

Paul Smith's College

Community Guide

Updated January 2025

Introduction

The Paul Smith's College Community Guide is developed and maintained by the Division of Student Affairs in coordination with the Compliance Office to provide students with a clear understanding of their rights and responsibilities as students of the college. This document also serves as the official declaration of the expectations the College has of all students.

Student Affairs

Vision: The Division of Student Affairs fosters an academic environment that promotes the holistic growth and development of students.

Mission: The goal of Student Affairs is to promote and enhance a safe, healthy, and welcoming environment for all students by encouraging community engagement, celebrating diversity, and embracing the

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Chapter 1

Student Rights and Responsibilities

1.1 Federal Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act of 1974, as amended (otherwise known as FERPA), sets forth requirements regarding the privacy of student records. FERPA governs the release of records maintained by educational institutions and access to those records. This notice, published in the college catalog, serves as the yearly student notification of their rights under FERPA.

Questions regarding FERPA or any college policies related to it may be directed to the Registrar's Office at 518-327-6321 or registrar@paulsmiths.edu.

1.2 Revocation of Academic Degrees

The College reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious Code of Conduct violations committed by a student prior to the student's graduation. Students faced with this action have the right to an informational meeting with the College President and Dean of Curriculum.

1.3 Student Grievance and Appeal Procedure

The Student Grievance and Appeal Procedure provides a process for resolving student disputes with faculty, staff, and administrators. This procedure shall be used for grievances initiated by students for matters that a student believes are the result of discrimination or harassment as defined by the College's Non-Discrimination Commitment, which is published in the College Catalog and appears in Section 10.2 of the *Community Guide*. Throughout the grievance procedure, the burden of proof is on the grievant and requires presentation of evidence sufficient to support the claim.

1.4.1. Deadlines

The procedure involves specific deadlines. Students are required to follow the procedure steps and timeline. Grievances presented past the deadlines will not be considered unless there are specific, extenuating circumstances that make meeting the deadlines impossible. Requests for deadline extensions for extenuating circumstances must be made in writing to the campus officer overseeing the grievance at that stage (for example, the Dean of Students, the Affirmative Action Officer, or the Mediator). Other parties involved in the grievance may also submit a request for extension of a deadline if necessary. Should the extenuating circumstances be approved, the campus officer overseeing that stage of the procedure will communicate in writing a new timeline and next steps to all parties involved.

If a decision rendered at one stage of the process is not appealed to the next stage within the time limit specified, the Grievance Procedure will be deemed to be discontinued, and further appeal will be barred. Failure at any stage of the Grievance Procedure to communicate a decision to the grievant within the specified time limit shall permit the forwarding of the Grievance to the next stage of the procedure.

1.4.2. Definitions

- **Grievance:** An action that may be taken by a student who feels that they have been injured by a College faculty member, administrator, or other person acting on behalf of the College, and wherein that injury was a result of discrimination or harassment on the basis of sex, race, color, age, religion, national origin, handicap, or marital status.
- **Grievant:** The student or group of students who present an alleged grievance.
- **Respondent:** A person accused of a violation who has entered an institution's conduct process.

- **Representative:** The grievant and the respondent(s) may each select an individual from the student body, faculty, or administrative personnel of Paul Smith's College to serve as a representative at each stage of the Grievance. This is a College administrative procedure and lawyers shall not represent participants in the Grievance Procedure.
- **Party in Interest:** The person or group of people associated with the action being grieved and named in the grievance, excepting the grievant and respondent(s).
- **Witness:** The person or group of people having information about the action being grieved and named by the grievant or named by a respondent.
- **Mediator:** One person or a group of people who seek conciliation of the grievance by offering possible solutions to the grievant and respondent(s).
- **Affirmative Action Officer:** The Director of Human Resources for the College is the Affirmative Action Officer.
- **Working Day(s):** Every Monday through Friday, inclusive, of the Academic Year, excepting scheduled recesses (i.e., Thanksgiving, winter, and mid-semester breaks, and breaks between semesters and sessions) but not excepting scheduled registration days and summer sessions, shall be designated as Working Day(s).

1.4.3. Stages

1.4.3.1. Stage 1 - Informal

Grievances must be presented in writing to the Dean of Students within 20 working days of the incident. The written grievance must include:

- Name of the grievant
- Nature of the grievance
- Name(s) of respondent

- Name(s) of party(ies) in interest if any

At this stage, the Dean of Students will take appropriate steps to encourage an informal resolution of the matter. Should the situation need to be referred to the College's Title IX Coordinator or to the Formal Stage of the Grievance Procedure, the VP will present that determination in writing to the grievant and other College officials as appropriate.

1.4.3.2. Stage 2 - Formal

If a grievance is not resolved informally and is not subject to investigation by the Title IX Coordinator, then the grievance shall be presented in writing by the grievant to the College's Affirmative Action Officer. The Formal Statement of Grievance must include all of the following:

- Name of the grievant
- Name(s) of the respondent(s)
- Nature of the grievance, citing specific details, and redress sought by the grievant
- Name(s) of all party(ies) in interest if any
- Name(s) of any witnesses or other information that would support the grievant's claim
- Name of the grievant's Representative if any

No written grievance will be accepted unless it contains all of the above-listed applicable information.

Within five working days of receipt of the written grievance, the Affirmative Action Officer will notify the respondent and provide the following information:

- Name of the grievant
- Nature of the claim
- Notification that **the respondent must submit a written response within 5 working days** to the action being grieved. Any such response is to be submitted to the Affirmative Action Officer and must contain names of witnesses or other information that will support the respondent's position.
- Notification that the respondent may designate a Representative

Within five working days after the respondent's statement is received by the Affirmative Action Officer, **a written decision will be rendered** by the Affirmative Action Officer and presented to the grievant and respondent with a copy to the Human Resources Office.

1.4.3.3. Stage 3 – Mediation

If the reporting individual or the respondent is not satisfied with the written decision of the Affirmative Action Officer and wishes to proceed further under the Grievance Procedure, they can choose to file a Written Notice of Appeal and Desire for Mediation with Dean of Students.

Within 5 working days of receipt of the appeal, the Dean of Students will coordinate mediation services with the Human Resources Office. Mediators from the College's Employee Assistance Program may provide mediation services.

As soon as a meeting can be scheduled, the Mediator(s) shall meet with the grievant, respondent, and parties in interest (either together or separately) in an attempt to mediate the situation. The result of mediation may be the withdrawal of the grievance, the offering of part or all of the redress sought by the grievant, or some other solution agreeable to both the grievant and respondent. No redress shall be offered beyond the authority of the individual or group making the offer. The outcome of this stage will be presented in writing by the Mediator(s) to the grievant and respondent, with a copy to the Human Resources Office.

1.4.3.4. Stage 4 – President of the College

If the grievant or the respondent is not satisfied with the written advisory opinion of the Mediator at the conclusion of Stage 3 and wishes to appeal, the grievant or the respondent shall file a **written Notice of Appeal with the College President within 10 working days of the final Mediation meeting**. This written Notice of Appeal must include copies of the written decisions from the previous stages of the Grievance Procedure. The President may, but is not required to, afford the grievant, the respondent, or their Representatives the opportunity to make limited oral statements.

Within 10 working days after receiving the Notice of Appeal, the President of the College shall render a decision, which shall be final. The final decision shall be in writing and presented to the grievant and respondent, with a copy to the Human Resources Office.

1.5 Administrative Withdrawal

When a student, for any reason, including behavior or psychological/medical distress, poses a direct threat to the College community, is significantly or consistently disruptive to the educational process or the proper activities or functions of the College community, or is unable to meet reasonable standards for participation in the College's programs, an Administrative Withdrawal (also referred to in this policy as an involuntary leave of absence) may be effected.

Student Health Services and Student Counseling Services at Paul Smith's College will attend to short-term medical and psychological needs of students. Students whose needs extend beyond the response capabilities of these campus centers will be referred to off-campus facilities when appropriate and available.

However, a student who cannot adequately be helped by available resources, refuses such help, or whose medical or psychological condition, in the opinion of the College's professional staff, renders that student unable to benefit from the College's programs, may be required to take an involuntary leave from the College or be subject to a disciplinary hearing to address the student's behavior. Additionally, an Administrative Withdrawal may be enacted upon any student found to be involved in a criminal act

against a fellow student, staff member of Paul Smith's College, contractor, vendor, visitor, or College property.

This policy is meant to be invoked only in extraordinary circumstances, when a student is unable or unwilling to request a voluntary leave of absence, and such a leave may be necessary because the student's behavior poses a direct threat to the College community and/or where the student's behavior is significantly disruptive of the College's learning environment, with or without reasonable accommodations. Before an involuntary leave of absence is considered, efforts will be made to encourage the student to take a voluntary leave, thus preserving, to the extent possible, confidentiality, privacy, and self-determination.

Procedures

Members of the Behavior Assessment Team (BAT) may be alerted to a student's threatening or disruptive behavior from a variety of sources on campus (e.g. students, a College dean, a faculty member, etc.). If BAT deems it appropriate, the following procedures will be initiated:

1. The student will be notified that an involuntary leave is under consideration and the reason(s) why this is the case. The student will be given an opportunity to respond.
2. Implications of and procedures relating to an involuntary leave of absence will be discussed with the student. A copy of this policy will be provided to the student. Whenever possible and appropriate, college officials (including but not limited to a BAT member, a College dean, a staff member of the Center for Career and Academic Success, etc.) will encourage the student to take a *voluntary* leave of absence, thereby eliminating the need to complete the process for an involuntary leave.
3. Members of the BAT will confer as feasible and when appropriate in a particular matter with such other individuals or their designees as may be appropriate in a particular matter regarding the need for a leave of absence.
4. During these consultations, these individuals will pay particular attention to the criteria for invoking an involuntary leave, specifically whether the student's behavior is disruptive of the college's learning environment and/or whether the behavior poses a direct threat to the safety of the student's self, others or the College community. Consideration will also be given to accommodations that may be reasonably provided that will mitigate the need for an involuntary leave.
5. Any concerns will be evaluated based upon current medical or other specialized knowledge and/or the best available evidence in order to assess:
 - i. the nature, duration, and severity of the risk;
 - ii. the probability of injury or harm;
 - iii. the impact on the University community; and

- iv. whether reasonable modifications to policies, practices, or procedures will significantly mitigate the risk.
- 6. The BAT may require a mental or physical evaluation if they believe it will facilitate a more informed decision.
- 7. Following these consultations, the BAT will determine by majority vote if the incident(s) meet the criteria for an administrative withdrawal. The BAT does not vote on whether a specific student should be withdrawn or not, but rather whether or not the incident(s) at hand meet the threshold for administrative withdrawal. The BAT will share this finding in writing to the College’s three deans (Dean of Curriculum, Dean of Faculty, Dean of Students), who are invested with the authority to impose the involuntary leave.
- 8. The Deans will review the BAT’s determination and render a decision (majority rules). The student will be informed in writing of the decision as well as the steps that must be taken when the student wishes to re-enroll (see the Re-enrollment segment of this document).
- 9. The College Deans and/or the BAT may impose other conditions and/or requirements under which the student is allowed to remain at the college.

