Students have an opportunity to experience the physical symptoms of impairment, and possible consequences of the impairment both on the road and in their personal lives.

**TIPS for the University** – RAs are trained in these procedures for intervening in alcohol consumption in a non-threatening way and how to identify levels of intoxication.

**TIPS on Premise** – This six-hour program has been presented to all the hospitality and culinary practicum students over the last year. It presents information about the physical, legal, and cognitive effects of alcohol, signs of intoxication, and ways to deal w customer intoxication, including cutting off the customer. It also presents dram shop laws, and negligence legal issues for businesses.

**SAFE Program:** This program developed in partnership with St. Joseph’s Addiction Treatment & Recovery Centers. It is presented individually to students who receive conduct related sanctions for alcohol and drug use or possession. It includes a personal assessment and educational programming provided by a clinician.

**Focus Groups/Intercept interviews** – Students have an opportunity to discuss their views on alcohol and other drugs and current programming, to help the college improve programming and clarify needs.

**Alcohol/drugs and their relationship with AIDS and other STIs:** This program provides students with an overview of AIDS and various STDs and makes them aware of how alcohol and drugs can lead to unsafe sex.

**Designated Driver Program-** students are informed of the dangers of drinking and driving and can sign pledges to both be a designated driver at times when they are not drinking and use a designated driver when they do.



## Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

The **Violence Against Women Act (VAWA)** amendments to the Clery Act require that certain college officials charged with responding to sexual assault, domestic violence, dating violence, and stalking be trained annually in several areas. This college is a member of the SUNY Student Conduct Institute. As part of that membership, covered officials who investigate or participate in student conduct proceedings to address allegations of dating violence, domestic violence, sexual assault and stalking receive at least eight hours of training annually through attendance at the SUNY Student Conduct Institute's Basic Compliance Training and/or live Advanced Trainings and/or digital Basic or Advanced Trainings. These in-person and virtual courses address topics including how to determine the relevancy of evidence and use it during the proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest.

This training also addresses how to investigate and the hearing process that protects the safety of reporting individuals, properly employs trauma-informed practice, and promotes accountability, while protecting the due process rights of the respondent. Finally, these training courses provide comprehensive reviews of federal and state laws and regulations on point as well as relevant court and administrative opinions. Participating Conduct Board members, Coordinator of Community Standards, Director of Compliance and Title IX Coordinator, and the Director of Campus Safety attend trainings to better understand Violence Against Women Act, held through National Association of Clery Compliance Officers (NACCOP).

**Living Responsibly in the Campus Community** – Paul Smith’s College prohibits sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking and will offer resources to any complainant while taking administrative and conduct action regarding any respondent within the jurisdiction of the institution. This interactive program is offered to all onboarding students during Welcome Week. The program includes definitions of sexual assault, domestic violence, dating violence, stalking, confidentiality, privacy, and affirmative consent. Students are provided with information on procedures and options for reporting prohibited behaviors and crimes on campus. The conduct system is discussed, and the students are provided with the Students' Bill of Rights and a listing of sexual assault, dating violence, domestic violence, and stalking resources both on and off campus.

**Consent and Respect** – Consent & Respect is an online course that provides college students with facts about sexual assault, consent, intimate partner violence, and stalking, warning signs of abusive behavior, the role of men as advocates, and safe and positive options that will empower bystanders in potential high-risk situations. All new students to Paul Smith’s College are required to take this program.

**Programming for Athletes** – Specialized training programs are held for all athletic teams and coaches designed to educate and demonstrate proper behavior and strategies for preventing sexual assault through bystander intervention, dating violence, domestic violence, and stalking prevention on campus and stalking prevention on campus. The training is presented prior to the start of intercollegiate play and more often if necessary, to accommodate athletic team arrivals.

**Programming for Student Leaders**— Specialized training programs are held for all student leaders designed to empower students in leadership positions to adequately report disclosures of sexual misconduct. Programming also educates on strategies for preventing sexual assault, dating violence, domestic violence, and stalking prevention on campus.

**Misc. Sexual Assault Prevention Programming** - These programs range from bringing speakers to campus to share stories and experiences related to sexual misconduct, to general tabling events raising awareness about victim/survivor's rights. Through these programs, students are always offered information on confidential resources both on and off campus, as well as avenues for reporting.

**Take Back the Night** – this program presents information and services to help students deal with sexual assault, incest, stalking, dating violence, and domestic violence issues.

**Denim Day** – PSC commemorates Denim Day every year in April to raise awareness around victim blame. The Counseling Center partners with local Sexual Assault Services to provide students with information and resources, as well as raise funds for the local hotline.

**Safe Space Programming** – Safe Space training is offered to student leadership groups and are facilitated upon request. Safe Space programs have been shown to be an effective tool for helping LGBTQIA+ students feel safe and included in the college community. The program is a nationally recognized program that provides training and signage for institutions committed to supporting LGBTQ students.

**One Love Foundation** – One Love Foundation is an organization dedicated to educating young people about healthy and unhealthy relationships, empowering them to identify and avoid abuse and learn how to love better. One Love Foundation offers a framework that PSC utilized in programming throughout the year.

**Healthy Relationships** – This interactive program includes some of the information above regarding sexual assault as well as ways to maintain healthy relationships and information on prevention and recognition of domestic violence, dating violence and stalking.

**SAFE Spring Break** – active outreach to students regarding alcohol, physical health, and sexual assault while on spring break.

**Bystander Intervention** – This program helps students to look at ways they can intercede positively to prevent alcohol poisoning, drunk driving, and sexual assault, as well as giving them information on those topics. It is done in large and small group format and is interactive.



**Green Dot Training** – This is a bystander intervention program that encourages members of the campus community to stand up and be proactive against power-based violence (domestic violence, dating violence, sexual assault, stalking). This past year Paul Smith's College has trained 15 staff and faculty members and over 150 students so far. The goal of this training is to not react to potential violence as it is occurring, but rather to simultaneously shift community norms and intervene to stop potential violence from occurring.



## All-gender Restrooms, or Gender-neutral Restrooms

All-gender restrooms or gender-neutral restrooms are restrooms that anyone of any gender or non-gender can use. These restrooms can benefit many different people including families, differently abled persons, transgender, and gender non-conforming individuals. Historically, restrooms have been a place for harassment, discrimination, and threats of injury and arrest towards transgender and gender nonconforming individuals. All-gender restrooms provide an opportunity for our community members to enter a room without being questioned or interrogated.



Currently, all of Paul Smith's College's all-gender restrooms are single stall, locking restrooms. Signage for these restrooms are marked with an ALL-GENDER BATHROOM sign.

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



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



identity and/or gender expression. Currently, All-Gender Bathrooms are located in the following locations:

<b>Building</b>	<b>Number of Restrooms</b>	<b>Location</b>
<b>Administration Building</b>	7	All floors
<b>Buxton Gymnasium</b>	2	First Floor
<b>Cantwell Hall</b>	1	First Floor (stairwell by Freer)
<b>Facilities Building</b>	2	First Floor
<b>Forestry Club Cabin</b>	2	First Floor
<b>Hillside Hall</b>	1	First Floor (handicap accessible)
<b>Building</b>	<b>Number of Restrooms</b>	<b>Location</b>
<b>Joan Weill Adirondack Library</b>	1	First Floor: 24 hour room
<b>Joan Weill Student Center</b>	2	Ground Floor: Health Services (handicap accessible)
<b>Lydia Martin Smith Hall (LMS)</b>	1	First Floor
<b>NOLS Building</b>	1	First Floor
<b>Overlook Hall</b>	1	First Floor
<b>Paolozzi</b>	2	Second Floor
<b>Saratoga Hall</b>	4	Ground, First, and Second Floors
<b>Saunders Sports Complex</b>	4	Second and Third Floors
<b>Sporck Admissions Center</b>	2	Ground Floor Conference Room (Handicap accessible) and First Floor
<b>Upper St. Regis Hall</b>	1	Second Floor
<b>VIC</b>	1	Second Floor

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

Any community member who has experienced discrimination on the basis of sex, gender, gender identity, or gender expression should contact the Title IX Office at [bwilliams3@paulsmiths.edu](mailto:bwilliams3@paulsmiths.edu).

## Sexual Misconduct, Dating Violence, Domestic Violence and Stalking

The complete policy on Sexual Misconduct can be found in the College Community Guide – Chapter 3, Sexual Misconduct Policy: <https://www.paulsmiths.edu/live/community-guide/>

The policy regarding Sexual Harassment in the Workplace for all employees can be found on our website: [https://cpb-us-w2.wpmucdn.com/www.paulsmiths.edu/dist/f/44/files/2015/11/Policy\\_Regarding\\_Sexual\\_Harassment\\_in\\_the\\_Workplace-2020-a.pdf](https://cpb-us-w2.wpmucdn.com/www.paulsmiths.edu/dist/f/44/files/2015/11/Policy_Regarding_Sexual_Harassment_in_the_Workplace-2020-a.pdf)

### Introduction

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

Paul Smith's College is required to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities. The U.S. Department of Education and its Office for Civil Rights (OCR) emphasize the importance of providing all students with an educational environment free from discrimination. Sex discrimination includes sexual harassment and sexual misconduct. Pursuant to the Violence Against Women Act, the College also prohibits domestic violence, dating violence, and stalking where it impacts or has the potential to impact the educational environment of a College Community member. Paul Smith's College will not tolerate sexual harassment, sexual assault, domestic violence, dating violence or stalking and will take reasonable and appropriate remedial action to prevent such conduct, prevent its recurrence, and remedy any discriminatory effects on the reporting individual or the community in general. A student charged with violation of this policy will be subject to the grievance procedures set forth in the Community Guide and may be subject to sanctions, up to and including expulsion from the College.

Paul Smith's College prohibits sexual assault, domestic violence, dating violence, and stalking and will offer supportive measures to any complainants of such violence, while offering grievance procedures within the jurisdiction of the institution.

Alcohol, drugs, coercion, consent previously given, or ignorance of college policy will not serve as a justification. The college can pursue a grievance process through its own channels, including the possibility of suspension and dismissal from the college.

