

Code of Conduct

Paul Smith's College considers the behaviors described in the following subsections as inappropriate for the College community and in violation of the core values of the College. These expectations and rules apply to all students, groups, and organizations. Paul Smith's College encourages community members to report to College officials all incidents that involve the following violations. Recording of any official meeting is forbidden by Paul Smith's College.

We recognize that not all behavior that violates the College's core values will also violate our Code of Conduct because in many cases, the behavior may otherwise be protected speech or conduct deserving a response that is not disciplinary. In those cases, we will focus on education, dialogue and engagement, and support those who are offended or harmed by the behavior.

Academic Integrity

1. Cheating: The act or attempted act of deception by which a student seeks to misrepresent that they have mastered information on an academic exercise that they have not mastered.
2. Fabrication: The use of invented information or the falsification of research or other findings in an academic exercise.
3. Plagiarism: The submission of another's work as one's own, without adequate attribution.

Integrity

1. Knowingly furnishing or possessing false, falsified, or forged information such as falsification or misuse of documents, accounts, records, identification, verbal, written or otherwise communicated statements, or financial implements
2. Unauthorized possession, duplication, or use of means of access (keys, I.D. cards, permits, etc.) to any College building or service.
3. Action or inaction by someone in complicity with an offender, which encourages or fails to discourage a known and obvious violation of College policy or local, state, or federal law.
4. Visitors: Failure to take reasonable steps to prevent a guest from violating any of the provisions of this Code, other College policy or local, state, or federal law.

5. Violations of positions of trust or authority within the community.
6. Interfering with the election of any College recognized student organization.
7. Misuse or unauthorized use of College or College-affiliated organizational names, images, and logos.

Disruption of College Operations

1. **Causing a Disturbance:** Disturbance resulting in substantial disruption of authorized activities. This may include participating, leading, or inciting demonstration, riot or activity that disrupts authorized activities and/or infringes on the rights of other members of the College community.
2. **Failure to Comply with Sanction:** Failure to comply with or attempts to circumvent a sanction(s) imposed by the Coordinator, Conduct Board, Dean of Students, or designee.
3. **Failure to Identify:** Failing to properly identify oneself to an employee of the College in pursuit of their official duties.
4. **Failure to comply with the directions of a College official, law enforcement officers, or emergency personnel during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.**
5. **Interference with Code Enforcement:** Interference with a reporting individual, third party reporting individual, witness, investigation or the carrying out of procedures defined in this Code.
6. **Interference with or Failure to Comply with a College Official:** Direct interference with or failure to comply with an employee of the College in the performance of their official duties.
7. **Supplying False Information:** Knowingly supplying false information to employees in pursuit of their official duties or to a Board in the course of a disciplinary proceeding, or knowingly causing false information to be thus supplied.
8. **Unauthorized Representation:** Unauthorized representation of the College or an employee of the College.
9. **Violation of Residence Hall Policies:** Violation of residence hall contracts, except when the residence hall contract specifically provides for an alternate procedure or remedy for the violation concerned.
10. **Violation of Student Activity Regulations:** Violation of a campus-specific or -wide regulation, policy, standard of conduct, or code of ethics applicable to the activity in which the student is engaged, and which has been adopted,

published, or otherwise made known to students participating in such activity.

11. Disruption of College operations: Knowingly and intentionally causing obstruction of teaching, research, administration, safety and security, other College activities or other authorized activities which occur on campus (e.g., conferences, guest speaker's meetings).
12. Abuse of the Student Conduct system, including;
 - a) Failure to attend meetings scheduled for student conduct Administration purposes;
 - b) Falsification, distortion, or misrepresentation of information;
 - c) Failure to provide, destroying, or hiding information during an investigation;
 - d) Discouraging an individual's proper participation in or use of the student conduct system
 - e) Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding;
 - f) Influencing or attempting to influence another person to commit an abuse of the student conduct system.