Implications of an Involuntary Student Leave of Absence for Reasons of Personal or Community Safety

Leave in effect	Until the student complies with the pre-requisites to enrollment mandated by the Dean of Faculty and the Curriculum Standards Committee.
Duration of leave	To be determined by the BAT and/or the three College Deans based on the facts and circumstances leading to the imposition of the involuntary leave, including the opinion and advice of qualified medical providers.
Student must leave campus	Within the time frame set forth by the BAT.
Student may visit campus	Only as authorized in writing by the three College Deans in their decision for the duration of the leave or as temporarily approved on an as-needed basis by the Dean of Students.
Notification	The BAT and/or the three College Deans reserve the right to notify a parent, guardian, or other person, if notification is deemed appropriate and consistent with applicable privacy laws. In addition, the parent, guardian, or other person may be asked to make arrangements for the safe removal of the student from the college environment.
Transcript notation	Would read “W”

♦ **Caution:** A student who has been administratively withdrawn still has certain financial obligations. For more information, contact the Financial Aid Office.

Appeal Option

Any student placed on involuntary leave or whose continued enrollment is made subject to conditions may appeal the decision within SEVEN days of receipt of the written communication notifying the student of the decision. The appeal must be delivered in writing to the Dean of Students, explain in detail the reason(s) why the student believes the decision is inappropriate, and be accompanied by any information the student would

like considered. An appellate officer appointed by the President will review the student's appeal and may uphold, reverse, or alter the decision of the three College deans. The decision will be communicated to the student in writing and shall be considered final.

If placed on involuntary leave of absence, the student will leave the campus by the date and time identified in the BAT recommendation and be granted grades of "W" in all enrolled courses (even if the normal deadline for withdrawal without academic penalty has passed and in the absence of pending honor code violations). Further, if the student desires to return to the College, they will be obligated to adhere to the readmission requirements outlined below. The policy on refunds will apply, unless a hardship waiver is granted by the three College deans or appellate officer. While on involuntary leave, the student must not visit campus unless permission has been sought and approved by the Dean of Students, who may consult any parties deemed necessary in evaluating this request.

Request for Re-enrollment

A formal request for re-enrollment must be submitted to the MAP (Medical, Academic and Psychiatric) Advisory Board. The student's re-enrollment request will be reviewed by the MAP Advisory Board who, in conjunction with the Dean of Faculty and the Dean of Students, must approve the re-enrollment if the student wishes to re-enroll.

The MAP Advisory Board reserves the right to consult with one or more of the following individuals or offices regarding the re-enrollment decision and may impose conditions as suggested by these individuals and offices to help ensure the student's successful return to the college:

1. *Any of the College's three deans (Dean of Faculty, Dean of Students, Dean of Curriculum)*
2. The student's medical provider(s)
3. The student's academic advisor
4. Campus Safety
5. Any other individuals or offices as may be deemed appropriate in a particular matter

Chapter 2

College Policies and Conduct Procedure

Campus Community Policies

General Provisions

Rules for Maintenance of Public Order

Pursuant to Article 129-A of the New York State Education Law (as amended), the New York State Legislature requires all colleges and universities to adopt rules for the maintenance of public order governing the conduct of students, faculty, staff, or other persons on college property. They prohibit, among other things, actions recklessly or intentionally endangering mental or physical health. The law further requires that a copy of such rules and regulations be given to all students in compliance with that statute.

Preamble

Paul Smith's College, recognizing the right of an individual to protest and register dissent, is concerned with the protection of that right on the College campus and at College sponsored events as it may be exercised by any member of the Paul Smith's community, whether student, faculty member, staff member, or administrative officer. At the same time, Paul Smith's College is committed to defend the right of each member of the Paul Smith's community to carry out his or her assigned duties and responsibilities without interference: students to attend classes, faculty members to teach classes, College offices and departments to hold special events or activities, and administrators and staff to do their respective jobs. Consistent with the foregoing, the following regulations have been adopted.

Rules

1. In recognition of the rights of freedom of speech and assembly, peaceful protest or demonstration by any member of the Paul Smith's community, in or on College property, is permitted.
2. The following activities which infringe upon the rights of individuals shall not be permitted and shall be considered violations of College rules:
 - Use or threat of force or violence against any person, or the damaging of property.
 - Prevention of the normal use or occupancy of any building owned or rented by the College or disruption of any normal College function through use of force or threat of force, physical obstruction, or noise.
 - Physical obstruction of or the use of threat of force or violence to interfere with the passage of any person about the College campus or through the entrance or exits of any College building or facility or the corridors thereof.
 - Entering of any private office or private room without the consent of the rightful occupant.

- Engaging in the practice of hazing, including, but not limited to any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization, whether occurring on or off Paul Smith's Campus, regardless of an individual's willingness to participate.
 - Presence in or use of any College building or facility during the hours when such building or facility is officially closed, unless permission is secured from the President or their designee prior to such presence or use.
3. The use of grounds, facilities, and buildings rented or owned by the College is restricted to members of the Paul Smith's community and visitors by invitation. The College reserves the right to require evidence of any individual's qualification to use or be in or on any grounds, facility, or building rented or owned by the College and to deny use thereof to anyone who is not a member of the Paul Smith's community, or to eject anyone therefrom who is not complying with these rules.
 4. These rules shall apply to any student, faculty member, staff member, or visitor (including, but not limited to, invitees and licensees) in or on property owned or rented by the College.

Enforcement

Enforcement shall be consistent with approved College procedures and binding contractual agreements of the College. Any student, faculty member, officer of administration, or nonfaculty member may charge any person with a violation by filing a written statement of the acts allegedly constituting the violations with the Office of the President.

1. Alleged violations of these rules by students shall be referred to the Dean of Students.
2. Alleged violations of these rules by faculty shall be referred to the Dean of Faculty.
3. Alleged violations of these rules by officers of administration or other non-faculty employees shall be referred to the Director of Human Resources.
4. Pending such a hearing, the President of the College shall have the right to restrict the campus activities of any such member of the student body or staff if she determines that it is necessary to prevent further violations of these rules.
5. In case of a violation of these rules by a person not a member of the Paul Smith's community, the responsible officer of the College may refer the matter to the local civil authorities for appropriate action including ejection from the campus, prosecution under appropriate state and local laws, or both.
6. In case the President of the College determines that the normal College procedures are inadequate for maintaining order on the campus, she may request the local civil authorities to deal with the situation. The President may obtain court action, where appropriate.

Penalties

With due regard for civil liberties and professional rights, any individual who is found to have violated these rules may be subject to immediate ejection from college property. In addition, any member of the Paul Smith's community who is found to have violated these rules may be subject to suspension, expulsion, or such other appropriate disciplinary action as shall be determined upon a prompt hearing before the designated council or committee. Disciplinary action against a member of the faculty shall be subject to the review of the Trustees.

Any organization which is found to have authorized any violation of these rules may be subject to the rescission of said organization's permission to operate on the Paul Smith's Campus or any other college property. The penalties described herein shall be in addition to any criminal or civil penalty pursuant to any penal or other law to which the violator or organization may be subject.

A. Outside Groups and Agencies

- a) In case of an emergency, all visitors must contact the Office of Campus Safety by dialing 6300 from any on-campus phone or (518) 327-6300 from a cell phone.
- b) All overnight guests must register with the Office of Residence Life and Office of Campus Safety.

B. Water Access / Ice Access

A DEC designated New York State Canoe Launch for Lower St. Regis Lake is located on the shoreline near Clinton Hall. This launch is for non-motorized boats (canoes/kayaks) only. The launch is open to the public. Vehicle access to the launch is not available; vehicles must be parked in parking lot 5 (student parking lot for Clinton Hall, Franklin Hall, Essex Hall, and Lambert House) and canoes/kayaks carried to the launch. Motorized boats are not permitted to be launched from the College's shoreline.

Swimming off the College shoreline is prohibited, except at the designated beach, located between LMS Hall and Lakeside Hall.

Students who have passed the College's Canoe Safety course and are allowed to utilize College owned watercraft must operate them in a safe and appropriate manner at all times. Failure to do so will result in loss of watercraft privileges.

Warning: Access to the lake during winter months for ice fishing is only permitted via the NYS DEC canoe launch and is at the individual's risk. It is strongly urged individuals test the thickness of the ice to ensure it is safe before accessing the lake.

Note: Operation of snowmobiles, ATVs, and other recreation based motorized vehicles on campus is prohibited. Motorized boats, snowmobiles, and other recreational vehicles are only permitted on campus if they are stored in the back of a truck or on a trailer; the trailer must be parked in the rear of parking lot 1 (large open parking lot behind the Facilities Building and parking lot 13).

C. Ropes Course Access

The use of the College's ropes course is permitted only to individuals and/or groups

that have received prior approval from the Ropes Course Manager. Offices or academic programs that use the ropes course as part of their program do not have to receive prior approval but must still submit proper certifications to use the course.

D. Pets

Paul Smith's College is a community that embraces pets and other animals. However, as a College it is necessary to establish clear policies that ensure the health and safety of people and animals. This policy provides a set of reasonable guidelines for dogs on campus. It also outlines the obligations of animal owners to the Paul Smith's community and the dogs they are responsible for.

Having a dog on campus is a privilege, not a right. All members of the Paul Smith's community and all visitors to the campus are bound by this policy. All members of the Paul Smith's College community are responsible for the conduct and condition of the dogs they bring to campus. Violations of this policy could result in the loss of the privilege to bring your dog on campus. This policy applies to all Paul Smith's facilities and grounds with the exception of privately occupied faculty/staff housing.

All PSC employees and students who plan to bring their dogs to the main campus more than just once must first register them with the Office of Campus Safety. Owners must provide documentation of their dog's current vaccination record (including Canine Distemper, Canine Adenovirus *hepatitis*, Canine Parainfluenza, Canine Parvo and Rabies) when registering them. Once a dog is registered the owner will receive a specialized dog tag that must be on the dog's collar whenever they are on PSC campus

- **Dog Policy:** Paul Smith's College permits employees and students to bring dogs to campus subject to the following guidelines:
(With the exception of those animals listed below, the only personal pets allowed on campus are dogs)

Every dog must be leashed at all times except in designated off-leash areas past the sawmill and in the company of its owner.