The Student Code of Conduct applies to conduct on campus and in connection with any College sponsored program or activity, regardless of where it occurs. Additionally, off-campus conduct may violate the code of conduct if the conduct creates a threatening or uncomfortable learning environment on Paul Smith's College campus or within any College program, or if the incident causes concern for the safety or security of the College's campus. Non-community members visiting campus or participating in any College program or activity are expected to abide by the behavioral expectations of this policy.

If you experience any sexual misconduct, seek the support and assistance of private resources of Campus Safety, the Title IX Coordinator, an on-campus confidential resource through Health Services or the Counselling Center, or the local Sexual Assault Hotline, 1-877-212-2323. Private Resources of Campus Safety and the Title IX Coordinator can assist you in getting medical attention and provide the opportunity and assistance to file a formal Title IX Complaint or report to the New York State Police. The Counseling Center and Health Services are confidential resources and can provide you with mental health and medical resources but will not share your information and therefore cannot make a Title IX Complaint on your behalf.

Student Counseling Services (confidential resource)

*Provides counseling and mental health services to Paul Smith's College students free of charge*

Location: Student Center

518-327-6358

[counselingcenter@paulsmiths.edu](mailto:counselingcenter@paulsmiths.edu)

Student Health Services (confidential resource)

*Provides general medical treatment and medical services to Paul Smith's College students* Joan Weill Student Center, Student Health Services, Room 003

518-327-6319

[healthservices@paulsmiths.edu](mailto:healthservices@paulsmiths.edu)

## Students' Bill of Rights

Every student who reports that they may have experienced domestic violence, dating violence, sexual assault or stalking, regardless of where the offense occurred, will be provided with a written explanation of their rights or responsibilities as follows;

All students have the right to:

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



## Definitions

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

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time. When consent is withdrawn or cannot be given, sexual activity must stop.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Persons under the age of 17 cannot consent.
- Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force or threat of harm.
  - Incapacitation includes the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the activity is occurring.
  - the use of alcohol or drugs can lower inhibitions. When alcohol or other drugs are involved, incapacitation is a state beyond drunkenness, intoxication or being under the influence. A Respondent's voluntary intoxication is never an excuse for or a defense to prohibited conduct, and it does not diminish the responsibility to determine that the other person has given consent and has the capacity to do so.

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

**Campus Security Authority** means an individual identified by the college as having an obligation to report certain violations to the appropriate offices (i.e. Office of Campus Safety, Residence

Life and Housing). Individuals or groups who are not considered to be “campus authorities” include faculty without direct responsibility for student or campus activities outside the classroom, clerical, medical doctors, maintenance and food service employees.

Pastors, Health Center employees and peer leaders in the Counseling Center, and professional counselors, when acting in their professional role, are also exempt.

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

**Coercion** – The use of non-physical verbal, emotional, or psychological pressure that compels another individual to initiate or continue unwanted or rejected sexual activity. Coercion is a threat, undue pressure, or intimidation to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity.

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

**Confidentiality** – May be offered by an individual who is not required by law to report known incidents of sexual assault or other violation to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20 U.S.C. 1681(a). Licensed mental health counselors, medical providers and pastoral counselors are examples of institution employees who may offer confidentiality.

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

**Domestic Violence** – refers to any felony or misdemeanor crime of violence between current or former spouses, current or former intimate partners, persons who are cohabitating, or who have cohabitated, with one another as spouses or intimate partners, individuals who share a

child in common, or individuals who are similarly situated to spouses and/or individuals who are protected from the other person's acts under the domestic or family violence laws of the jurisdiction in which the acts of violence occurs. Domestic violence can include, and is not limited to physical, emotional, sexual, physiological, and financial abuse.

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

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

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

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

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

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

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

**Privacy** – May be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a violation or incident more than necessary to comply with this and other applicable laws, including informing appropriate institution officials. Institutions may substitute another relevant term having the same meaning, as appropriate to the policies of the institution.

**Rape** – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim/survivor.

Under New York State law, rape is defined as sexual intercourse against the will of the victim that can occur under a variety of circumstances, including:

- Where there is a threat, expressed or implied, which places a person in fear of immediate death or physical injury to himself, herself or another person.
- Where the victim fears that she or he or another will be injured if the victim does not submit.
- Where the victim is at the time physically unconscious or for any other reason is physically unable to communicate unwillingness to the nature of the act, and this is known to the assailant.
- Where the victim is incapable of giving legal consent due to a mental disorder or developmental or physical disability, and this is known or reasonably should be known to the assailant.
- The complete New York State rape and sexual assault offense definitions can be found here: <http://ypdcrime.com/penal.law/article130.htm>

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

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

**Responsible Employee** – As stated in Education Law 129-B, Paul Smith’s College considers any College employee, other than a confidential resource, to be a responsible employee. As described more fully below, responsible employees are required to report violations of the code of conduct that they witness or learn about to the Title IX Coordinator or Campus Safety.

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

### **Title IX Category Violations**

Title IX of the Education Amendments of 1972 provides: “No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” In accordance with Title IX as interpreted by the Department of Education, the College recognizes the following as conduct violations within the meaning of Title IX, provided that the



context and circumstances of the conduct fall within the scope of Title IX, including but not limited to that the Complainant was in the United States at the time of the alleged conduct, that the Complainant was participating in or seeking to participate in the college's education program or activity at the time of the complaint, and that the conduct occurred in the context of the College's education program or activity:

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

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

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

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

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.
- Fondling--The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) 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 their age or because of their temporary or permanent mental incapacity.
- Incest—Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape—Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

(4) **Dating Violence-** "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons

involved in the relationship. For purposes of this Policy, verbal and/or emotional abuse will also be considered by the College to violate this Policy.

(5) **Domestic Violence** “Domestic violence” means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

(6) **Stalking-** Engaging in a course of conduct directed at a specific person on the basis of sex that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. The term *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

### **College Category Violations**

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

The College prohibits the following behavior:

- **Sexual harassment**
  - **Sexual assault**
  - **Rape**
  - **Fondling**
  - **Incest**
  - **Statutory rape**
  - **Dating violence**
  - **Domestic violence**
  - **Stalking**
- **Sexual Exploitation.** Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy. Examples of sexual exploitation include, but are not limited to: prostitution, acts of incest, observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) without the affirmative consent of all involved; taking intimate pictures of another, but then distributing the pictures to others without the photographed person’s affirmative consent; engaging in voyeurism, engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; or exposing one’s genitals in nonconsensual circumstances.
  - **Retaliation.** Retaliation is an adverse act perpetrated to “get back” at a person because the person reported sexual misconduct, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this policy by the College or by an external agency. An act of retaliation may be anything that would tend to discourage an individual from reporting sexual misconduct, pursuing an informal or formal complaint, or from participating in an investigation or adjudication as a party or a witness. A person who acts in good faith is protected from retaliation.

## Reporting Sexual Misconduct & Supportive Measures

You have the right to make a report to campus safety, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.

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

**Director of Compliance and Title IX Coordinator:** Isabella Lambert

(518) 327-6565 or [ilambert@paulsmiths.edu](mailto:ilambert@paulsmiths.edu)

**Director of Campus Safety:** Joseph House

(518) 327-6300 or [jhouse@paulsmiths.edu](mailto:jhouse@paulsmiths.edu)

Students may also report to any responsible employee, including members of the Office of Campus Safety, the Director of Housing and Residence Life, the Coordinator of Community Standards, Dean of Students, Human Resources, any staff member, faculty member, or any athletic coach.

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

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

### **Officials with Authority**

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

Officials with Authority are required to report any witnessed sexual harassment, any incidents reported of sexual harassment or sexual harassment allegations from a complainant (i.e., a person alleged to be the victim) or a third party (e.g., the complainant's parent, friend, or peer);

or any written or verbal complaint about sexual harassment or sexual harassment allegations to the Title IX Coordinator.

The following are listed as an OWA with Paul Smith's College:

- President
- Senior Leadership Team
- Title IX Coordinator
- Director of Campus Safety
- Athletic Director

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

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

### **Supportive Measures**

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

Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the university's educational programs and activities and protect the safety of all parties without unreasonably burdening the other party or parties. As required by federal regulation, these

supportive measures must be non-disciplinary and non-punitive to both parties. Supportive measures could include, but are not limited to:

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

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

**How confidentiality and decisions to take action are handled:**

A report to any of the individuals listed above or any other responsible employee is not a confidential report and may or may not lead to an investigation or disciplinary action. The decision about what action(s) to take depends on many factors, including the complainant’s wishes. A complainant may make a report but choose not to file a formal complaint and request that the College take no investigatory or disciplinary action. Alternatively, a person may make a report and file a formal complaint intending for the College to investigate and take disciplinary

action, but then later request that the report and formal complaint be withdrawn. The College will try to honor the complainant's wishes to not initiate or to stop an investigation or disciplinary process. However, that is not always possible.



If a complainant does not file a formal complaint and requests that no action be taken against the respondent (i.e., no investigation or disciplinary action or that the investigation or disciplinary process cease), this will be discussed and considered by and between the Title IX Coordinator and the other appropriate administrators. The College will consider whether an investigation and/or disciplinary process is necessary to ensure a safe, non-discriminatory environment for all

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

Similarly, a complainant may desire to file a formal complaint and go forward with an investigation and adjudicatory proceedings but may wish to have their identity as the complainant kept confidential. Depending on the circumstances, this may or may not be possible.

In addition, if a complainant declines to participate and answer questions in a disciplinary proceeding the College may not consider the complainant's statements in determining whether the accused committed a violation. If a complainant requests that their name be kept confidential (or if a reporting individual makes an anonymous report), the College's ability to respond to the report may be limited. The appropriate administrators will discuss the situation and the

complainant's request for confidentiality, and a decision will be made and shared with the complainant.

### **Reports can be made in the following ways:**

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

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

**Criminal Procedures:** All victim/survivors of sexual assault have the right to file criminal charges. Victim/survivors have the option of notifying the appropriate law enforcement officials, including local police, of an incident of sexual assault. The NYSP can be contacted by calling 911 from any phone. At the victim/survivor's request, Campus Safety, as well as the victim/survivor's college or off campus advocate will promptly assist in notifying law enforcement officials.