Health & Safety Violations

1. Creating a Dangerous Condition: Creation of a fire hazard or other dangerous condition.
2. Endangering Health or Safety: Conduct which threatens or endangers the health or safety of any individual.
3. False Reporting of Dangerous Conditions: Giving or causing to be given false reports of fire or other dangerous conditions.
4. Interference with Safety Equipment or Alarms: Tampering with, disabling, or causing malfunction of fire and safety equipment or alarms.
5. Violation of state, local, or campus fire policies, including;
 - (a) Failure to evacuate a College-owned or managed building during a fire alarm;
 - (b) Tampering, improper use, misuse, or abuse of College fire safety equipment;
 - (c) Unwarranted dispatch of "first responder" and/or fire emergency services;
 - (d) Tampering with or improperly engaging a fire alarm in a

- College building;
- (e) Intentionally, recklessly and/or negligently causing a fire which damages College or personal property or which causes injury to any member of the community;
 - (f) Intentionally causing or ignoring any condition which creates a substantial fire/safety risk upon college properties.
6. Possession of Firearms or Weapons: Possession or misuse of firearms, explosives, or other dangerous weapons.
 7. Restricting Traffic Flow: Restriction of normal traffic flow into or out of College facilities.
 8. Use or Possession of Chemicals or Explosives: Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas, or compressed air.
 9. Violation of Health or Safety Policies: Violation of College health or safety regulations.
 10. For the 2020-2021 academic year and for so long as a global pandemic or regional epidemic related to COVID-19 or other infectious disease exists, endangering the health or safety of any individual by failing to follow the safety plans and related rules set by the College.

Offenses Involving Drugs/Alcohol

1. Illegal Possession, Use, Distribution or Sale of Drugs: Possession, use, or sale of illegal drugs or drug paraphernalia or the misuse or unlawful sale or distribution of legal prescription drugs.
2. Tobacco: The use of tobacco, vaporizers and/or the use of products designed to simulate the use of tobacco, excluding those products that have been designated as an approved tobacco cessation product by a recognized governing body or organization possessing the authority to approve said products for cessation purposes.
3. Abuse and/or misuse of prescription or over-the-counter medication; allowing someone else to abuse and/or misuse your prescriptions, including “distribution” by allowing someone else access to your prescription, whether or not they have a prescription for the medication themselves.
4. Alcohol: Use, possession, or distribution of alcoholic beverages, except as expressly permitted by law and the College’s Alcohol Policy. This includes, but is not limited to, being in the presence of and/or the possession/consumption of alcohol by those under the age of 21, providing

alcohol to those under the age of 21, the consumption of alcohol while in the presence of a minor, possession of a common source container (empty or full) and/or participating in “drinking games” that aid in the mass consumption of alcohol, driving under the influence, and public intoxication by persons of any age.

Offenses Involving Other People

1. **Discrimination, Harassment and Bias-Related Incidents Policy:** Paul Smith’s College affirms the belief that guests, visitors, students, faculty and staff have a right to be free from any type of discrimination or harassment by any member of the College community or their guest(s) with respect to nationality, national origin, racial or ethnic background, religious beliefs, disability, sex, sexual orientation, gender, gender identity, gender expression, age, marital or veteran status. Discrimination, harassment, and any bias-related incident, in any form, that is sufficiently severe that it interferes with, limits, or denies the ability to participate in or benefit from Paul Smith’s programs or activities is unacceptable conduct because it creates a hostile environment by depriving the recipient of educational or employment access and/or opportunities, including peaceful enjoyment of our campus. Harassment is a form of discrimination that is prohibited by law and College policy. Offensive conduct and/or harassment which is not on the basis of a protected status or is not otherwise prohibited under this policy may, nevertheless, be inappropriate and addressed by the College. Any member of the campus community, guest, contractor, or visitor who acts to deny, deprive, or limit the educational, employment, residential, and/or social access, benefits, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the Paul Smith’s College policy governing nondiscrimination.
2. **Display of Confederate Flag.** Any depiction of the Confederate battle flag is prohibited from display on College property. This includes depictions via bumper stickers, clothing, posters, flags, etc. The Confederate battle flag has become too closely linked to violent extremist and racists groups whose discriminatory and divisive beliefs are in conflict with the College’s core values. Display of the Confederate battle flag will cause members of our College community to see the display as a communication of those discriminatory and divisive beliefs and so such display is not acceptable.