- Dogs are not allowed to wander into public areas off leash.
- Dogs are not permitted in the Joan Weill Adirondack Library, Saunders Sports Complex, classrooms and labs, the VIC, or any area where food is handled or served.
- Dogs that show any aggressive tendencies to people or other animals are not allowed on campus.
- Dogs must not present any health or safety concern to others they encounter. If any person is uncomfortable with dogs in their general work area, or have some type of allergic reaction, then the dog will not be allowed.
- Dogs are permitted in private office spaces. Dog owners must post a sign on their office door, available in the Campus Safety Office, notifying the campus community and service personal that a dog is present.
- Owners are fully responsible for any damages occurred due to their dog.

- Owners are responsible for cleaning up waste left by their dog. Failure to clean up the waste will result in the dog no longer being allowed on campus.
- Dogs are not allowed to ride in school owned vehicles without prior approval by the Office of Campus Safety.
- Dogs must not be tied to trees or signposts.

If individuals choose to bring their dogs to campus grounds, courtesy and respect must be extended to colleagues, students, and visitors in the area. Dog owners will be required to keep dogs on a leash and should always consider safety, health and the possible fears others may have in the presence of animals.

Exceptions to the above policy include:

- Service and emotional support animals as defined below
- Pets that are permitted by the College’s residence hall policies and procedures for both student and live-in professional staff members
- Animals performing official law enforcement functions
- Animals that have been acquired for purpose of research and other academic pursuits
- Animals being used in a class setting for a specific pedagogical purpose, approved in advance by the instructor’s Chair or the Dean of Faculty.

- **Service Animals**

A service animal is defined by the American with Disabilities Act to be limited to certain species, and individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. For the purposes of this policy, the definition of a service animal shall remain consistent with ADA definition as published on the ADA website (http://www.ada.gov/service_animals_2010.htm). Contact the Center for Accommodative Services – accommodativeservices@paulsmiths.edu for further information.

- **Emotional Support Animals (ESA)**

According to the Fair Housing Act, individuals with a disability may be entitled to keep an ESA as a “reasonable accommodation in housing facilities.” The ESA “would provide emotional support to persons with disabilities who have a disability-related need for such support.” In order to qualify for such an accommodation, the ESA “must be necessary to afford the individual an equal opportunity to use and enjoy a dwelling or to participate in housing service or program. Further there must be a relationship, or nexus, between the individual’s disability and the assistance the animal provides.” These animals are not considered service animals under the ADA.

Contact the Center for Accommodative Services – accommodativeservices@paulsmiths.edu for further information.

- **Stray/Unleashed Animals**

If stray animals are found on campus, the Office of Campus Safety shall notify the community to the best of its ability, giving a sufficient description in order to aid identification of the owner. If no owner is located after sufficient opportunity is given for identification of an owner, the animal will be surrendered to Animal Control.

- **Resources/Questions**

Paul Smith's College acknowledges that College policies may not anticipate every possible issue that may arise. The College therefore reserves the right to make reasonable and relevant decisions regarding the enforcement of this policy. All such decisions must be approved by the Director Campus Safety and Emergency Management. Anyone with questions about this policy should contact the Office of Campus Safety at: (518) 327-6300.

E. Camping/Using Alumni Campground

Students are prohibited from camping on College property including the Alumni Campgrounds. Exceptions may be permitted for special events, with prior authorization from the Alumni Relations Director. Alumni and prospective students can receive approval from the Alumni Relations Office, (518) 327-6253. Guests must abide by the College's policies while on college property and must provide a \$25.00 deposit.

F. Camp/Bonfires/Grills

There are official campfire pits on campus: next to the gazebo across from the United States Post Office, by the campus NYS Canoe Launch, and the Forestry Cabin. ALL FIRES MUST HAVE PRIOR APPROVAL from the Office of Campus Safety. Requests to use a campfire pit must be made through the Office of Campus Safety by submitting a campfire permit at least 24 hours in advance. 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.

G. Smoking/Vaping

Paul Smith's College is a tobacco-free and substance-free campus. "Tobacco" is defined as any tobacco or tobacco-derived product, including snuff, chewing tobacco, and similar products. "Smoking" means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or is intended to simulate the effect of tobacco, as well as "e-cigarettes" and vaporizers. Cannabis use or possession is prohibited on College property.

H. Non-sanctioned College Housing/Squatting

Students, visitors, guests, and employees of Paul Smith's College may not reside on campus, in any shelter that is not sanctioned by Paul Smith's College. Non-sanctioned housing includes but is not limited to: tent, lean-to, snow fort, tree house, cabin, shack, etc.

I. 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 non-conforming 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 is marked with an ALL-GENDER BATHROOM sign.

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

Administration Building	7	Ground Floor: 2, 1st Floor: 2, 2nd Floor: 3
Buxton Gymnasium	2	1st Floor: 2
Campus Safety	1	1st Floor: 1
Cantwell Hall	1	1st Floor: 1 (stairwell, closest to Freer)
Facilities Building	2	1st Floor: 2
Forestry Club Cabin	2	1st Floor: 2
Hillside Hall	1	1st Floor: 1 (handicap accessible and gender neutral)
Joan Weill Adirondack Library	1	1st Floor: 24 Hour Room: 1
Joan Weill Student Center	2	Ground Floor: Health Services: 2 (Hallway and Treatment Room) (Handicap Accessible and gender neutral)
LMS Hall	1	1st Floor: 1
NOLS Building	1	1st Floor: 1 (handicap accessible and gender neutral)
Overlook Hall	1	1st Floor: 1
Paolozzi	2	2nd Floor: 2
Saratoga Hall	4	Ground Floor: 2, 1st Floor: 1, 2nd Floor: 1
Saunders Sports Complex	4	2nd Floor: 2 (near Dance Room), 3rd Floor: 2
Sporck Admissions Center	2	Ground Floor: 1 (in conference room) (handicap accessible and gender neutral) 1st Floor: 1
Upper St. Regis Hall	1	2nd Floor:
VIC	1	2nd Floor: 1

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.

STUDENT CONDUCT

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1. 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 2022-2023 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:
 1. 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.
 2. 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.
 3. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 4. 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:
 - (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"). 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 affects 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.

2. Paul Smith's College's 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:

1. Have an understanding of College policies and why the college community is concerned with their actions

2. 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
3. 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:

1. Serve as a clear statement about College standards and expectations
2. Educate students on the effects of their behavior
3. Attempt to affect a change in the behavior in the future
4. 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.

3. Jurisdiction

Students at Paul Smith's College are annually provided access to and, upon request, given a copy of the Student Code of Conduct. Students are responsible for reading and by being on our campus as a student, agree to abide by the provisions of the Student Code of Conduct and the authority of the student conduct process. The Student Code of Conduct and the student conduct process apply to the conduct of individual students and College-affiliated student groups and organizations.

Because the Student Code of Conduct is based on shared values, it establishes a set of expectations for the Paul Smith's College student, no matter where or when their conduct may take place (e.g., Study Abroad, college sponsored trips). Therefore, the Student Code of Conduct will apply to behaviors that take place on campus, at College-sponsored events, and may also apply off-campus, when the College determines that the off-campus conduct affects a substantial College interest. A substantial College interest is defined to include:

- A. Incidents that constitute a criminal offense as defined by New York State law. This includes alleged first time and repeat violations of any local, state, or federal law.

- B. Incidents where it appears the student may present a danger or threat to the health or safety of themselves or others.
- C. Incidents that significantly infringe upon the rights, property of self or others or significantly breach the peace and/or cause social disruption.
- D. Any situation that is likely to have an impact on campus or otherwise harmful to the educational interests of the College.

The Student Code of Conduct may be applied to conduct that takes place during the time a person is enrolled as a student both on and off campus, including all College breaks and between semesters. Further, the Student Code of Conduct applies to guests of community members; hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Paul Smith's College are also protected by the Student Code of Conduct and may initiate grievances for violations of the Student Code of Conduct committed by members of the Paul Smith's College community against them.

Paul Smith's College may also extend its jurisdiction to misconduct that occurs prior to, but is not reported until after, the graduation of the responding student. Any such misconduct will not subject the respondent to normal conduct proceedings but may subject them to special proceedings for the revocation of a degree.

4. Definitions

Advisor - Any individual who provides the Complainant or Respondent with support, guidance and/or advice during a Conduct meeting or hearing (this may include legal counsel and such individual will be provided at the party's own expense, if the advisor is a paid advisor).

- **Advisor of Choice** – a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. The College does not appoint or pay for an advisor of choice.
- **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.

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.

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.

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.

Mandated Reporter – Paul Smith's College considers any College employee, other than a confidential resource (described below), to be a mandated reporter. As described more fully below, mandated reporters are required to report violations of the code of conduct that they witness or learn about to the Title IX Coordinator or the Office of Campus Safety.

Preponderance of Evidence – The standard of proof used in all cases adjudicated by the Community Standards Office and the Title IX Office, 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.

Reporting Individual – Shall encompass the terms victim, survivor, complainant, claimant, witness with victim status, and any other term used by an institution to reference an individual who brings forth a report of a violation.

Respondent - Shall mean a person accused of a violation of the Student Code of Conduct who has entered the Student Conduct Process.

Witness – A witness is someone who (1) directly observed an incident or (2) has direct or indirect knowledge related to the incident in question. Witnesses should be able to speak knowledgeably about the incident and be able to provide relevant information to Student Conduct proceedings. Reliable witnesses are critical to the integrity and effectiveness of the Student Conduct Process.

5. Violations of the Law

Paul Smith's College also has an obligation to uphold New York State law. While the activities covered by New York State or federal law and those covered by Paul Smith's College policies may overlap, it is important to note that the community's laws and the College's policies operate independently, and they do not substitute for each other. Students should be aware that the student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all but do not include the technical rules associated with court proceedings.

The College makes no attempt to protect members of the College community from New York State or federal law, nor does it interfere in legal proceedings against a member of the community. Membership in the College community does not exempt anyone from local, state, or federal laws but rather imposes the additional obligation to abide by all Paul Smith's College policies.

Alleged violations of federal, state, and local laws may be investigated and addressed under the Code. When an offense occurs over which Paul Smith's College has

jurisdiction, the Paul Smith's College conduct process will usually go forward notwithstanding any criminal proceedings that may arise from the same incident.