### **Filing a Formal Complaint**

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

A formal complaint is a document filed by a complainant or signed by the College's Title IX Coordinator alleging one or more violations of this policy committed by a respondent and requesting that the College investigate the allegation. The respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the College.

To file a formal complaint: Please contact the Title IX Coordinator,

- *Email:* [ilambert@paulsmiths.edu](mailto:ilambert@paulsmiths.edu)



In order to qualify as a formal complaint, the document must contain the complainant's physical or electronic signature, or otherwise indicate that the complainant is the person filing the formal complaint.

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

### **Mandatory Dismissal of Title IX Category Charges**

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

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

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

### **Discretionary Dismissal of Title IX Category Violations**

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

complainant refuses to cooperate but does not withdraw a formal complaint). The decision to dismiss or not to dismiss a charge under these circumstances will depend on the totality of the situation.

## Informal Resolution

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



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

The Informal Resolution Process is not available if the respondent in a sexual misconduct complaint is a faculty or staff member of college, and the complainant is a student. The Informal Resolution Process is also not available in a complaint involving more than two parties unless (1) all parties consent to use the Informal Resolution Process, (2) there is an understanding among all parties about what happens when the right of any party to stop the Informal Resolution process and return or proceed to the formal grievance and hearing process is invoked, and (3) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution.

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

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

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

The facilitator will schedule one or more meetings with the parties. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations to find common ground and a resolution of the allegations that is satisfactory to both parties. The parties will not be required to meet in person unless they each wish to do so and the facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties. The facilitator's role is to conduct the Informal Resolution process in a way that is impartial and does not favor one party over the other.

For the Informal Resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the Informal Resolution process will be kept confidential by the Title IX Coordinator. In addition, the facilitator will not be available as a witness in any hearing that may occur should either party of the College terminate the informal resolution process before a resolution.

Should the Formal Complaint be returned to the formal grievance and hearing process of this policy, the parties and any support persons may not disclose information shared by the other party during the process in the hearing. All persons participating in the Informal Resolution process must sign a confidentiality agreement that provides that no information revealed by a party in the Informal Resolution process will be used against that party in a hearing. This confidentiality protection does not apply to information that is learned outside the Informal Resolution process through the investigation or otherwise (but not learned through a violation of the confidentiality agreement).

A resolution is reached only if both parties agree. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. If there is no agreement on a resolution, the complaint is returned to the formal grievance and hearing process outlined in this policy. A party may terminate the informal process at any time before the final written resolution is signed.

The facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. This written and signed resolution indicates that the complaint has been resolved under this policy without the need for further investigation or to pursue the formal grievance and hearing process. After a written resolution has been finalized, the College will keep a record of the parties' written consent to the Informal Resolution process and the written resolution.

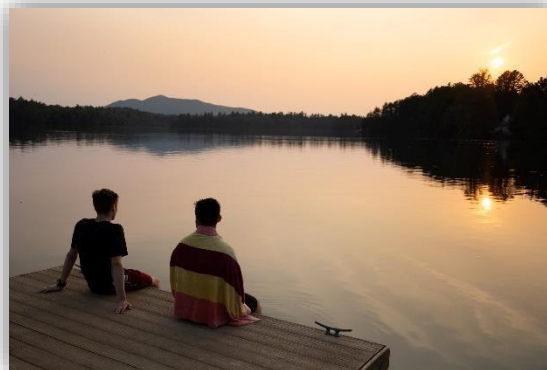
If an informal resolution process does not result in an agreed-upon resolution, the complaint returns or proceeds to the formal investigation and hearing process outlined in this policy.

## **Immediate Support from Campus Confidential Resources**

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

Any individual who desires remedial action, accommodations or wishes to seek disciplinary action against a respondent must make a report to one of the College's non-confidential resources including, but not limited to, the Title IX Coordinator and the Office of Campus Safety. To request any accommodation or assistance, an individual is encouraged to contact the Title IX Coordinator, the Office of Campus Safety, or the Coordinator of Community Standards. Accommodation can apply to academic situations, living situations, transportation situations, working situations, and include protective measures such as No Contact Orders. These accommodations/protective measures can be provided if a reporting individual requests and if they are reasonably available, regardless of whether an individual chooses to report the violation to the Office of Campus Safety or local law enforcement.

**Counseling Center** – Members of the College community may choose to contact the College’s Counseling Center for additional emotional support and can assist in making decisions about the reporting process. Such decisions include whether to report the sexual misconduct, including domestic violence, dating violence or stalking to the College administration, whether to file a confidential report for statistical purposes, whether to file a report under the formal disciplinary procedures of this policy, and whether to bring criminal charges. At the individual’s request, the counselor may accompany the student to report the incident.



Within the Counseling Center there is also confidential peer support available. The Counseling Center hires a select group of students who are trained on providing support to peers that may have experienced sexual misconduct. Contact the Counseling Center and request to meet with a peer educator at (518) 327-6358.

Members of the College community who believe they have experienced sexual misconduct, including sexual assault, domestic violence, dating violence and/or stalking, may receive confidential counseling from the College counselors by contacting the Counseling Center, which is located in the Joan Weill Student Center 9 a.m. to 4:30 p.m. Monday through Friday, at (518) 327-6358. After hours and on Saturday and Sunday, consultation is available by calling Citizens Advocate crisis line at 518-483-3261 or by calling the Office of Campus Safety at (518) 327-6300. The College’s counseling services are available to students free of charge.

**The Student Health Center-** If a student feels they have experienced sexual misconduct and need medical attention, the College nurse is available during business hours to all students and is another confidential resource, located in the Joan Weill Student Center, Room 003. The College also has a medical doctor (MD) available during limited hours during the week. Contact the Student Health Center at (518) 327-6319.

## Immediate off Campus Support after Experiencing Sexual Assault

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

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

### If you're interested in pursuing legal action:

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

### If you're interested in pursuing a Sexual Assault Forensic Examination:

- The purpose of sexual assault forensic exam is to collect DNA evidence immediately after a violation. DNA evidence from sexual assault can be collected from the scene, and it can

be collected from a person's body, clothes, and other belongings. An exam, sometimes known as a "rape kit," also connects a person to important medical care.

- A person who has an exam does not need to report to police, though the process gives the opportunity to safely store evidence should a report be made in the future. In most cases, DNA evidence needs to be collected within 72 hours to be analyzed by a crime lab—but a sexual assault forensic examination can reveal other forms of evidence beyond this time frame.
- Exams are performed at local hospitals by **Sexual Assault Nurse Examiners (SANEs)**, registered nurses who receive specialized education and fulfill clinical requirements to perform the exam. The sexual assault forensic examination is free. If a person is charged for the exam, they should immediately contact the local Sexual Assault Services hotline (877-212-2323) to pursue receiving compensation.
- Through the *Student Health Services*, *Christine Brennan, RN BSN*, has received SANE Campus Network training through Duquesne University, where she is a clinical resource for students who have been sexually assaulted and can advocate for students during exams. For more information, please contact [cbrennan@paulsmiths.edu](mailto:cbrennan@paulsmiths.edu).
- Travel to a nearby hospital to have the exam performed. Alice Hyde Hospital, in Malone, and CVPH, in Plattsburgh, both employ Sexual Assault Nurse Examiners (SANEs). Adirondack Medical, in Saranac Lake, can also provide exams and employ telehealth SANE support. There is no telling how long the wait period may be, nor how long the exam may take. Individuals should expect to be occupied for a few hours.
  - Individuals interested in pursuing a sexual assault forensic examination can contact the Office of Campus Safety for assistance. Additionally, Campus Safety can arrange for transportation.
- Sexual Assault Services of Planned Parenthood (24 HOUR HOTLINE SERVICES – 1-877-2122323) offers advocates who accompany individuals to the hospital for emotional support. People who have an advocate present generally report better experiences compared to those who do not have an advocate present.
- It is recommended people avoid activities that could potentially damage evidence, as listed below. Though an exam can still be performed regardless.
  - Bathing
  - Showering
  - Using the restroom
  - Changing clothes
  - Combing hair
  - Cleaning the area on the body
- Place belongings, including clothes worn during the sexual assault, sheets, tissues, or any other relevant materials in a (ideally) paper bag to safely preserve evidence.
- The steps below outline the general process for the exam. A person **can stop, pause, or skip a step** at any time. It is entirely their choice.

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

**If you're interested in pursuing medical attention:**

- After experiencing sexual assault, it is recommended that individuals seek medical attention from a health care provider. Below are some considerations...
  - Risk of sexually transmitted infections (STIs)
    - Planned Parenthood of the North Country New York (PPNCNY) has STI testing, treatment, and counseling.
    - Testing is also available on campus at Student Health Services in the Student Center for HIV, gonorrhea, herpes, syphilis, chlamydia, and hepatitis B.
  - Emergency contraception can be accessed at the below locations
    - Planned Parenthood of the North Country New York in Saranac Lake.
    - Any local pharmacy.
    - It is also available on campus at Student Health Services in the Student Center.
  - Possible pregnancy



- Pregnancy testing is available at Planned Parenthood of the North Country New York, open on Wednesdays and Fridays.
- At home pregnancy tests are available at all local pharmacies.
- Pregnancy testing is also available on campus at Student Health Services in the Student Center.

## Immediate off Campus Support after Experiencing Domestic Violence or Dating Violence

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

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

### If you are interested in pursuing legal action:

- If you are in an abusive relationship, you can take steps to protect yourself, such as getting a protection order. There are also laws to protect you. Many people can support you in leaving safely, including police, social workers, shelter workers, and friends and family. You can also create a safety plan if you decide to leave in the future.
- Report the incident to New York State police. Reporting domestic violence or dating violence can help a person regain a sense of personal power and control. The police will make sure everyone is safe, which might mean arresting someone who has a weapon or is physically hurting or threatening you. Once you are safe, the police will ask you questions about what happened. The police can also offer information about community resources for temporary housing and other support you might need. If the abuser is present, police will probably take you to separate areas to talk individually about what happened.
- Orders of Protection - These are meant to keep you safe from a person who is hurting you. The police can arrest a person who violates a protection order and charge them with a

crime. Protection orders can allow you to have sole custody of children, make an abuser move out of a shared home, and make an abuser pay court and legal fees. You can get more than one type of order at the same time.