3. **Offensive Speech.** Speech, on social media or elsewhere, or conduct that is defamatory, discriminatory, or harassing, or other objectively offensive speech or conduct that undermines the efficient operation of the College may be grounds for discipline.
4. **Causing Fear of Physical Harm:** Intentionally or recklessly placing a person or persons in reasonable fear of imminent physical harm.
5. **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. **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.
7. **Sexual Misconduct:** The College has defined categories of sexual misconduct, as set forth in the Sexual Misconduct Policy in Chapter 3 of the Community Guide. Violations include, but are not limited to: Sexual Harassment, Sexual Assault, Sexual Exploitation, Domestic Violence, Dating Violence, Stalking, etc. Sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, gender identity, or gender expression.
8. **Harassment or Intimidation:** Unwelcome behavior that creates a hostile or intimidating working, educational, or living environment or behavior that unreasonably interferes with an individual's academic or job performance and opportunities.
9. **Hazing:** The College defines hazing as any action taken or situation created, whether on or off College premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purposes of initiation into, affiliation with, admission to, or as a condition for continued membership in a group, team, club, or organization.

10. Interference with Residential Life: Significant interference with the normal residential life of others.
11. Invasion of privacy: A person is guilty of violation of privacy if that person intentionally: Commits a civil trespass on property with the intent to overhear or observe any person in a private place; Installs or uses in a private place without the consent of the person or persons entitled to privacy in that place, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in that place; Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein, any device for hearing, recording, amplifying or broadcasting sounds originating in that place that would not ordinarily be audible or comprehensible outside that place; or engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance.
12. Lewd or indecent behavior: Exhibition of the genitals, anus or pubic area of a person for the purpose of eliciting or attempting to elicit a sexual response in the intended viewer.
13. Public Exposure: Deliberately, recklessly, and publicly exposing private body parts, public urination, defecation, or public sex acts.
14. 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 giving affirmative consent. Sexual assault consists of any of the following specific acts:
 - a) 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.
 - b) 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, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving affirmative consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- c) Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d) Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.
15. Physical assault: Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.
16. Sexual Harassment: A form of sex discrimination. Conduct on the basis of sex that satisfies one or more of the following:
- a) 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").
 - b) 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"). This definition meets the standard for a Title IX Violation.

"Sexual harassment" can also be unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic, or physical. The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a "reasonable person" standard and takes into account the totality of the circumstances. The College considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community.

17. 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; knowingly making an unwelcome disclosure (or threatening to disclose) of an individual's sexual orientation, gender identity, or gender expression, or exposing one's genitals in non-consensual circumstances.

18. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of basis on which it occurs or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).
19. Threatening or causing physical harm, extreme verbal abuse, or other conduct which endangers the physical or emotional health or safety of any person.
20. Intimidation: implied threats or acts that cause an unreasonable fear of harm in other.
21. Bullying: repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person physically or mentally.
22. Freedom of Expression: Interfering with the freedom of expression of others on College premises during College sponsored or approved activities.
23. Disrespectful or discourteous behavior to the residents of the surrounding community.
24. Retaliation means engaging in conduct that may reasonably be perceived to
 - a) Adversely affect a person's educational, living, or work environment because of their good faith participation in the

reporting, investigation, and/or resolution of report of a violation of this policy; or

- b) Discourage a reasonable person from making a report or participating in an investigation under this policy.