Interim Suspension

The College may suspend a student for an interim period pending conduct proceedings or medical, psychiatric, or psychological evaluation. Such interim suspension becomes effective immediately whenever there is information that the continued presence of a student on college premises or at College sponsored activities poses a substantial threat to self or others, or to the stability and continuity of normal College operations. There may also be circumstances in which it is necessary to invoke an interim suspension in furtherance of an ongoing investigation into a conduct code violation and/or a violation of state law.

A student suspended on an interim basis shall be entitled to a prompt review of the suspension and be able to submit evidence in support of their request. The student will be sent a Conduct Summons Letter and must make an appointment for a hearing within five business days from the effective date of the interim suspension. All outcomes from a hearing regarding the interim suspension are final, with no option for an appeal. (This Interim Suspension provision only applies when Code of Conduct proceedings are pending. For cases involving alleged violations of the Sexual Misconduct policy, found in Chapter 3 of this document, which implicates its own separate adjudicatory proceedings, the Emergency Removal process will be followed in order to protect the safety of the campus community, which may include contacting local law enforcement to address imminent safety concerns.)

6. Organization of the Student Conduct System

Coordinator of Community Standards

The Conduct Office at Paul Smith's College is within the division of Student Affairs. 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:

1. 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.
2. Solicits and selects faculty/staff for the Conduct Board pool from which Student Conduct Boards are impaneled to hear cases, unless the alleged violation(s) fall under the conduct described in Chapter 3.
3. Receives all reports for alleged violations of college regulations from Resident Assistants and Campus Safety
4. Determines which policies are alleged to have been violated, unless the alleged violations fall under those described in Chapter 3.
5. Sets up meetings with each student so referred to discuss the charges and the

student's rights.

6. Schedules Conduct Hearings or Student Conduct Board hearings as required, unless the alleged violation(s) fall under those described in Chapter 3.
7. Determines the sanction to be applied if the student is found Responsible in all Conduct Hearing cases, except for those described in Chapter 3.
8. Officially communicates all Conduct charges, rationales, and decisions to each student so charged.
9. Notifies College officials whose relevant interest necessitates their being informed of a violation of College Policy.
10. Maintains the College's official conduct records.
11. Serves as a decision maker on a conduct board for cases described in Chapter 3.

The Coordinator of Community Standards has discretionary authority to interpret and construe any uncertain or disputed aspects of the student conduct process.

Michelle Burns
Coordinator of Student Rights and Responsibilities
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Hearing Bodies/ Student Conduct System Procedures

The College's hearing bodies consist of two possible types 1) Conduct Hearing, and 2) Conduct Board Hearing.

1. 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 responsible 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 present 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. The Coordinator may consult with other appropriate College official's in determining any appropriate sanctions.

2. CONDUCT BOARD HEARING

A Conduct Board Hearing will be used to adjudicate alleged violations referred to by the Coordinator to the hearing body, or to hear any violations listed in Chapter 3. 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 members in total.

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/biases that might exist based on the students involved.

The Conduct Board has the following responsibilities:

- a.** Hears cases as scheduled.
- b.** Hears all statements and evidence related to the case in question.
- c.** Seeks answers to any questions pertaining to the statements and evidence presented.
- d.** 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.
- e.** For alleged violations described in Chapter 3, the Board will also decide the sanctions,

and write the outcome, complete with rationales.

Conduct Board Hearing Procedures (For Chapter 3 violations, procedures are outlined in that chapter):

1. Conduct Board Hearings are hearings with 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 Community Standards Office or Title IX Coordinator no later than 3 business days before the hearing in order to be permitted at the hearing unless otherwise authorized by the Conduct Coordinator, Title IX 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. 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 the Community Standards Office 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 designee may consider a charge that involves an equal or lesser conduct sanction. This will not apply to alleged violations described in Chapter 3.
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 Coordinator shall assess appropriate sanctions. The Coordinator shall consider, among other things, the student's record of disciplinary action or other violations of College policy in determining sanctions. The Coordinator will communicate the outcome and sanction to both the complainant 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. This will not apply with Board Hearings described in Chapter 3.

Important Note: Chapter 3 of the Community Guide includes specific information regarding the College's investigation and adjudication of alleged sexual misconduct (sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, etc.), overseen by the Director of Compliance, Title IX Coordinator. The rights of parties with regard to the investigatory and adjudicatory proceedings in such cases shall be governed by the Sexual Misconduct Policy set forth in Chapter 3, rather than the Code of Conduct.

CONDUCT REFERRAL

Any member of the College community may report when it is believed that a student may have violated a College policy by contacting the Office of Campus Safety, the Coordinator of Community Standards, the Dean of Students, and/or, when appropriate, the College's Title IX Coordinator.

The Office of Campus Safety will investigate all reports and concerns, gathering all pertinent information. When they feel all relevant information has been gathered, it will be turned over to the Coordinator of Community Standards in the Report Exec program. (For cases involving allegations of sexual harassment, sexual assault, dating violence, domestic violence, stalking or sexual exploitation, see reporting and investigation procedures set forth in the Sexual Misconduct policy),

APPEAL PROCEDURES

The findings and/or sanctions imposed by a hearing officer or body in connection with conduct proceeding can be appealed by any party, subject to the limitations above, based on one of the following grounds:

- a. A procedural error occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.)
- b. To consider new evidence, unavailable during the original hearing or investigation through no fault of the appealing party, that could substantially impact the original finding or sanction. A summary of the new evidence and its potential impact must be included.
- c. The sanctions imposed are substantially disproportionate to the severity of the violation.

The original finding and sanction will stand if the appeal is not deemed timely or fails to raise one of the above-referenced grounds for appeal.

A Letter of Appeal must be submitted to the Community Standards Office within three (3) business days of the receipt of the written underlying decision and must clearly and fully set forth the evidence to support each identified ground of appeal which the appealing party is asserting. Appeals will be forwarded and reviewed by the Director of Student Life and Housing.

- When an appeal is requested by the respondent in connection with a finding or sanction with respect to an offense constituting a violation of violence, the complainant will be provided with a copy of the respondent's appeal and invited to respond.
- When an appeal is requested by the complainant in connection with a finding or sanction with respect to an offense constituting a violation of violence, the

respondent will be provided with a copy of the complainant's appeal and invited to respond.

These responses must be submitted within three (3) business days. For purposes of this paragraph, a crime of violence is defined to include arson, assault offenses, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping/abduction, and robbery, each as defined for purposes of the Family Educational Rights and Privacy Act, as amended.

The Director of Student Life and Housing may:

- Uphold the original decision and/or sanction
- Modify the original decision and/or sanction
- Remand the matter back to the original hearing body. The Director of Student Life and Housing may (but is not required to) take this action when there is a procedural irregularity that could be corrected or to enable a review of previously unavailable relevant information that could significantly impact the result of the original hearing body's determination.
- Remand the matter to a senior College Official not previously involved in the matter. This will be done only in extraordinary cases when, in the considered opinion of the Director of Student Life and Housing, the matter would be best addressed by a different official.

If it is determined that the sanctions imposed are disproportionate to the severity of the violation, the Director of Student Life and Housing may return the report to the Community Standards Office for modification or the Director of Student Life and Housing may increase, decrease, or otherwise modify the sanctions. This decision is final.

The appealing party and, in appeals of a finding or sanction with respect to an offense constituting a crime of violence (as defined above), the non-appealing party, will be informed of the status of requests for appeal and of decisions made on appeal.

Once an appeal of a case is concluded, no further appeals are allowed, except to the extent that one or more party seeks review of proceedings (if any) ordered on remand. Denial of an appeal request is final.

The Appeals Panel may:

- Uphold the original decision and/or sanction
- Modify the original decision and/or sanction

- Remand the matter back to the original hearing body. The Appeals Panel may (but is not required to) take this action when there is a procedural irregularity that could be corrected or to enable a review of previously unavailable relevant information that could significantly impact the result of the original hearing body's determination.
- Remand the matter to a senior College Official, not previously involved in the matter. This will be done only in extraordinary cases when, in the considered opinion of the Director of Student Life and Housing, the matter would be best addressed by a different official.

All parties will be informed of the status of requests for appeal and of decisions made on appeal.

Once an appeal of a case is concluded, no further appeals are allowed, except to the extent that one or more party seeks review of proceedings (if any) ordered on remand. Denial of an appeal request is final.

The record of the appeal will consist of the letter of appeal; any written statements from the parties; the written decision that acceptable grounds for any appeal were not asserted (if that is the case), and the outcome of the appeal. This record will be appended to the written record of the original decision and will be kept with it as part of the case file maintained in the Office of Community Standards. **Decisions of the Appeals Board are final.**

Important Note: Chapter 3 of the Community Guide includes specific information regarding the College's appeals of alleged sexual misconduct (sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, etc.). The rights of parties with regard to the investigatory and adjudicatory proceedings in such cases shall be governed by the Sexual Misconduct Policy set forth in Chapter 3, rather than the Code of Conduct.

REMEDIAL ACTION

The College will implement initial remedial and responsive actions upon notice of alleged harassment, retaliation, and/or discrimination, and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest, or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Deliberately false and/or malicious accusations of harassment as opposed to reports which, even if erroneous, are made in good faith, will be subject to appropriate disciplinary action.

The College reserves the right to issue Remedial Actions to address relational or interpersonal conflicts or misconduct, or when considered necessary to meet the needs of a specific situation (e.g., "No Contact Orders" or relocation), whether or not disciplinary action is taken or required. The purpose of this form of Remedial Action is to simply

limit or restrict the interaction between individuals to help promote a safer and healthier environment.

ACCESS TO INFORMATION AND RECORDS

1. All information pertaining to investigations and hearing procedures may be shared only with College employees who have a legitimate educational interest in the information.
2. Students who wish to review and examine their files in the Office of Student Conduct may do so in accordance with the Family Educational Rights and Privacy Act of 1974, as amended.
3. Reporting individual(s) of any crime of violence (defined for these purposes to include arson, assault offenses, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping/abduction, robbery, and forcible sex offenses, each as defined for purposes of the Family Educational Rights and Privacy Act, as amended) will be given written simultaneous notice of the outcome and sanctions resulting from the report they filed.
4. Parental Notification: The College believes that parental involvement can be vital to student success. Therefore, Paul Smith's College may speak to parents and guardians to discuss impending or completed conduct actions, to the extent permitted by law:
 - Notification may be made to parents/guardians of any student who is a dependent, regardless of age.
 - Notification may be made to the parents/guardians of students who have violated policies that are "crimes of violence".
 - Notification may be made to parents/guardians of students who are under the age of 21 if those students have committed violations of the College's alcohol and drug policies.
 - Notification may be made to parents/guardians whenever their student faces an emergency health and/or safety risk.