**If you are interested in a safe housing:**

STOP Domestic Violence has anonymous safe houses located throughout Clinton, Essex, and Franklin counties. For more information, please call (888) 563-6904.

**If you are interested in pursuing medical attention:**

If you have experienced any injuries from physical or sexual abuse, please go to the nearest hospital. Available hospitals for physical injuries include Adirondack Medical in Saranac Lake, Alice Hyde Hospital in Malone, and CVPH in Plattsburgh.

If a person has experienced sexual abuse and is interested in a sexual assault forensic exam, Alice Hyde Hospital in Malone, and CVPH in Plattsburgh, both employ Sexual Assault Nurse Examiners (SANEs). Adirondack Medical Center, in Saranac Lake, can also provide exams, though they do not employ a SANE. There is no telling how long the wait period may be, nor how long the exam may take. Director of Health Services, Christine Brennan, RN BSN, has received SANE Campus Network training and is a clinical resource for students who have experienced a sexual assault and can work in collaboration with SANEs.

## Immediate off Campus Support after Experiencing Stalking

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

### Information about stalking:

Many experiences of stalking involve previous or current romantic or sexual partners. 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 their own safety or the safety of others or suffer substantial emotional distress.

- People who stalk can be dangerous. Stalkers can threaten, attack, sexually assault, or harm their victims/survivors.
- Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social media, blogs, cell phones, texts or other similar devices or forms of contact are used.
- Many victims/survivors struggle with how to respond to their stalkers. Some victims/survivors try reasoning with their stalkers to placate them, hoping that “being nice” will make stalkers stop their behavior. Many victims/survivors minimize their experiences of being stalked, telling themselves “it’s not that bad.” Still others may confront or threaten the stalker or try to “fight back.”
- While victims/survivors cannot control the stalking behavior, they can become empowered to take steps to keep themselves, their families, and their loved ones safe.
- Trust your instincts. Victims/survivors of stalking often feel pressured by friends or family to downplay the stalker’s behavior, but stalking poses a real threat of harm. Your safety is paramount.

### Things to consider:

- Keep a record or log of each contact with the stalker. Be sure to also document any police reports.
- Store any text messages, emails, photos, social media postings, screen shots, diary logs detailing the stalking, voicemails, recordings, letters, threatening materials, unwanted gifts etc. in a place where the stalker cannot find them.

- If you are concerned your electronic devices (cell phone or computer) are being monitored by your stalker, you should consider that the stalker may be monitoring your use of this website and the provided resources. We encourage you to speak with a representative from STOP Domestic Violence at (888) 563-6904 about technology safety strategies.

### Stalking Specific Resources:

- Please visit <https://www.stalkingawareness.org/what-to-do-if-you-are-being-stalked/> to find the below resources...
- Incident & Behavior Documentation Log
- Safety Planning
- Stalking Harassment and Risk Profile (SHARP) Risk Assessment
- National Center for Victims of Crime: (202) 467-8700
- Safe Horizon: (800) 621-4673



## Additional Off-Campus Support

A person may choose to receive assistance from a non-Paul Smith's source. The following resources are available off-campus for anyone to utilize. See the above seven pages for more thorough information regarding off campus resources related to sexual assault, domestic violence, dating violence, and stalking.

Organization	Number / Website
Adirondack Medical Center	1-518-891-4141
Planned Parenthood, Saranac Lake NY	1-518-891-0046 plannedparenthood.org
St. Joseph's Addiction Treatment and Recovery	1-518-891-535
Citizen's Advocates, Inc. 24-hour Crisis Line	1-518-483-3261 (Malone) 1-518-891-5535
Planned Parenthood Sexual Assault Services 24-hour Hotline (local)	1-877-212-2323
New York State Police Campus Sexual Assault Victim's Unit	1-844-845-7269 consentfirst.troopers.ny.gov
RAINN National Sexual Assault Hotline	1-800-656-4673 rainn.org/get-help
New York State Coalition Against Sexual Assault (NYCASA)	nycasa.org/get-help
New York State Hotline for Sexual Assault and Domestic Violence	1-800-942-6906
Pandora's Project	pandys.org/lgbtsurvivors.html
STOP Domestic Violence Hotline	1-888-563-6904
National Domestic Violence Hotline	1-800-799-7233
GLBTQ Domestic Violence Project	gltqdvp.org/
The Trevor Project	1-866-488-7386 thetrevorproject.org
National Center for Victims of Crime	1-202-467-8700
Safe Horizon (stalking resource)	1-800-621-4673

SPARC (stalking resource)	stalkingawareness.org
Urgent Care: Mountain Medical Services in Saranac Lake, NY	518-897-1000

**Other Campus Sources of Support** - A person may choose to seek support from other members of the college community, such as students, resident assistants or faculty. Any responsible employee must report to the Title IX Coordinator or Campus Safety any information concerning the incident that has been shared with them. RAs are required to report cases of sexual misconduct to Campus Safety immediately.

## Victim/Survivor Confidentiality and Privacy

Under Federal and State Law most campus employees are designated as Campus Security Authorities (Clery), or Responsible Employees (Title IX). As such, those individuals are unable to insure the confidentiality of reporting individuals.

Confidential reports can be filed with Student Health Services and Licensed Counselors in our Counseling Office when those individuals are working in that role.

Even though College offices and employees cannot guarantee confidentiality the college will maintain your privacy to the greatest extent possible. The information you provide to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution and to the Clery Coordinator for inclusion in the Annual Clery Statistics. If a reporting individual discloses an incident to an institution employee who is responsible for responding to or reporting domestic violence, dating violence, stalking, or sexual assault but wishes to maintain confidentiality or does not consent to the institution's request to initiate an investigation, the Title IX Coordinator must weigh the request against the institution's obligation to provide a safe, non-discriminatory environment for all members of its community. The institution shall assist with academic, housing, employment, and other reasonable and available accommodations regardless of reporting choices.

If an individual discloses information through a public awareness event such as candlelight vigils, protests, classroom discussion or assignment or other public event, the institution is not obligated to begin an investigation based on such information. The institution may use the

The College is required by the Clery Act to include specific crime statistics in our Annual Security Report. These statistics are reported in a completely anonymous manner that identifies neither the specifics of the crime nor the identity of the reporting individual. The college is also required by Clery to issue timely warnings of specific Clery crimes that occur on or within the immediate vicinity of our campus and represent a serious or continuing threat to the campus community, except in those circumstances where issuing such a warning may compromise current law enforcement efforts or when the warning itself could potentially identify the reporting individual. At no time will a reporting individual be identified in a timely warning.

At no time will the College identify any reporting individual in the course of conducting training or programming on sexual assault, domestic violence, dating violence, stalking or any other topics.

The College will maintain as confidential any accommodations or protective measures provided to the reporting individual to the extent that providing confidentiality would not impair the college from providing such accommodations or protective measures.

**Family Educational Rights and Privacy Act, 20 U.S.C. 1232g:** allows the College to share information with parents when there is a health or safety emergency, the college will not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual unless failure to do so would compromise the health or safety of the student.

### **Retaliation**

The College forbids retaliation against anyone for reporting sexual harassment or any other form of sexual misconduct, supporting a reporting individual or respondent, participating in a College investigative or judicial process (whether as reporting individual, reporting party, respondent or witness), or otherwise assisting in providing information relevant to a claim of a violation. Retaliation is a serious violation of College policy and will be treated as another possible violation of this policy. Acts of alleged retaliation should be reported immediately to Campus Safety or the Title IX Coordinator and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

### **Changes in housing, class, internship, office, or work assignment**

Any student who is a participant (reporting individual or respondent) in a report of sexual misconduct under this policy may request a change in housing (i.e. a new room assignment in the residence halls) class assignment, (i.e. a change to a different section of a course), or internship placement (i.e. a change to a different intern site), and/or other remedies such that the student will be removed from influence, regardless of whether charges are pursued on campus or through the criminal system. Such requests may be made to the Title IX Coordinator, who will consult with the appropriate individuals and grant the request if alternative arrangements are reasonably available.



## Department of Justice Grant

From 2018-2021, Paul Smith's College received grant funds from The Justice Department's Office on Violence Against Women (OVW). The grant is designed to support institutions of higher education in implementing a comprehensive, coordinated response to prevent and respond to sexual assault, intimate partner violence, and stalking.

Through these grant funds, PSC developed a CARE Team (Coordinated Community Response Team) comprised of students, faculty, and staff. Research and practice confirm that a community wide effort is required for an institution to most effectively respond to campus sexual violence. The CARE team coordinated and accomplished the following:

1. Engaged key stakeholders from the entire campus and community in violence prevention.
2. Ensured a timely, culturally relevant and respectful response to sexual violence.
3. Promoted consistencies in language or message, avoids unnecessary duplication, and creates uniformity in prevention programming and response.

The mission, vision, and values for this team are listed below.

Mission: A campus wide team tasked in creating a holistic and sustainable prevention and response model to reduce sexual assault, intimate partner violence, and stalking at Paul Smith's College.

Vision: Eliminate sexual violence at Paul Smith's College.

Values:

1. Survivor-centric
2. Trauma informed
3. Culturally competent
4. Intersectional
5. Evidence informed
6. Collaborative
7. Open Minded

## Bystander Intervention

Everyday there are multiple situations where we can be active bystanders. When we witness comments or jokes about sexual assault, media examples that depict violence as normal and abusive behaviors, we can intervene by reinforcing positive behaviors BEFORE a behavior moves further towards sexual violence.

- Bystanders must first notice (or recognize) the event as something that falls along the continuum of behaviors that lead to violence.
- Consider whether the situation demands action.
- Decide whether they have the responsibility to act
- Choose the form of assistance to use.
- Understand how to implement the choice.

There are several ways you can implement your chosen response.

- It could mean helping the person leave the situation.
- Confronting a specific behavior
- Diffusing a situation
- Distracting the person
- Involving the person's friends
- Involving others to help intervene.
- Asking another person to intervene
- Calling for support
- Call Campus Safety or police.