Retaliation includes but is not limited to: acts or words that constitute intimidation, threats or coercion intended to pressure a person to drop or support a report under the code of conduct or to provide false or misleading information in connection with an investigation; and pressuring a person to participate or refrain from participating as a witness in an investigation under this policy. Retaliation may constitute a violation of the code of conduct even when the underlying report made in good faith did not result in a finding of responsibility. Retaliatory conduct by community members and third parties is prohibited regardless of whether it occurs on or off campus, in person, or through social media, email or other forms of communication.

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.

The College forbids retaliation against anyone that is reporting sexual harassment or any other form of sexual misconduct, who is supporting a reporting individual, third party reporting individual or respondent, who is participating in a College investigative or conduct process (whether as reporting individual, respondent, or witness), or otherwise who is 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.

- 25. Violations of any of the foregoing through the use of electronic communications such as Facebook, Twitter and other social networking and microblogging sites where users create on-line communications, even if the on-line group is identified as “private” since the content posted on such site is not confidential.

Offenses Involving Property

- 1. Defacement, Destruction, or Misuse of College Property: Intentional or reckless misuse, destruction, or defacement of College property or of the property of other people while located on College property.

2. Knowingly taking possession of stolen property
3. Misuse of access privileges to college premises or unauthorized entry to or use of buildings or grounds.
4. Misuse of College Computers & Technology: Misuse of the College computer facilities, equipment, passwords, network, or accounts including, but not limited to, theft of computer files or data, e-mail, or other electronically stored information, spamming, sending out computer viruses, or uploading or downloading copyrighted material for personal use or distribution without authorization. Students who connect their personal computers (or other technologies) to the campus network will be held responsible for any violation of the code of conduct that originates from that device. Examples of misuse include:
 - a) Access, use, inspection, or modification of data or functions that are neither allotted nor authorized as a part of the user's account nor specified as public domain information;
 - b) Access, use, inspection, or modification of data that refer to computer utilization, computer access authorization, or security;
 - c) Abuse or improper use of hardware;
 - d) Installing or executing unauthorized or unlicensed software on any College owned or operated computer resource;
 - e) Causing disrupting noise, displaying abusive behavior toward other users, or creating other disturbances in any campus computing area;
 - f) Sending, displaying, printing, or storing obscene, pornographic, fraudulent, harassing, threatening, racist, or discriminatory images, files, or messages through the College's network;
 - g) Access and/or use of another user's account and the data contained in that account;
 - h) Theft, destruction, or removal of data or College-owned computer resources;
 - i) Unauthorized copying, installation, and/or distributing electronic media by any means;
 - j) Physical or electronic interference with other computer systems users;
 - k) Dissemination or distribution of a user account password to any other person;

- l) Use of computing facilities to interfere with the work of another student, faculty member, College official, or the normal operations of the College computing system;
 - m) Any other practice or user activity that, in the opinion of the office of Information Technology or the Vice President for Student Affairs, promotes illegal activities, results in the misuse of computer resources, or jeopardizes the operation of computer or network systems.
5. Motor Vehicle Violation: Violation of motor vehicle policies established by Paul Smith's College.
 6. Tampering, Destruction, or Falsification of Records: Tampering with, destroying, or falsifying official records.
 7. Theft or Unauthorized Use: Theft, attempted theft, or unauthorized acquisition, removal, or use of property.
 8. Trespassing: Trespassing or unauthorized presence on any College held or related property, including residence halls.

General Infractions

1. Aiding & Abetting: Knowingly assisting in the violation of any of the provisions of this Code.
2. Continued Infraction: Continued infractions of the Code.
3. Conviction of a Crime: Conviction of any crime that threatens:
 - a) any educational process or legitimate function of the College, or
 - b) the health or safety of any member of the academic community.
4. Initial Infraction: Any infraction of the Code
5. Unauthorized possession of unapproved pets, creatures, or animals on campus or at College sponsored activities
6. Other Illegal Activity: Violating local, state, or federal laws otherwise not covered under this Code.