Policies Pertaining to the Conduct System

1. All students attending Paul Smith's College are responsible for knowing and complying with these policies. This includes students living on and off campus.
2. A student who withdraws or is granted a leave of absence from the College during the Student Conduct Process, or after being charged with a violation of the Student Code of Conduct, may, at the College's discretion, have their case suspended pending return to the College. In such event, any return to the College is subject to and contingent upon resolution of the applicable charges.

Alternatively, the College may elect to proceed with the Student Conduct Process notwithstanding the withdrawal or leave.

3. A student who is charged with a violation just prior to the termination of a semester, where there is not sufficient time for the Conduct Process to occur, will have their case adjudicated as soon as they return to campus in the following semester.
4. All Conduct Board Hearings will be recorded. All recordings will be preserved and maintained for a minimum of 7 years.
5. All Conduct Board Hearings and Conduct Hearings are closed. A student who is charged may request, in writing, with justification, permission from the Coordinator of Community Standards for the hearing to be open to a particular person or persons. The sole discretion lies with the Coordinator of Community Standards or designee to determine whether to grant such permission. If the number of people exceeds space limitations, if circumstances interrupt the hearing, or if a groups or an individual's behavior is disorderly, the Coordinator of Community Standards or designee may require some or all people to leave the hearing. If the conduct board is concerning a violation listed in Chapter 3 of this document, discretion lies with the Title IX Coordinator.
6. Cameras and other recording devices other than the College recorder are not permitted at a hearing.
7. Conduct hearings will generally take place in the Community Standards Office unless notified otherwise. Any person acting in the role of advisor or as support for the student may talk quietly with the party but will have no right to actively participate in the meeting or hearing or be disruptive to the meeting or hearing. The party is required to speak on their own behalf. The advisor will act as a silent observer (except to advise and support the student) and will be asked to leave the meeting or hearing if this is not observed, at which point the meeting or hearing will continue without opportunity for the party to secure a new advisor. Investigations, meetings, and hearings will not be delayed based on the unavailability of a party's desired advisor.
8. A student's written conduct record will be maintained for a period of seven years from the end of the academic year in which the violation occurred.
9. Pursuant to Article 129-B §6444.6 of the New York State Education Law, if a student is found responsible through the College's conduct process for crime(s) of violence, including, but not limited to sexual violence, defined as crimes that meet the reporting requirements pursuant to the federal Clery Act established in 20 U.S.C. § 1092(f)(1)(F)(i)(I)-(VIII) (Clery 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)), the appropriate college official will direct that a notation be placed on the student's transcript.

*Where the sanction is a suspension, the following notation will be listed:
“SUSPENDED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION.”

*Where the sanction is expulsion, the following notation will be listed:
“EXPELLED AFTER A FINDING OF RESPONSIBILITY FOR A CODE OF CONDUCT VIOLATION.”

*If a student respondent withdraws from the College, while such College conduct charges are pending for allegation(s) related to Clery crimes of violence and the student declines to complete the student conduct process, the appropriate college official will direct that the following notation be placed on the student’s transcript: “WITHDREW WITH CONDUCT CHARGES PENDING.” Transcript notations for suspensions may be removed at the discretion of the college, but no earlier than one year after the conclusion of the suspension. Transcript notations for students who are dismissed are permanent.

10. Students who are suspended or dismissed will be liable for all tuition and fees for that semester, except to the extent otherwise provided by applicable law.
11. Individuals who have been suspended or dismissed and who are found on campus without being granted prior permission by the Dean of Students or other College official, will be subject to arrest for trespass.
12. When a student is relocated off campus as a result of a conduct violation, that student’s housing license with Paul Smiths’ College will be considered cancelled by the student and any penalties associated with this cancellation of the contract will be the responsibility of the student, except to the extent otherwise provided by applicable law.
13. Failure to appear as scheduled at a scheduled conduct meeting, or at any subsequent Hearing, or Conduct Board, without prior approval from the Coordinator (or designee) for the absence will result in the College proceeding in absentia. Sole responsibility of whether or not a reason is satisfactory rests with the Coordinator (or designee). The student is permitted to reschedule their appointment one time.
14. Students, who are arrested for a felony or misdemeanor, after having been admitted to the College, are required to notify the Coordinator of said arrest within 5 business days of that arrest.
15. 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 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.

16. Student groups and organizations - a student group or organization and/or its officers, may be held collectively and individually responsible for any violations of the Student Code of Conduct. A student group and its officers may be held responsible if violations occur as a result from a failure of its leaders or officers to oversee the conduct of the group's activities or take reasonable precautions to prevent them individually. Charges that are brought against a group or organization will be heard in front of the Coordinator of Community Standards with a member of the club's executive group representing the organization.

Conduct Sanctions

Any one or more of the following sanctions may be imposed for violations of this Code of Conduct:

REPRIMAND – A written, or oral reprimand is an official statement from the Coordinator of Community Standards or designee to a student that a College regulation has been violated. This reprimand officially advises the student of a violation and warns that further violations may result in a more severe disciplinary action.

REPRIMAND WITH CONDITIONS – Where appropriate, this level of written reprimand may include any or all the following conditions:

- Educational program or task – Assignment of educational program and/or appropriate task.
- Loss of privileges – Removal of privileges or restriction of activities for a designated period of time.
- Restitution – Reimbursement by the student to cover the cost of damage or loss or property or services. Reimbursement may be partial or complete depending on circumstances, e.g. number of people involved or degree of responsibility.
- Referral – A student may be referred for counseling or other appropriate professional help if it is believed that this can assist in avoiding further violations.

- Community Service- a student may be assigned to “give back” to the community whose rights they may have violated.
- Monetary fine assessed to your student account
- Certain alleged violations that result in a student feeling unsafe in any way may result in the respondent being temporarily moved to another location pending the conduct outcome.
- Fines of \$500 may be imposed for tampering with any fire equipment or smoke detectors.
- No Contact Orders

PROBATION – Loss of good standing as a member of the college community for a specified period. This is an official written notice that advises the student that further violations of the Code of Conduct may result in suspension or expulsion from the college. Where appropriate, probation may include additional restrictions or conditions, including but not limited to, assignment of educational program and/or appropriate task during the period of probation, loss of privileges or restriction of activities for a designated period of time, relocation of and/or loss of on-campus housing, counseling, community service or other appropriate conditions.

DISCIPLINARY HOLD – If a student fails to complete the conditions of a conduct sanction in the time allotted, a Disciplinary Hold may be placed on their student account. With this hold in place, the student is prohibited from participating in registration and course adjustment, requesting transcripts, and from seeing their schedule. The Coordinator will remove the hold after the student has met the conditions of the sanction.

HOUSING SUSPENSION – Separation of the student from on-campus housing for a specific period of time. A formal housing reapplication also may be required following completion of the housing suspension period. The meeting of certain requirements may also accompany the housing suspension, and restoration of housing privileges can be conditioned on the satisfactory completion of those requirements.

SUSPENSION – Separation from the College for a specified period of time. At the end of the specified period the student may apply for readmission to the College. Special conditions affecting eligibility for readmission or special conditions to be in effect upon readmission may be designated. Restitution, where appropriate, may be required of a suspended student. Suspended students may not visit the campus unless prior permission by the Dean of Students and/or the Coordinator of Community Standard’s has been granted. Suspended students will not receive academic credit for the semester in which the suspension occurred.

EXPULSION/DISMISSAL – Permanent separation from the College. Dismissed students are barred from the College campus and College sponsored events and they may not visit the campus unless with prior permission from the Dean of Students

Academic Integrity Procedures

For Academic policies and procedures, please use this link to the College Catalog:
<http://catalog.paulsmiths.edu>

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 Student Conduct 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 a substance treatment program, provided the assistance is not disciplinary in nature.

3.1 Introduction

Statement of Nondiscrimination

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 below and any applicable collective bargaining agreement.

Title IX of the Education Amendments of 1972

The Paul Smith's College does not discriminate in its admissions practices except as permitted by law, in its employment practices, or in its educational programs or activities on the basis of sex. As a recipient of federal financial assistance for education activities, the Paul Smith's College is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex. Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, gender identity, gender expression, sexual orientation, and pregnancy or related conditions.

Paul Smith's College has obligations under Title IX to provide certain support and modifications to people experiencing pregnancy or related conditions in order to ensure their equal access to Paul Smith's College's program or activity. For example, Paul Smith's College must treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Students, employees, or applicants should contact the Title IX and EO Coordinator for more information. Employees or applicants may also contact Human Resources for more information because additional workplace laws and policies apply.

Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; and recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Paul Smith's College also prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process,

whether internal or external to the institution. Sex-based harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and by Paul Smith's College policy.

3.1 Introduction

Paul Smith's College is committed to promoting a campus environment where sexual harassment, and other forms of sexual misconduct, such as dating violence, domestic violence, sexual assault, and stalking are not tolerated and where individuals who experience 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. Pursuant to the Violence Against Women Act (VAWA), the College also prohibits sexual assault, 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 complainant or the community in general. A student charged with violation of this policy will be subject to the disciplinary procedures set forth in this policy and may be subject to sanctions, up to and including expulsion from the College.

The College's Title IX Coordinator, who has primary responsibility for overall Title IX compliance at Paul Smith's College, is:

Isabella Lambert
Director of Compliance and Title IX Coordinator
ilambert@paulsmiths.edu
Student Center Office 005B

This policy sets forth expectations of conduct and 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 this policy 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. A Student's Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking is attached at the end of this chapter.

3.2 Education

Educational programs on sexual misconduct, domestic violence, dating violence, stalking and the code of conduct will be provided for new students. Whenever possible, this will typically occur within the first four weeks of each semester. Sessions for first-year

students will typically occur during Welcome Week. Training and education on sexual misconduct, domestic violence, dating violence, stalking, and mandated reporting will be provided annually for resident assistants (RAs), athletes, club advisors, club leaders, peer leaders, and faculty and staff. Information on this topic is also offered to the student body during Sexual Assault Awareness Month, through the Counseling Center, and Wellness and Residence Life programs. The Student Counseling Center will present programs in Residence Halls upon request, maintains a variety of informational materials, and emails information to the student body on this topic. The college may arrange for training sessions throughout the year for our campus community through various speakers, the New York State Police Campus Sexual Assault Victim's Unit and other available community resources. This policy applies equally to all students regardless of sexual orientation, gender identity or gender expression).

3.3 General Definitions

Advisor of Choice – a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. The College does not appoint or pay for an advisor of choice.