## Registered Sex Offender

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

## Residence Hall Safety Precautions

- Don't let personnel not affiliated with PSC or individuals you may not know in through locked outside doors.
- Register all overnight visitors with your resident assistant.
- Lock your room door and windows at all times when you are napping, visiting friends on the floor or in the building, or using the bathroom.
- Don't, under any circumstances, give out the key to your door.
- Always report lost keys and ID cards immediately to the Office of Residence Life and to the Office of Campus Safety.
- Don't open the building door if you do not know who wants to enter.
- Report any suspicious persons or activities to the Office of Campus Safety and your resident assistant immediately.
- Don't prop outside doors open.
- Hang up on "prank" or obscene phone callers. Should the problem persist, report it to the Office of Campus Safety.



## Sexual Misconduct Reduction Tips

Only those who commit sexual misconduct are responsible for those actions. We offer the tips below to prevention sexual misconduct from occurring.

- Ask your partner(s) what their limits are and respect the boundaries set forth.
- If you see sexual misconduct occurring, do what you can to safely intervene and/or call the Office of Campus Safety at (518) 327-6300 for professional assistance.
- Take responsibility for your alcohol intake or drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may inhibit your ability to read body language or listen correctly when a sexual partner sets a boundary. Understand that your alcohol intake or drug use is not an excuse for committing sexual misconduct.
- Do not share a person's intimate content, pictures, images and videos with others, even those you may trust. If you do wish to share, receive consent that the people are comfortable with their content being viewed by another's.
- Take care of your friends and ask that they take care of you. Real friends will challenge you if you are about to make a mistake or push someone's boundaries. Create a culture of holding each other accountable and intervening when you see a friend could potentially engage in sexual misconduct.
- Clearly communicate your intentions to your sexual partner(s) and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS: about consent; about a person(s) sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent. Your partners' consent should be affirmative and active. If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from partners are a clear indication that you should stop, defuse any sexual tension and communicate better. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of other's drunkenness or altered state, even if they willingly consume alcohol or substances.
- Ask yourself: are there any power dynamics occurring? If there are, realize that people may feel intimidated or coerced by you. You may have a power advantage because of leadership positions, finance, reputation, gender, physical ability, immigration status, mental cognition, or employment. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.

- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Pay attention to verbal and nonverbal communication and body language.

# Community Standards Office

## Purpose of Community Standards Office

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

- Understand College policies and why the college community is concerned with their actions.
- Be able to articulate how their actions have impacted their wellbeing and that of the community, while recognizing that making mistakes is part of life.
- Be encouraged to move through adversity and create an opportunity for growth by engaging in responsible social conduct where respect for health and safety of oneself and others is paramount.

Conduct sanctions are imposed to:

- Serve as a clear statement about college standards and expectations.
- Educate students on the effects of their behavior.
- Attempt to affect a change in behavior in the future.
- Ensure a safe educational environment for all students.

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

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

The College's rules are designed to protect individual liberties, and the College's values. These values as set forth in the Catalog and the Community Guide and are provided so that students can use these values to become engaged in the mission of the institution.

## **Disciplinary Proceedings**

If an investigation results in any charge(s) of violation of policy and/or the College Code of Conduct, a judicial hearing will be scheduled and conducted in accordance with the procedures outlined in Chapter 2 of the Community Guide, except if the alleged violation comes under the Sexual Misconduct Policy as outlined above. In that case, the Title IX office will oversee the procedures as outlined in Chapter 3 of the Community Guide.

The standard of evidence used to determine whether a violation of the Code has been committed is the “preponderance of the evidence” standard. Under the preponderance of the evidence standard, a violation will be determined to have occurred if, based upon the evidence presented, the appropriate decision-making body or official concludes that it is more likely than not that the violation was committed.

Notwithstanding anything to the contrary in the Student Code of Conduct, in any student conduct proceeding regarding an alleged violation of this policy, the following shall apply:

- The complainant and respondent shall receive simultaneous written notice of the outcomes of all disciplinary proceedings. The outcome letter shall include factual findings supporting the determination, the decision, and sanctions, if any, as well as the rationale for the decision and sanction(s).
- The complainant and respondent will have an equal opportunity to review available evidence in the case file or otherwise in the possession or control of the College and relevant to the proceedings, consistent with college policies, procedures and practices; to present relevant evidence and information; and to be accompanied by an advisor of their choice, subject to the terms and conditions set forth in this policy.

While the College encourages reporting individuals to put their report in writing, Paul Smith’s College will proceed with an investigation and resolution of a report, regardless of whether it is reduced to writing.

The reporting individual and respondent both have the right to raise any issues of conflict of interest related to individuals serving in official roles under this policy, including any individuals serving as decision-makers under the conduct process. The Title IX Coordinator, in consultation

with other College officials, will determine whether any such conflict of interest exists and, if so, the appropriate official to appoint as a replacement.

Both the reporting individual and respondent will be permitted to submit a written impact statement after a finding of responsibility for violation of this policy and prior to the determination of an appropriate sanction(s).

Upon the conclusion of any student conduct hearing held under the conduct process, both the reporting individual and the respondent shall have access to a full and fair record of the hearing which shall be preserved and maintained for at least five years from the date of the end of the hearing. The full and fair record of the hearing process shall be protected from public release until a final determination is made. A final determination is made when no appeal is sought, or in the event of an appeal, when the decision on appeal is communicated to the Reporting individual and Respondent.

The reporting individual and respondent shall each be afforded an opportunity to appeal decisions and/or any sanction(s) issued by the conduct officer or hearing board to an appeal panel.

### **Interim Measures and Accommodations**



The College may also determine that interim action(s) may be necessary to stop or prevent any further harassment and/or any other forms of sexual misconduct from occurring. Interim actions and accommodations may include the imposition of a “no contact” order directing the respondent to have no communication with the reporting individual, including in person communication, through third parties, or via electronic means. If a no contact order is imposed, and the reporting individual and the

respondent observe each other in a public place, it shall be the responsibility of the respondent to leave the public area immediately and without directly contacting the reporting individual. Other interim actions and accommodations may include, but are not limited to, changes in class assignments, academic support services (such as tutoring), extracurricular programs, dining



arrangements, residence hall assignments, or work assignments to assist the parties in not having to interact with one another, transportation arrangements or other measures to enhance the reporting individual's safety and well-being.

The College will review the facts and circumstances of each case, as well the reporting individual's wishes, in deciding what steps are reasonable and appropriate. When a no-contact order is issued against a student, both the student and the person as to whom the no contact order prohibits contact, will, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and the terms of the no contact order. Similarly, the reporting individual and the respondent will, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any other interim action that directly affects the requesting student. Such requests for review shall be made by submitting a written request to the Title IX Coordinator, providing the basis for the request and submitting evidence in support of the request. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond, including the right to submit evidence relevant to the request if desired.

If the Dean of Students, in consultation with the Title IX Coordinator, Director of Campus Safety, the Coordinator of Community Standards and/or Director of Student Counseling, determines that a threat to the health and/or safety of the campus community exists, an interim suspension may be applied to the respondent pending the outcome of the student conduct proceeding. No permanent changes will be made to the respondent's campus housing assignment or student status pending the outcome of the student conduct proceeding; however, the Respondent may be relocated or removed from campus and/or housing on a temporary basis. If any respondent is neither an employee nor a student, a request may be made to the President's Office that the respondent be banned from Paul Smith's College property.

Violation(s) of Paul Smith's College's directives and/or administrative actions relating to interim measures may lead to additional disciplinary action pursuant to the Code of Conduct.

In addition, in a hearing or proceeding held in connection with this policy, the conduct officer or hearing board may accommodate any student(s) with concerns for their personal safety, wellbeing, and/or fears of confrontation during the hearing by providing separate facilities and/or by permitting participation by other appropriate means as determined by the Title IX Coordinator and the Coordinator of Community Standards. These accommodations will include, but are not limited to, telephone/videoconferencing, testifying with a room partition, and/or

asking/responding to questions indirectly via the hearing officer. Other reasonable accommodation may be offered to the party by the Coordinator of Community Standards.

### **Organization of the Community Standards System**

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

- Assists in revising, as needed, a Student Code of Conduct which details those College regulations for which all students will be held accountable through the College Conduct System.
- Receives all reports for alleged violations of college regulations, by Resident Assistants and Campus Safety
- Determines which policies are alleged to have been violated and determines which type of hearing a case is referred to.
- Sets up meetings with each student so referred to discuss the charges and the student's rights.
- Schedules Conduct Hearings as required.
- Determines the sanction to be applied if the student is found Responsible in all Conduct Hearing cases.
- Officially communicates all Conduct charges, rationales and decisions to each student so charged.
- Notifies College officials whose relevant interest necessitates their being informed of a violation of College Policy.
- Maintains the College's official conduct records. The Coordinator of Community Standards has discretionary authority to interpret and construe any uncertain or disputed aspects of the student conduct process.

### **Hearing Bodies/ Community Standards System Procedures**

The College's hearing bodies consist of two possible types: Conduct Hearing, and Conduct Board.

## **Conduct Hearing**

A Conduct Hearing will be used to adjudicate alleged violations that are not heard in a Conduct Board Hearing. Any sanctions described below can be assigned to any student found responsibility in a Conduct Hearing.

A Conduct Hearing is conducted by the Coordinator of Community Standards. The responsibilities of this College official include, but are not limited to, conducting an interview with parties involved, determining whether provisions of the Student Code of Conduct have been violated, and, when appropriate, issuance of sanctions.