Affirmative Consent – a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of 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. Consent cannot be given when a person is incapacitated. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop. A current or previous dating relationship will not constitute consent. It is the responsibility of the person initiating the sexual contact to gain affirmative consent. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Certain conditions prevent a person from being able to consent. Consent cannot be given if a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. A person cannot consent if they are unable to understand the who, what, when, or where of what is happening or is disoriented, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual's mental disability may cause them to be unable to give consent. In New York, individuals under the age of 17 cannot give effective 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 give consent. An individual who engages in sexual activity when the individual knows—or should know—that the other person is physically or mentally incapacitated has violated this policy. Affirmative

consent cannot be given under coercion, force, or threat of physical harm or injury.

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. A person’s words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.

Complainant – The term Complainant refers to the person who experienced the alleged sexual misconduct in violation of this policy whether or not 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 the sexual misconduct.

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.

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.

Incapacitation – describes a state when an individual lacks the ability to knowingly choose to participate in a specific activity. Incapacity may be caused by mental disability, involuntary physical restraint, lack of consciousness or being asleep, drug or alcohol use, or if an individual otherwise cannot consent. A person’s state of incapacity is a subjective determination that is based on all the facts available because persons reach incapacitation at different points and as a result of different stimuli. 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. Use of alcohol or other drugs does not, in and of itself, negate a person’s ability to give consent. Administering any substance to another person, without their knowledge, for the purpose of inducing incapacity is a violation of this Policy.

Common and obvious warning signs of possible incapacitation include slurred or incomprehensible speech, unsteady gait, vomiting, or incontinence, combativeness, or emotional volatility. A person who is incapacitated may not be able to understand some or all of the following questions: “Do you know where you are?” “Do you know how you got here?” “Do you know what is happening?” A person who is not incapacitated at the beginning of sexual activity, may, by virtue of alcohol or drug ingestion prior to or during the activity, reach a state of incapacitation as the activity continues and progresses.

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 as 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.

Mandated Reporter – Paul Smith's College considers any non-student College employee, other than a confidential resource (described below), to be a mandated reporter. As described more fully below, mandated reporters are required to report violations of the code of conduct that they witness or learn about to the Title IX Coordinator or Campus Safety.

Preponderance of Evidence – The standard of proof used in all cases adjudicated under this policy, 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.

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 an alleged violation of this policy.

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.

3.4 Definitions of Specific Violations

This policy applies to alleged conduct violative of Title IX of the Education Amendments of 1972 (i.e., “Title IX Category Violations”), and also applies to a broader range of contexts and behaviors inconsistent with the College's commitment to equal opportunity (i.e., “College Category Violations”). The designation of conduct as either “Title IX Category” or “College Category” is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the College's broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

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 on the basis of 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").

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:

- 1) 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.
- 2) 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.
- 3) Incest—Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 4) 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.

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 may also be considered by the College to violate this Policy.

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.

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

The College prohibits the following behavior. 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.

Sexual harassment. "Sexual harassment" means 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.

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 giving affirmative consent, but that does not constitute sexual assault as a Title IX Category Violation as defined above because of 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). Sexual assault consists of the following specific acts:

1. 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.
2. 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.
3. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Dating violence. “Dating violence” means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship; but that does not constitute dating violence as a Title IX Category Violation as defined above because of 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).

Domestic violence. “Domestic violence” means violence committed by a 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 where the College is located, 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, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of 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).

Stalking. “Stalking” is 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).

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.

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. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good-faith; a person may provide inaccurate information believing it is accurate, which is still good-faith. If a person who makes a statement knowing that it is false, the person has acted without good faith.

3.5 Reporting Sexual Misconduct & Supportive Measures

You have the right to make a report to the Office of Campus Safety, the Title IX Coordinator, 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, Title IX Coordinator, Isabella Lambert
(518) 327-6565 or ilambert@paulsmiths.edu**

Campus Safety

CampusSafety@paulsmiths.edu
518-327-6300

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
- Director of Human Resources
- College Vice Presidents
- Director of Compliance, Title IX Coordinator
- Director of Campus Safety and Emergency Management
- Dean of Students
- Athletic Director

Mandated Reporters

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. As a result, mandatory reporters are required to report any and all instances that could constitute sexual misconduct, including sexual harassment to the Title IX Coordinator.

Supportive Measures

Once a report is made under this Policy, the complainant will be contacted by the Title IX Coordinator and offered individualized support as more fully described below. 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 as more fully described below.

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 the 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.

Emergency Removal

In some cases, the College may undertake an emergency removal of a student respondent in order to protect the safety of campus community, which may include contacting local law enforcement to address imminent safety concerns.

Emergency removal is not a substitute for reaching a determination as to a respondent's responsibility for the sexual misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of those allegations.

Prior to removing a student respondent through the emergency removal process, the College will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the student respondent, or other individual justifies removal, then a student respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed.

After determining a student respondent is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the Complainant and Respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision.

If a student respondent disagrees with the decision to be removed from campus, the respondent may appeal the decision. The respondent must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Title IX Coordinator within 10 days of receiving the notice of removal. The burden of proof is on the student respondent to show that the removal decision was incorrect.

This section applies only to student respondents. Employee respondents are not subject to this section and may be placed on administrative leave pursuant to the College's policies and/or collective bargaining agreements during the pendency of a Title IX grievance process.

How confidentiality and decisions about taking action are handled: A report to any of the individuals listed above or any other mandated reporter 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 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 take action 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. 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.

3.6 Reporting to Law Enforcement

Victims/survivors of sexual misconduct, including sexual assault, domestic violence, dating violence and stalking have the option of notifying the appropriate law enforcement officials, including local police. At the individual's request, the Office of Campus Safety, as well as a College or off-campus advocate, if requested, will promptly assist in notifying law enforcement officials.

The criminal process and the College's disciplinary process are not mutually exclusive, meaning that an individual can either bring a report through the College or law enforcement, or both. Any internal investigation and/or hearing process conducted by Paul Smith's College will be conducted concurrently with any criminal justice investigation and proceeding. However, in some cases, the College may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation. Any requested temporary delay shall not last more than ten (10) days, except when law enforcement authorities specifically request and justify a longer delay.

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a Paul Smith's College community member or other person. In appropriate circumstances, an order of protection may be available that restricts the respondent's right to enter or remain on College property, and the College will abide by a lawfully issued order of protection. The Office of Campus Safety or other College officials will, upon request, provide

reasonable assistance to any member of the College community in obtaining an order of protection, including providing that person with:

- a copy of an order of protection or equivalent when received by the College and an opportunity to meet or speak with a College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;
- an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and
- assistance in contacting law enforcement to effect an arrest for violating such an order of protection.

In situations where a student is arrested for sexual assault, domestic violence, dating violence or stalking, the Dean of Students and the Title IX Coordinator will work in conjunction with the Office of Campus Safety and the New York State Police to support any relevant court mandates which affect the campus or respondent's status. However, student conduct proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Dean of Students and the Title IX Coordinator (subject to limitations on delay as described above in this section). Determinations or sanctions will not be subject to change because criminal charges arising out of the same facts giving rise to the alleged violation of college rules are later dismissed, reduced, or resolved in favor or against the criminal law defendant.

Complainants should understand that not all sexual misconduct under this policy is a crime and that the standard law enforcement employs in processing reports is different than the College's standard under this policy. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials.

3.7 On 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 and the filing of a formal complaint. 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, supportive measures 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 supportive measure or assistance, an individual is encouraged to contact the Title IX Coordinator or the Office of Campus Safety. Supportive measures can apply to academic situations, living situations, transportation

situations, working situations, and include protective measures such as No Contact Orders. These supportive measures can be provided if a complainant 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.

Counselors are encouraged to send non identifiable statistical information only to the Director of Compliance or the Office of Campus Safety for inclusion in the Annual Security Report.

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 to the College administration, whether to file a confidential report for statistical purposes, whether to file a formal complaint under 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 may receive confidential counseling from the College counselors by contacting the Counseling Center, which is located in Room 17 of the Joan Weill Student Center, from 9 a.m. to 4:30 p.m. Monday through Friday, at (518)327-6358. On Saturday and Sunday, consultation is available by calling 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. The College also has a doctor available during limited hours during the week. Contact the Student Health Center at 518-327-6319.

3.8 Off-Campus Confidential Resources

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

The following resources are available off-campus for anyone to utilize.

- Adirondack Medical Center 1-518-891-4141
- Planned Parenthood, Saranac Lake, NY Office 1-518-891-0046
- Citizen’s Advocates, Inc. 24-hour Crisis Line 1-518-483-3261
- Planned Parenthood Sexual Assault Services Hotline 1-877-212-2323
- New York State Police Campus Sexual Assault Victims Unit

- consentfirst.troopers.ny.gov
- NY Sexual Assault Hotline 1-844-845-7269
- 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
- LGBTQIA+ Domestic Violence Project 1-800-832-1901
- The Trevor Project 1-866-488-7386
- National Center for Victims of Crime 1-202-467-8700
- Safe Horizon (stalking resource) 1-800-621-4673

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 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.

STOP Domestic Violence is available to counsel survivors of intimate partner violence and domestic violence (24 HOUR HOTLINE - 1-888-563-6904). STOP Domestic Violence has anonymous safe houses located throughout Clinton, Essex, and Franklin counties. Both STOP Domestic Violence at (888) 563-6904 and Sexual Assault Services at (877) 212-2323 provide free and confidential advocates who can assist victim/survivors in the hospital.

If you are interested in pursuing legal action...

- A. 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.
- B. If criminal prosecution is being considered, it is extremely important to preserve all evidence of a sexual assault.
 - a. 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 the Office of Campus Safety (non-confidential) and wait for them to go to you.
 - b. 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.

- C. 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 are interested in pursuing a Sexual Assault Forensic Examination...

- A. 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.
- B. 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.
- C. 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, 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. Individuals should expect to be occupied for a few hours
 - a. Individuals interested in pursuing a sexual assault forensic examination can contact the Office of Campus Safety for assistance. Additionally, the Office of Campus Safety can arrange for transportation.
- D. Sexual Assault Services of Planned Parenthood (24 HOUR HOTLINE SERVICES – 1-877-212-2323) 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.
- E. It is recommended people avoid activities that could potentially damage evidence, as listed below. Though an exam can still be performed regardless.
 - a. Bathing
 - b. Showering
 - c. Using the restroom
 - d. Changing clothes
 - e. Combing hair
 - f. Cleaning the area on the body
- F. Place belongings, including clothes wore during the sexual assault, sheets, tissues, or any other relevant materials in a (ideally) paper bag to safely preserve evidence.
- G. 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.
 - a. Immediate care. Injuries that need immediate attention will be taken care of first.
 - b. 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.

- c. 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.
- d. 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.

3.9 Grievance Process

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 by the College's Director of Compliance, 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. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail to: Isabella Lambert ilambert@paulsmiths.edu 005B Paul Smith's Student Center or email to Title IX Coordinator. 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. However, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that the allegations are such that it would be unreasonable not to proceed despite the wishes of the complainant.

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, assuming that 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 to 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 the 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 in an effort 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.

3.10 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 conduct an investigation. The College shall conduct a prompt, thorough, and impartial investigation. An investigation generally should be completed within 50 days of the date the formal complaint is filed. An investigation may be extended for good cause, 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 student 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 appoint 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 may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). 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.

3.11 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 Panel Chair. 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 so requests, the hearing will be conducted with the parties located in separate rooms using technology as described in the preceding sentence.

The hearing may be postponed for good cause as determined by the Title IX Coordinator. Good cause 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.

Procedural Matters

The Panel Chair is in charge of organizing the presentation of information to be considered at the hearing. Generally, the hearing will proceed in the following order:

1. Opportunity for Opening Statement by the Complainant
2. Opportunity for Opening Statement by the Respondent
3. Summary of the results of the investigation by the investigator
4. Questions for the investigator(s) by the Hearing Panel and, if desired, on behalf of Complainant and the Respondent (as described below)]
5. Questions for the Complainant by the Hearing Panel and, if desired, on behalf of the Respondent (as described below)
6. Questions for the Respondent by the Hearing Panel and, if desired, on behalf of the Complainant (as described below)
7. Questions for each witness by the Hearing Panel and, if desired, on behalf of Complainant and the Respondent (as described below)
8. Opportunity for Closing Statement by the Respondent
9. Opportunity for Closing Statement by the Complainant

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Chair of the Hearing Panel determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report as described above will be made available at the hearing to give each party equal opportunity to refer to such evidence

during the hearing, including for purposes of questioning. Absent extraordinary circumstances as determined by the Chair of the Hearing Panel no party may seek to introduce at the hearing any evidence not previously made available in accordance with the preceding sentence, other than the investigative report itself and any responses to the investigative report submitted by the parties as described above,

Advisors

The Complainant and the Respondent may each have present with them during the hearing an advisor of their choice (at the party's expense if the advisor is a paid advisor). If a party does not have an advisor of choice present at the hearing, the College will provide, without fee or charge to that party, an Institution Advisor of the College's choice for the limited purpose of conducting questioning on behalf of that party as provided in this policy.

Except with respect to questioning as described below, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the Hearing Panel during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet nondisruptive manner or in writing. The advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the Chair of the Hearing Panel. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, nonintimidating and non-abusive manner. If the Chair determines that an advisor is not adhering to these or other ground rules, the advisor may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the College will assign an Institution Advisor of the College's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

Witnesses are not permitted to bring an advisor or other person to the hearing, absent an approved disability accommodation. The Hearing Panel may be advised by and/or consult with the College's legal counsel as the Chair of the Hearing Panel deems necessary or appropriate.

Questioning Procedures

The Hearing Panel will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing. Questioning must be conducted by the party's advisor in a respectful, nonintimidating and non-abusive manner, and never by a party personally. If a party does not have an advisor present at the hearing, the Title IX Coordinator will arrange for the College to provide without fee or charge to that party, an advisor of the College's choice, known as an institutional advisor, will conduct cross-examination on behalf of that party.

Only relevant questions may be asked by a party's advisor to a party or witness. Before the party or witness answers a question posed by an advisor, the Chair of the Hearing Panel will first determine whether the question is relevant and explain any decision to exclude a

question as not relevant. Such decisions by the Panel Chair are final and not subject to objection or reconsideration during the hearing.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's prior sexual behavior that (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Parties and witnesses are encouraged to participate in a hearing and submit to cross-examination in order to ensure all relevant evidence is clearly understood and considered. In the event that a party or witness does not participate in a hearing and/or submit to cross-examination, the Hearing Panel will consider that when weighing any statements made by such person and submitted as evidence.

Hearing Determinations

Following conclusion of the hearing, the Hearing Panel will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Hearing Panel will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the Policy occurred. "Preponderance of the evidence" means that the Hearing Panel must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged.

If the Hearing Panel determines that the Respondent is responsible for one or more violations, the Complainant and Respondent will be invited by the Title IX Coordinator to submit a written personal impact statement that will be provided to the Hearing Panel for consideration in determining appropriate sanctions. The Title IX Coordinator will set the time frame for the submission of personal impact statements which normally will be no less than two days. The Title IX Coordinator will provide each of the parties an opportunity to review any statement submitted by the other party.

In addition to the impact statement(s), if any, factors considered when determining sanctions may include:

- the nature and severity of, and circumstances surrounding, the violation(s).
- the Respondent's state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.).
- the Respondent's previous disciplinary history.
- the need for sanctions to bring an end to the conduct; and/or to prevent the future recurrence of similar conduct.
- the need to remedy the effects of the conduct on the Complainant and/or the community.
- the impact of potential sanctions on the Respondent.
- sanctions imposed by the College in other matters involving comparable conduct; and
- any other lawful factors deemed relevant by the Hearing Panel.

Notification of Outcome

The Hearing Panel will issue a written determination to the Director of Compliance, Title IX Coordinator 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.

3.12 Timeframe for Resolution

Paul Smith's College seeks to resolve every report of sexual misconduct within 90 calendar days of the initial report, 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.

3.13 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:
 - Mandated counseling so the Respondent has the opportunity to gain more insight into their behavior.
 - 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.
 - Requiring the Respondent to write a letter of apology.
 - Requiring unpaid service to the campus or local community stated in terms of type and hours of service.
 - Restitution for damage to or misappropriation of property, or for personal injury, and other related costs.
 - 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).
 - 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 suspensions 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.

3.14 Appeals

A Complainant or Respondent may appeal: (1) a determination regarding responsibility, and (2) the College's dismissal of a formal complaint or any allegations therein. If a party wishes to appeal a determination regarding responsibility or the dismissal of a formal complaint, the party must submit written notice to the Title IX Coordinator of the party's intent to appeal within 10 days of receiving the written notification of the appealable decision. Appeals will be determined by a three-member Appeals Panel made up of trained members of the College community. A Respondent or Complainant may appeal on the following bases:

- Procedural irregularity that affected the determination regarding responsibility or dismissal of the matter.
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the determination regarding responsibility or dismissal of the matter; and
- The Title IX Coordinator, investigator(s), or member(s) of the hearing panel had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the determination regarding responsibility or dismissal of the matter. The professional experience of an individual need not disqualify the person from the ability to serve impartially. Furthermore, bias is not demonstrated by working in complainants' or respondents' rights organization.
- Any sanction imposed is disproportionate to the nature or severity of the violation(s) or otherwise inappropriate.

When a party submits a written notice of its intent to appeal to the Title IX Coordinator within 10 days of the appealable decision, the College will notify the other party in writing and implement appeal procedures equally for both parties. If no written notice of either party's intent to appeal is sent, then the written determination becomes final after the time to file an appeal (10 days) has expired.

Each party will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Each party will have at least 10 days to submit its written statement. If a party needs additional time, it can request such additional time from the decision-maker for the appeal. Such requests will be granted on a case-by-case basis. If the decision-maker for the appeal grants a request for additional time to submit a written statement, all parties will be granted the additional time.

A decision responding to the written appeal will be issued to the parties and the Title IX Coordinator within a reasonable time. The appeal process does not rehear complaints but ensures that rights are protected, appropriate procedures are followed, and sanctions are reasonable. The decision-makers for the appeal will not be the same person as the decision-

maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. A preponderance of the evidence standard will be applied on appeal. The Appeals Panel will issue a written decision describing the result of the appeal and the rationale for the result. This decision will be provided to both parties simultaneously and in writing.

Once the appeal decision has been sent to the parties, the appeal decision is final.

3.15 Amnesty Policy for Individuals Who Report Sexual Misconduct

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 violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Paul Smith's College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of 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 action for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

3.16 Students' Bill of Rights

All Paul Smith's College community members have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the 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 to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
6. Be free from any suggestion that the complainant is at fault when these crimes and violations are committed or should have acted in a different manner to avoid such crimes or violations.
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 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 complainant or respondent throughout the 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 conduct process of the institution.

3.17 Coordination with Other Policies

A situation may potentially invoke one or more College policies or processes. The College reserves the right to determine the most applicable policy or process and to utilize that policy or process.

3.18 Information about Registered Sex Offenders

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 concerning registered sex offenders may be obtained at the following web site: www.criminaljustice.ny.gov/nsor or by phone at 1-800-262-3257

In addition, Campus Safety is provided with notice of registered child sex offenders who reside in Franklin and Essex County. This information is available for review upon request to the Office of Campus Safety by all members of the College community.

3.19 Records & Training

The College will maintain for a period of at least seven years records of a) each investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of a hearing held under this policy as well as any disciplinary sanctions imposed on a respondent, b) any appeal and the result of the appeal c) any informal resolution process and the result of that process, d) all materials used to train the Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process. The College will make the training materials publicly available on its website. Access to the other records described above will only be made available on a need-to-know basis or as required by law.

3.20 Delegation of Authority

Any person assigned a role pursuant to this policy may delegate their authority to another appropriate person to avoid bias of conflicts of interest, or in other circumstances, as deemed necessary.

4.1 PSC's 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.

The intent of attendance at a program by students who have an alcohol or illegal drug violation report is twofold: to address alcohol or illegal drug use and abuse as an individual concern and as a systemic problem. ***A program is a prevention program only, and not considered a treatment program.*** Essentially, it is not only a problem for individual students who use alcohol or illegal drugs inappropriately or illegally but also may become a problem for the larger community when use/abuse is pervasive.

The Student Counseling Center (518-327-6358) offers counseling, education, and referral for students having trouble with substances, who have family members who are substance abusers, or who want more information. Counselors are happy to work with individuals or groups whose lives are affected by substances. Our own Student Counseling Center staff also works closely with and refers students to such agencies and providers as North Star Substance Abuse and St. Joseph's Outpatient Clinic. For more information about prevention and treatment, visit www.newyorkrehabilitation.com.

4.2 Alcohol and Alcohol Abuse Policy

Paul Smith's College values responsibility and focuses on teaching and learning. The College embraces the challenge to students to reach their full potential and encourages students' responsibility for making positive work and lifestyle choices. The campus' Annual Alcohol and Drug Notification can be found in the appendix of this document.

Alcohol abuse and its associated problems are among the lifestyle issues that college students encounter. In keeping with federal, state, and local laws, the policies set forth here support informed, responsible choices. The College's intention is to encourage and support good judgment in the legal use of alcohol for those who choose to use it.