### **Conduct Hearing Procedures**

1. The coordinator determines the possible violations and sends a conduct summons letter via email of the reported violation to the student who has been referred.
2. If the Coordinator finds that the report does not warrant charges, the case may be dismissed and closed, or the student may be requested to come to the Conduct Office to discuss the matter.
3. The summons letter will list the alleged violation and request the student to make an appointment with the Conduct Office within three days. Failure to respond to the summons letter will result in a decision being made based on the information available, with no option for an appeal.
4. The Coordinator of Community Standards or designee states the violations against the student and describes all information available. Failure to appear for the Conduct meeting without an attempt to reschedule within 24 hours after the scheduled appointment will result in the College proceeding in absentia, with no option for an appeal.
5. The student may plead Responsible to the charge at that time. In this case, the coordinator or designee accepts the plea and determines the applicable sanction.
6. The student may plead Not Responsible to the charge. In this case, the Coordinator or designee will allow the student to give their side, and using the Preponderance of Evidence standard, will make a determination of responsibility. If the Coordinator concludes that the student is Responsible for violation of a College policy and/or the Code of Conduct, the Coordinator shall review the student's record of disciplinary action or other violations of college policy, to consider, as appropriate, in determining sanctions. In addition, in any cases involving sexual harassment or sexual exploitation, both the Reporting Individual and the respondent will be permitted to submit a written impact statement to the coordinator for purposes of the determination of appropriate sanctions. The coordinator may consult with other appropriate College official's in determining any appropriate sanctions.

## **Conduct Board Hearing Procedures**

A Conduct Board Hearing will be used to adjudicate alleged violations referred to by the Coordinator or Title IX Coordinator to the hearing body, including but not limited to allegations of sexual assault, dating violence, domestic violence or stalking. Any or all sanctions described below are available in the event of a finding of responsibility by the Conduct Board.

The Conduct Board is composed of trained staff and/or faculty and has three to five members in total. All representatives involved in this conduct process are required to complete annual training on sexual misconduct, domestic violence, dating violence and stalking as well as Paul Smith's College policies.

Selection of the board for any given case depends on the availability of the members at the time scheduled for the hearing and any personal conflicts that might exist based on the students involved.

The Conduct Board has the following responsibilities:

- Hears cases as scheduled.
- Hears all statements and evidence related to the case in question.
- Seeks answers to any questions pertaining to the statements and evidence presented.
- Determines if the student is Responsible or Not Responsible after a full and confidential discussion of the case, based upon the standard of preponderance of the evidence, by majority vote.
- For alleged violations described in Chapter 3 of the Community Guide, as Title IX Violation or College Category Violations, the Board will also decide the sanctions, and write the outcome, complete with rationales.

## **Conduct Board Hearing Procedures**

1. Conduct Board Hearings are hearings with a full presentation of evidence and witnesses, if required. A list of intended Advisors/Witnesses along with any typed and signed witness statements must be submitted to the Coordinator of Community Standards no later than 3 business days before the hearing in order to be permitted at the hearing unless otherwise authorize by the coordinator or designee. The College will have performed its own investigation of alleged disciplinary violations, and the parties are therefore, not required to conduct their own investigations or obtain evidence (including all cases alleging sexual misconduct). However, should a student seek to introduce a written

witness statement at a hearing not obtained as part of the College's investigation, the statement must include the following: date the document is signed, printed name of author, and signature of the author. Such witness statements must either be scanned and emailed to or delivered to the Community Standards Office.

2. In the case of a student who offers a plea of Not Responsible, the Conduct Board makes a final decision, based on a preponderance of the evidence presented, of Responsible or Not Responsible.
3. Upon recommendation of the Board, the Coordinator or designer may consider a charge that involves an equal or lesser conduct sanction.
4. A majority of the votes decides the issue.
5. All members of the board have a vote.
6. When responsibility has been determined by the Conduct Board, the Decision Makers shall assess appropriate sanctions. They shall consider, among other things, the student's record of disciplinary action or other violations of college policy in determining sanctions.

In addition, in any cases involving sexual misconduct, both the reporting individual and the respondent will be permitted to submit or read a written impact statement to the coordinator for purposes of the determination of appropriate sanctions. The coordinator will communicate the outcome and sanction to both the reporting individual and the respondent within three (3) business days. Failure to attend a scheduled Conduct Board meeting, without prior notification to the coordinator of extenuating circumstances, will result in the case being heard with information available at the time.

### **Timeframe for Resolution**

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

### **Sexual Misconduct Investigations**

If a report appears to allege a violation of this policy and the Complainant wishes to pursue a formal complaint or the Title IX Coordinator decides that the College wishes to pursue a formal complaint, the College will investigate. The College shall conduct a prompt, thorough, and impartial investigation. Paul Smith's College aims to complete the investigation within 50 days of

the date the formal complaint is filed. An investigation may be extended for good causes, such as witness unavailability, breaks in the academic schedule, or other similar circumstances.

The Title IX Coordinator may determine that cases where the allegations arise out of the same set of facts should be consolidated for purposes of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single complainant against a respondent, or multiple complaints by a single complainant against multiple respondents.

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

- The identities of the involved parties.
- The date, time, location, and factual allegations concerning the alleged violation.
- The policy provisions allegedly violated.
- A description of the investigation and adjudication process.
- Potential sanctions.
  
- The right to an advisor of their choice, who may be, but is not required to be, an attorney.
- Their right to inspect and review evidence in accordance with this policy.
- Notice that knowingly making false statements or knowingly submitting false information is prohibited under the Code of Student Conduct; and
- That the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.

This information will be provided in sufficient detail and with sufficient time to prepare a response before any initial interview. If, in the course of the investigation, the College decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator or designee will provide notice of the additional allegations to the parties.

The Complainant and Respondent will be provided with notice of the name of the appointed investigator and an opportunity of not more than three (3) days after the notice to raise an objection to the investigator based on any alleged conflict of interest known to the party. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator.

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

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

The College will utilize an investigator, who may be a person internal or external to the College. When it is deemed appropriate, the Title IX Coordinator may appoint a team of two investigators. A Title IX Investigator will meet with the Complainant, the Respondent, and any available witnesses. The investigator may also work with Campus Safety Officers to obtain additional available information. The Complainant and Respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations.

Respondents have a right to a presumption that the Respondent is 'not responsible' until a finding of responsibility is made pursuant to the process set forth in this policy. However, at all times, the burden of gathering evidence remains with the College. The investigator will determine the order and method of investigation.

The Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation, regardless of whether the information will be relied on in reaching a determination. Prior to the conclusion of the investigative report, the Complainant and Respondent, and each party's advisor of choice, if any, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The Complainant and Respondent will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

### **The Investigation Report**

At the conclusion of the investigation, the investigator will write a report setting forth the relevant facts of the investigation. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator. At least ten (10) days prior to a hearing

to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

### **Hearing Procedures**

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

Participants in the hearing will include the members of the Hearing Panel, the Complainant and the Respondent, their respective advisors, the investigator(s) who conducted the investigation, and witnesses (solely during their own testimony). Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator for purposes such as accommodation of a disability. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s).

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

Each hearing shall be recorded by Paul Smith's College and considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of Paul Smith's College but shall be available for listening until the conclusion of the appeals process to complainant, respondent, their respective advisors, Hearing Officer, and Appeal Officer by contacting the Title IX Coordinator.

The Title IX Coordinator may postpone the hearing for good cause as determined by the Title IX Coordinator. Good causes may include, without limitation, unavailability of one or more



participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

### **Advisors**

The Complainant and the Respondent are entitled to be accompanied by one advisor at the hearing. The advisor's role is to help the party understand and navigate the proceedings. The advisor may not advocate for, respond for, or otherwise speak on the behalf of, a party during the hearing. In the event that a party does not appear for the Hearing, the advisor for that party may not participate in the hearing or submit questions to be asked on behalf of the party.



### **Statements, Questioning and Presentation of Evidence**

During the hearing, each party will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call parties and witnesses for questioning. The order of the questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the parties and witnesses including the questions the Hearing Officer approved to be asked submitted by each party before the hearing. Each party will then be provided an opportunity to submit follow-up written questions to the Hearing Officer for the Hearing Officer to pose to the other party or witnesses. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing and offer an opportunity to the party to reframe or resubmit the question. Questions that are unclear or harassing of the party or witness being questioned will not be permitted.

Only the Hearing Officer is permitted to ask questions of parties and witnesses. Neither party may directly question the other party or witness. Advisors are not permitted to question the other party or witness directly or indirectly.

After questioning parties and witnesses, each party will be permitted to provide a closing statement. Advisors are not permitted to provide a closing statement on behalf of their party.

## **Hearing Determinations**

Following the hearing, the Hearing Officer shall prepare a determination report. All findings shall be made by a preponderance of the evidence, meaning more likely than not. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as complainant, respondent, or witness.

The determination report will include:

- A description of the sex-based harassment.
- A reference to the policies and procedures used to evaluate the allegations.
- Description of all procedural steps taken to date.
- The Hearing Officer's evaluation of the relevant and not otherwise impermissible evidence along with the finding of facts.
- Determinations for each allegation, with the rationale.
- Sanction determination (if applicable)
- Whether remedies will be provided.
- The procedures for an appeal.

The Hearing Officer's report shall be provided to the Title IX Coordinator. If the Hearing Officer determines that there is no finding of responsibility, the Title IX Coordinator shall communicate the findings to each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome along with a copy of the Hearing Officer's report, to the parties, together with procedures for appeal.

If there is a finding of responsibility, the Title IX Coordinator shall contact the appropriate sanctioning officer who shall determine the sanction and notify the Title IX Coordinator of the sanctioning determination. The Title IX Coordinator will then provide each party, and their advisor should the party wish the advisor to receive it, a written Notice of Outcome regarding the Hearing Officer's decision, including the Hearing Officer's report. The Title IX Coordinator will also provide written communication to the complainant regarding the appropriate remedies.

Past findings of responsibility relating to this policy, or any other Paul Smith's College policy are admissible in the sanctioning stage only.

## **Notification of Outcome**

The Hearing Panel will issue a written determination including the following information:

- A description of the charges that were adjudicated.

- A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
- Findings of fact supporting the determination.
- Conclusions regarding the application of the Policy to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the College's educational programs or activities will be provided to the Complainant; and
  - The procedures and permissible bases for the Complainant and Respondent to appeal.
- The Title IX Coordinator will provide the written determination to the parties simultaneously.

## **Sanctions**

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

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

- **Warning:** A formal statement that the behavior was unacceptable and that further infractions of any policy, procedure, or directive may result in more severe disciplinary action.
- **Probation:** A written reprimand for violation of the Policy, providing for more severe disciplinary sanctions in the event that the Respondent is found in violation of any policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified privileges, exclusion from extracurricular activities, no-contact orders, and/or other measures deemed appropriate.
- **Suspension:** Cessation of student status for a definite period of time and/or until specific criteria are met.
- **Expulsion:** Permanent termination of student status.
- **Withholding Degree and/or Diploma:** The College may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.
- **Other Actions:** In addition to or in place of the above sanctions, the Hearing Panel may assign any other sanctions as deemed appropriate, including but not limited to the

following: o Mandated counseling so the Respondent has the opportunity to gain more insight into their behavior.

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

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

- Expelled after a finding of responsibility for a Code of Conduct violation; or
- Suspended after a finding of responsibility for a Code of Conduct violation.
- For the respondent who withdraws while such charges are pending, the transcript shall include the following notation:
- Withdrew with conduct charges pending.

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

## **Appeals**

Determinations may be appealed in writing by either party. Appeals will be sent to the Title IX Coordinator, who will then send the appeal to the Appeals Panel assigned to conduct a written review of the appeal(s) and to make a final determination. Appeals must be in writing and filed within ten (10) days following the issuance of the outcome letter.

When an appeal is filed, the other party shall be notified and provided with a copy of the filed appeal within one (1) day and have five (5) days to respond to the appeal in writing. Any party's decision not to submit a reply to an appeal is not evidence that the non-appealing party agreed with the appeal.

Within three (3) days of an Appeals Panel being assigned, either party may provide written objection to the Appeals Panel on the basis of an actual bias or conflict of interest. Any objection is to be sent to the Title IX Coordinator. Should the Title IX Coordinator determine that there is an actual bias or conflict of interest, the Title IX Coordinator will appoint another Appeals Panel.

Appeals may be filed only on the following three grounds:

1. **Procedural Error:** A procedural error occurred and would change the outcome. A description of the error and its impact on the outcome of the case must be included in the written appeal; or,
2. **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation or hearing, which would change the outcome. Information that was known to the party during the resolution process but which they chose not to present is not considered new information. The new evidence, an explanation as to why the evidence was not previously available or known, and an explanation of its potential impact on the investigation findings must be included in the written appeal; or
3. **Actual Conflict of Interest or Demonstrated Bias:** The Title IX Coordinator, investigator, or others within a role in the process with an actual conflict of interest or demonstrated bias for or against complainants or respondents generally, or the individual complainant or respondent, which would change the outcome. Any evidence supporting the alleged conflict of interest or demonstrated bias must be included in the written appeal.

The Appeals Panel will make a determination regarding the appeal and communicate that decision, along with a rationale for the decision to the Title IX Coordinator who will communicate the Appeals Panel's decision to the Parties. The decision of the Appeals Panel is final.

### **More Information**

For more information regarding this policy, please see the Non-Discrimination and Harassment Policy for 2024 on the Paul Smith's College Title IX webpage.

## The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act *in the Higher Education Opportunity Act Requirements*

The Higher Education Opportunity Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements.
- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus safety, local law enforcement, and other College officials (Campus Security Authorities) who have “significant responsibility for student and campus activities.”
- Provide “timely warning” notices of those crimes that have occurred and pose an ongoing “threat to students and employees;” and provide an “emergency notification” system to be issued for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus
  - Disclose in a public crime log “any crime that occurred on campus...or within the patrol jurisdiction of the Office of Campus Safety and is reported to the Office of Campus Safety.”

Members of the Paul Smith’s College community are encouraged to use this report as a guide for safe practices on and off campus. The Annual Security Report is available on the web at; [www.paulsmiths.edu/campussafety](http://www.paulsmiths.edu/campussafety).

All members of the Paul Smith’s College community receive an e-mail notification that describes the report and provides the web link. Additionally, any perspective students or employees of the college are provided with access to the report. Printed copies of the report are available upon request from Campus Safety at (518) 327-6300.

### College Geography for Statistical Reporting

Clery Statistics are gathered for the following geographic areas for inclusion in the ASR;



**On Campus Property** - Paul Smith's College main campus located at State Routes 30 & 86 in Paul Smiths, N.Y. from State Route 30 on the Northeast to the shore of Lower St Regis Lake and from the Paul Smith's VIC property on State Route 30 and the Southeast shore of Barnum Pond to the Ropes Course at the far Southeast end of the campus off Dillon Road. This will include any building or property that is reasonably contiguous to the listed areas and used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

**Non-Campus Property** - The Soccer Field on Route 86 in Paul Smiths, N.Y. The Sugar bush on White Pine Road in Paul Smiths, N.Y. and any college properties located within a one-mile radius of the main campus as well as any properties the college has leased for use by our students during travel or for other educational purposes.

Paul Smith's College also owns property at the following locations:

- VIC property (located approximately 1.2 miles north, at 8023 State Route 30)
- Biathlon Range (part of VIC property, accessed from Keese Mills Road)
- Osgood Farm (located at 7946 State Route 30, north)
- St. Gabriel's Church (located on Hoffman Road at the corner of State Routes 30 and 86)
- Horse Barn (located at 99 Keese Mills Road)
- Alumni Recreational Area and Campground (located at 151 Keese Mills Road)
- Soccer Field and Gould's Garden (located off State Route 86)
- NOLS Building and Property (located at 730 State Route 30)
- Percolation Beds/Leach Field (located off State Route 30, across from the entrance to • Saratoga Hall)
- Sugar Bush Property (located on 322 White Pine Road ((off State Route 86))
- Onchiota Property (located at 1490 County Route 60)
- John Dillon Park (located at 2150 Tupper Road, Long Lake, NY 12847)

**Public Property** - Public property within or immediately adjacent to and accessible from the Paul Smith's College campus located at State Routes 30 & 86 in Paul Smiths, NY. Including Keese Mills Road to the border of the VIC property identified above. For areas such as parks roads and comparable areas, we include statistics for crimes that occur within one mile from campus borders. This one-mile area applies only to public parks and comparable areas. It does not apply to all public property.

## Definitions of Clery Reportable Crimes

In compliance with the Clery Act, definitions of reportable crimes are taken from the Federal Bureau of Investigation's Uniform Crime Reporting Guidelines which can be found at [www.ucrdatatool.gov/offenses.cfm](http://www.ucrdatatool.gov/offenses.cfm)

### Criminal Homicide:

- **Murder and non-negligent manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Negligent manslaughter:** The killing of another person through gross negligence.

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

- **Rape:** the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without 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 where marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In New York State the age of consent is 17.

### Other Offenses:

- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft therein.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.



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

#### **Violence Against Women (VAWA) Offenses:**

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether or not a dating relationship exists is determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence:** A felony or misdemeanor crime committed by;
  - A current or former spouse or intimate partner;
  - By a person with whom the victim shares a child in common;
  - By a person cohabitating with or who has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.  
Or;
  - By any other person against an adult or youth victim who is protected from that person's acts under domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or substantial emotional distress.

**Hate crimes:** 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, religion, disability, sexual orientation or ethnicity/national origin.

- *Race:* A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind
- *Gender:* A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

- *Religion*: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.
- *Sexual Orientation*: A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.
- *Ethnicity/national origin*: A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.
- *Disability*: A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Institutions must compile crime statistics for any of the following offenses that are motivated by bias:

- **Murder and non-negligent manslaughter • Rape • Fondling • Incest • Statutory Rape • Robbery • Aggravated Assault • Burglary • Motor Vehicle Theft • Arson**
- **Larceny-Theft** – the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault** – an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Intimidation** – to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property** – to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

**Arrests & Referrals for Disciplinary Action:** Under the Clery Act, institutions must also report arrests and referrals for disciplinary action for liquor law violations, drug violations, and weapons law violations.

- **Arrest:** Persons processed by arrest, citation or summons.
- **Referred for Campus Disciplinary Action:** The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**Weapon 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. This classification encompasses weapons offenses that are regulatory in nature.

**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, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

**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.

## Clery Crime Statistics

Offense	Year	On Campus (Total)	Residential Facility	Non-campus building or property	Public Property
<b>CRIMINAL HOMICIDE</b>					
Murder and Nonnegligent manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
<b>SEX OFFENSES</b>					
Rape	2021	0	0	0	0
	2022	1	0	0	0
	2023	0	0	0	0
Statutory Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	0	0	0	0
	2022	0	0	0	0
	2023	1	1	0	0

VAWA OFFENSES					
Dating Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Domestic Violence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Stalking	2021	3	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Offense	Year	On Campus (Total)	Residential Facility	Non-campus building or property	Public Property
OTHER OFFENSES					
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	0	0	0	0
	2023	1	1	0	0
Burglary	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Motor Vehicle Theft	2021	1	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Arson	2021	0	0	0	0

	2022	0	0	0	0
	2023	0	0	0	0

**ARRESTS**

Offense	Year	On Campus (Total)	Residential Facility	Non-campus building or property	Public Property
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**ARRESTS**

Liquor Law Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Drug Law Violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Illegal Weapons Possession	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

**JUDICIAL REFERRALS/DISCIPLINARY ACTIONS**

Offense	Year	On Campus (Total)	Residential Facility	Non-campus building or property	Public Property
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**JUDICIAL REFERRALS/DISCIPLINARY ACTIONS**

Liquor Law Violations	2021	21	0	0	0
	2022	4	0	0	0
	2023	0	0	0	0

Drug Law Violations	2021	6	0	0	0
	2022	2	0	0	0
	2023	0	0	0	0

Illegal Weapons Possession	2021	0	0	0	0
	2022	2	0	0	0
	2023	0	0	0	0

## HATE / BIAS INCIDENTS

	2021	0
	2022	1
	2023	0

**Remember, during an emergency**

**Always Call 911 First!**

**For Police/Fire/Medical Emergency**

**Dial 911**

**Office of Campus Safety**

**518-327-6300**

**Facilities**

**518-327-6438**

**Emergency Alert Information Line**

**518-327-6219**





PAUL SMITH'S  
COLLEGE



# 2024 Annual Fire Report

Overview .....

On-Campus Student Housing Fire Systems.....

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## 2024 Annual Fire Report Overview

The Higher Education Opportunity Act (Public Law 110-315) was updated in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and fire related on-campus statistics for residential facilities. The following public disclosure report details all information required by this law as it relates to Paul Smith's College.

The Office of Campus Safety maintains a Daily Fire Log that records, by date, any fires that occur in on-campus and non-campus residence halls. For the purposes of this report, a fire is defined as: "Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner."

### On-Campus Student Housing Fire Systems

Paul Smith's College has 14 On-campus student housing facilities. Each building is outfitted with an integrated fire detection system consisting of smoke detectors, heat detectors, carbon monoxide detectors, magnetic door closers on fire rated door assemblies, fire strobes, and audible notification systems including fire bells, horns and announced procedural alarms. Every residence hall is equipped with carbon monoxide (CO) detectors. Each system is connected via telephone lines to a central monitoring station and campus dispatch center, which is manned 24 hours a day. All buildings on campus are protected with portable fire extinguishers including class ABC multipurpose dry chemical, BC dry chemical, and class K extinguishers as required by the New York State fire code. In addition, several campus residence halls are equipped with fire sprinkler suppression systems.

Residence Hall	Notification System	Detection Systems	Activation Systems	Extinguishers	Sprinklers
<b>Blum House</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	Wet System
<b>Clinton Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A
<b>Currier Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A

<b>Essex Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A
<b>Franklin Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A
<b>Hillside Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A
<b>Lakeside Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A
<b>Lambert House</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A
<b>Livermore Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A
<b>Lydia Martin Smith (LMS) Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A
<b>Residence Hall</b>	<b>Notification System</b>	<b>Detection Systems</b>	<b>Activation Systems</b>	<b>Extinguishers</b>	<b>Sprinklers</b>
<b>St. Regis Upper Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	Wet System
<b>St. Regis Lower Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	Wet System
<b>Saratoga Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	N/A
<b>Overlook Hall</b>	Simplex 4100U	Smoke/Heat	Pull Stations	As Per NYS Code	Wet System

### Mandatory Fire Drills

Emergency evacuation drills serve to educate building occupants and evacuation staff, assist in the evaluation of emergency plans, and identify potential issues with building’s means of emergency or fire safety systems. It is easy for building occupants to overlook the features of a building that are in place for their safety as they go about their day-to-day routine. Most people will enter and leave buildings through the same entrance. Emergency evacuation drills provide an opportunity for the occupants to locate and use alternative routes under non-threatening

conditions. This familiarity increases the probability of a successful evacuation during an actual emergency.

As part of these drills, occupants are required to do the following:

- Exit the building as soon as the alarm is activated.
- Close doors as the last person leaves the room.
- Leave the building using the shortest route possible.
- Meet at a central location for accountability.
- Stay outside until informed by a Campus Safety Officer that it is safe to re-enter the building.



New York State Law mandates the following Emergency Evacuation Drills be conducted as required by Chapter 4 of the Fire Code of New York State and Education Law, Article 17 Part 807.

**Campus Residential Units:**

Required Drills- (4 annually)

- For all occupants
- One must utilize fire escapes when present.
- One during the hours of darkness.
- In residential units housing summer students, one drill must be held during the first week of the summer session.

**Academic/Administration buildings:**

Required Drills- (3 annually)

- For all occupants
- One must utilize fire escapes when present
- In buildings where summer sessions are conducted, one drill must be held during the first week of the summer session.

**Campus theaters, sports facilities, student centers, dining facilities or other places of public assembly:**

Required Drills- (Semi-Annually)

- For all employees
- One must utilize fire escapes when present
- In buildings where summer sessions are conducted, one drill must be held during the first week of the summer session.

**Annual Residence Hall Fire Evacuation Drills: 2021-2023**

<b>Residence Hall</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Blum House</b>	4	4	4
<b>Clinton Hall</b>	4	4	4
<b>Currier Hall</b>	4	4	4
<b>Essex Hall</b>	4	4	4
<b>Franklin Hall</b>	4	4	4
<b>Hillside</b>	4	4	4
<b>Residence Hall</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>Lakeside</b>	5	4	4
<b>Lambert House</b>	4	4	4
<b>Livermore Hall</b>	4	4	4
<b>LMS Hall</b>	4	4	4
<b>St. Regis Upper</b>	4	4	4
<b>St Regis Lower</b>	4	4	4
<b>Saratoga Hall</b>	4	4	4
<b>Overlook Hall</b>	4	4	4

## Policies and Procedures

The Coordinator of Community Standards provides students with a community guide. This guide provides students with a quick reference to Paul Smith's policies and procedures they should know about. This guide helps them understand what behaviors will not be tolerated, as well as their rights and privileges when it comes to the judicial process. Included in this guide, under Health & Safety Violations, are the Fire Regulations section. They are as follows:

- Creating a Dangerous Condition: Creation of a fire hazard or other dangerous condition.
- Endangering Health or Safety: Conduct which threatens or endangers the health or safety of any individual.
- False Reporting of Dangerous Conditions: Giving or causing to be given false reports of fire or other dangerous conditions.
- Interference with Safety Equipment or Alarms: Tampering with, disabling, or causing malfunction of fire and safety equipment or alarms.
- Violation of state, local, or campus fire policies, including;
  - Failure to evacuate a College-owned or managed building during a fire alarm;
  - Tampering, improper use, misuse, or abuse of College fire safety equipment;
  - Unwarranted dispatch of "first responder" and/or fire emergency services;
  - Tampering with or improperly engaging a fire alarm in a College building;
  - Intentionally, recklessly and/or negligently causing a fire which damages College or personal property or which causes injury to any member of the community;
  - Intentionally causing or ignoring any condition which creates a substantial fire/safety risk upon college properties.
- Possession of Firearms or Weapons: Possession or misuse of firearms, explosives, or other dangerous weapons.
- Restricting Traffic Flow: Restriction of normal traffic flow into or out of College facilities.
- Use or Possession of Chemicals or Explosives: Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas or compressed air.
- Violation of Health or Safety Policies: Violation of College health or safety regulations.

Each student is issued a Paul Smith's College Community Guide. As a part of this guide, each student is provided with a list of items that they are not allowed to bring to campus with them for safety reasons. This list includes many of the following items:

- Furniture
  - Lamps
    - Multi bulb lamps (Medusa lamps)
    - Halogen Lamps
    - Lava Lamps
  - Bean Bag Chairs
  - Recliners
  - Papasan (or wicker) Chairs
  - Resident Owned Mattresses/Bed Frames
  - Futons/Couches/Love Seats
- Fire Hazards
  - Fireworks
    - Power strips w/o fuse/circuit breaker
    - Multi-plug or cube adapters
    - Air conditioners/ portable space heaters
    - Electric Blankets
    - Gasoline, Propane, and lighter fluid or any other combustible or flammable liquid or gas fuel
- Cooking Appliances
  - Cooking appliances including, but not limited to:
    - Toasters\*
    - Toaster ovens\*
    - George Foreman grills
    - Single burners
    - Electric pans
    - Hot pots
    - Crockpots\*
    - Any other item that has an open heating element
    - In addition, any appliance not maintained in a safe and approved manner is prohibited.

\*These items are allowed in the kitchen area of a suite style residence hall.

In addition to the above, decorations may not be placed within six feet of any fire safety device or fire safety equipment (e.g., smoke detectors, sprinkler heads, pull stations, alarm horns and strobe lights, exit signs, fire extinguishers). If these illegal items are located they are confiscated and not returned.



Students are allowed to bring their own refrigerator if it is 4 cubic feet or less in size, has a three-prong plug, and is 150 Watt max. Students are allowed to have free standing microwaves up to 700w or the student can rent a combo unit with a microwave and refrigerator from a college approved vendor. Any student renting one of these units or providing their own microwave must purchase and install a Safe-T-Sensor unit, which is capable of shutting down a microwave at the first sign of smoke. Safe-T-Sensors are available for purchase from the college bookstore.

Students are also required to enter into a housing contract. Parts of this contract deal with fire-related safety. They are as follows:

- Tobacco use is not permitted on any college property.

Appliances with an open heating element such as hotplates, broilers ovens, indoor grills, etc. are not permitted. See Community Guide for a complete list of approved appliances.

- Fire Safety: It is a serious offense to tamper with fire detection or safety equipment including smoke detectors. When a fire alarm sounds, every student must evacuate the premises immediately and remain 25 feet from the building until approved to re-enter by a college official or the fire department.

### **Campfires/Bonfires/Grills:**

There are official campfire pits on campus: next to the gazebo across from the Post Office, by the Canoe Launch, and at the Forestry Cabin. ALL FIRES MUST HAVE PRIOR APPROVAL from the Office of Campus Safety. Requests to use campfire pit must be made through the Office of Campus Safety by submitted for a campfire permit. Individuals may use their own firewood or can request firewood from the Office of Campus Safety who will coordinate the delivery with the Facilities Department. The individual submitting the campfire permit is responsible for ensuring the fire is completely out prior to vacating the location. The permit holder is also responsible for ensuring College policies are followed and reporting any violations to the Office of Campus Safety immediately. Grilling on campus is limited to the use of propane fired grills located at least 20 feet from any structure. The Office of Campus Safety must be notified prior to the use of college provided permanently installed charcoal grills. Individuals given permission to utilize campfire pits or grills must ensure that the fires are completely extinguished, the area of use is cleaned up

and the Office of Campus Safety is contacted prior to vacating the site. The use of personally owned charcoal grills is prohibited.

**Smoking:**

In 2006 the college went completely smoke free in all of its residential facilities, and in 2007 the college joined a long list of institutions choosing not to sell tobacco products in its school store. The college became a tobacco free campus in August of 2014.

The use of all tobacco products, including e-cigarettes and vaporizers, is prohibited on all campus property.

## Fire Statistics for On-Campus Housing (2021 - 2023)

Reporting Year	2021	2022	2023
<b>Number of Fires</b>	1	0	0
<b>Cause of these fires</b>	Currier Hall: Unintentional electrical fire inside microwave		
<b>Number of injuries related to a fire that resulted in treatment at a medical facility</b>	0	0	0
<b>Number of deaths related to a fire</b>	0	0	0
<b>Value of property damaged</b>	0	0	0



# PAUL SMITH'S COLLEGE