The College understands that alcohol abuse cannot be ended or controlled simply through strict rules and vigorous enforcement. We must establish reasonable policies, create programs that educate all members of the College community of the effects of alcohol use and abuse, and provide help for those who need it for themselves or others. We believe that in an environment that values moderation and responsible choice, habits of respect for self and others in the use of alcohol and other substances will likely carry forward through the years. It is toward this end that the following policies and guidelines have been established.

4.3 Legal Context

Members of the College community are responsible for complying with federal, state, and local laws, as well as with College regulations. The following are federal laws that apply to our alcohol policy. Paul Smith's College is not responsible for any violation of state, federal or local laws perpetrated by its students, though it does reserve the right to investigate and adjudicate any reports of such violations. If a conduct hearing is required, the decision of the conduct designee may be different than any decision made by federal, state, or local courts:

- A. **Legal Minimum Age for Use or Possession** It is illegal for a person under the age of 21 to consume alcohol or to possess alcohol with the intent to consume it.
- B. **Selling or Giving Alcohol to a Person Under 21**
It is illegal to sell, deliver, or give away alcoholic beverages to any person actually or apparently under the age of 21. (Anyone causing or permitting this to occur is likewise guilty of a crime and violation.) This is a Class B misdemeanor.
- C. **Selling or Giving Alcohol to an Intoxicated Person**
It is illegal to sell, deliver, or give away any alcoholic beverage to any intoxicated person or any person under the influence of alcohol. (Again, causing or permitting this to occur is also unlawful.)
- D. **Using False Identification**
It is illegal for any person under the age of 21 to present or offer identification of age which is false, fraudulent, or not their own, for the purpose of purchasing or attempting to purchase alcoholic beverages. It is also illegal for another person to misrepresent the age of someone under 21 for the purpose of helping the person under 21 obtain alcohol.
- E. **Dram Shop Liability**
Any person who is injured by an intoxicated person has a legal right of action against anyone who has unlawfully sold alcohol to the intoxicated person or unlawfully assisted the intoxicated person in obtaining liquor. In any such legal action, the injured person has a right to recover both actual and punitive damages.

- F. Social Host Liability
Any person who furnishes alcoholic beverages to an individual under the age of 21 is at risk of civil liability if the intoxication of the person under age 21 results in injury or damages to a third party.
- G. Drinking and Driving
It is illegal to operate a motor vehicle with a blood alcohol content .05 percent or higher. This is known as "Driving While Ability Impaired," or DWAI. "Driving While Intoxicated" (DWI) is defined by a blood alcohol content of .08 percent or greater.
- H. Zero Tolerance (Under Age 21 Drinking and Driving)
A person under the age of 21 who operates a motor vehicle while having a blood alcohol content of .02 percent or greater (a very low threshold) is guilty of an offense that results in substantial fines and license revocation.
- I. Alcohol Permit Required for Sale
An alcoholic beverage control license or permit is required for any sale of alcoholic beverages. "Sale" has been interpreted by the courts to include payment of an admission charge or collection of a donation at the door of an event at which alcohol is distributed free of charge.

4.4 Additional Rules Governing Individuals and Groups

While the policies governing students are stated in Chapter 2 of this guide, the College has deemed it necessary to impose additional regulations on students regarding the possession and use of alcohol and drugs. Below are these regulations:

- A. Members of the College community should avoid excessive alcohol consumption.
- B. The College's alcohol and illegal drug policy applies to all aspects of student life, including the academic classroom, where zero tolerance is the standard. Coming to class or other academic functions under the influence of alcohol constitutes a misuse of alcohol for students under or over 21. Coming to class under the influence of illegal substances is also prohibited and will not be tolerated. Students who, in the opinion of their instructor, fail to abide by these expectations may face academic and conduct discipline. The instructor will report any violation of the above to the appropriate parties.
- C. It is legal to allow a student under the age of 21 to taste or sample alcoholic beverages provided it is used for instructional purposes during an academic class.
- D. Consumption of alcoholic beverages is not allowed during College-sponsored student activities or intercollegiate or intramural athletic events.
- E. Devices which encourage irresponsible drinking, such as funnels and beer bong, are not permitted and will be confiscated and not returned.
- F. Students are responsible for any alcohol in their rooms. If underage students are present in a room where alcohol is being consumed, it is understood that

- all parties in the room are consuming the alcohol. I
- H. Students over the age of 21 may not possess open alcohol containers or consume alcohol in the presence of a minor.

4.5 Institutionally Sponsored Events on Campus

The College values and seeks to encourage occasions at which faculty and others include students in dinners, receptions, and other events, providing for co-curricular interactions. To assure that the College meets its legal responsibilities when alcohol is served, on-campus events sponsored by faculty, administrative, and other institutional departments, programs, organizations, or sponsors at which alcohol is to be served and students are present must be catered by Sodexo. Event sponsors are responsible for assuring that no underage drinking occurs and that of-age students and others who do not wish to drink alcohol are provided with suitable options.

4.6 Events and Social Occasions Off-Campus

Students living off-campus are expected to meet state and local laws governing alcohol and other substances. Underage drinking and/or disruptive behavior of any kind may result in criminal prosecution and penalties by civil authorities and disciplinary action and sanctions on the part of the College.

Parties and events sponsored by student organizations or funded in whole or part by student activity funds are governed by the policies and procedures described in this policy, regardless of location on- or off-campus.

4.7 College Policy on Drugs

The College has deemed it necessary to impose additional regulations on students regarding the possession and use of alcohol and drugs. Below are these regulations:

- A. The College prohibits illegal possession or transfer of any controlled substance as defined in the statutes of New York State.
- B. The outcome from selling, making, or distributing drugs and from socially disruptive behavior resulting from use of illegal drugs will result in prompt and forceful College action.
- C. The College prohibits the possession and/or use of drug related paraphernalia, which includes but is not limited to scales, grinders, and smoking devices (such as bowls/pipes, bong, vaporizers, and hookahs.)
- D. Planting or growing cannabis plants on college-owned property is strictly forbidden.

Penalties for violating state laws can include substantial fines and imprisonment ranging from a few months to life. Violation of federal laws can result in the loss of financial aid and possibly expulsion from school.

Chapter 5

Jeanne Clery Disclosure Act

5.1 Crime Awareness and Campus Security

In the 1980's, concern grew about crime and security at the nation's post-secondary institutions. These institutions had traditionally been considered safe havens. A number of 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 as 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. The law also requires that the information be reviewed by an advisory committee on campus security. In 2008 The Higher Education Opportunity Act was passed and in recent years a number of changes were made to the original HEA as they relate to campus safety and security reporting requirements. The new provisions include changes in hate crime reporting, emergency response and evacuation procedures, missing student notifications, and fire/safety issues.

Most recent changes to the Clery Act were made as a result of the Violence Against Women Act, The Campus SAVE Act and Title IX clarifications which include reporting and policy provisions 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.

Educational programs on sexual misconduct, intimate partner violence, stalking and bystander intervention are provided for all new students during Welcome Week. Training and education are provided yearly to mandated demographics (Resident Assistants, student leaders, and athletes) and all faculty and staff. Information is also offered to the student body during Sexual Assault Awareness Month, Domestic Violence Awareness Month and Campus Safety Awareness Month through Peer Educators, Wellness Programs, Campus Safety Programs, Title IX Programs and Residence Life programs. The Counseling Center will present programs in Residence Halls upon request, maintain a variety of informational materials, and email information to the student body on this topic. In addition, the college will provide or arrange for specific training for members of groups that the college identifies as high-risk populations.

Paul Smith's College prohibits dating violence, domestic violence, sexual assault, and stalking as they are defined for the purposes of the Clery Act. All definitions begin on page 25.

Reporting Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Individuals who may have experienced any of these violations, in any form, may report an incident directly to any "campus security authority," which includes, but is not limited to, the Office of Campus Safety, the Dean of Students, Human Resources, the Director of Compliance, Director of Student Life and Housing, Coordinator of Community Standards, any Student Life employee, any athletic coach or any club officer or organization advisor. A person who experiences a sexual assault is strongly encouraged to contact Campus Safety immediately at 518-327-6300. When appropriate, a campus-wide alert will be issued for the protection of the college community.

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.

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 violation, and if appropriate, pursue charges on campus through the Conduct System.

Criminal Procedures: Any individual experiencing sexual misconduct, including, domestic violence, dating violence, stalking, or sexual assault has the right to notify the appropriate law enforcement officials of an incident and pursue criminal charges. The New York State Police can be contacted by calling 911 from any phone. If requested, Campus Safety (518)327-6300, as well as the College or off campus advocate, will promptly assist in notifying law enforcement officials.

Sexual Misconduct and Title IX Investigations If a report appears to allege a violation of this policy, the College will conduct an investigation when a formal complaint is signed. The College shall conduct a prompt, thorough, and impartial inquiry into any reports of sexual misconduct. An investigation generally should be completed within 90 days of the date the report is filed. The College will attempt to obtain consent from the complainant before beginning an investigation. However, there may be some instances when the College may pursue an investigation regardless of the request of the complainant, if necessary, to provide a safe and nondiscriminatory environment for all students.

If the complainant chooses not to participate in the investigation process, the College's ability to respond to the report may be limited. The Title IX Coordinator will advise the Complainant and Respondent that an investigation is taking place in writing, and the parties will receive written notice, in advance of any interview or other 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. Please see Chapter 3 for more detailed information.

The Complainant and the Respondent each may be assisted by an advisor of their choice during any investigation meeting, preliminary review, or student conduct hearing. The role of the advisor is to accompany the student 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. Please see Chapter 3 for detailed information.

A Title IX Investigator will meet with any Complainants, Respondents, and any available witnesses. The investigator may also work with Campus Safety Officers to obtain additional available information. The investigator will write a report setting forth the results of the investigation.

If you would like more information, please see Chapter 3. If you would like to make a report, please contact the Director of Compliance, Title IX Coordinator, Phelps Administration Building Room 00A1, Paul Smith's College, Routes 86 & 30, Paul Smiths, NY 12970 (518) 327-6451.

Immediate Support

Student Health Services – Individuals may get confidential support from our nurse in the Student Health Center during the Spring and Fall semesters. Clinic hours for SHS are Monday Friday 9am-4pm. The nurse can be reached at (518)327-6349.

Counseling – Students may receive confidential counseling from College Counselors by contacting the Student Counseling Center from 9am-4pm. Monday through Friday, at (518)327-6358. On Saturdays and Sundays, consultation is available by calling the Office of Campus Safety at (518)327-6300. The student will be referred immediately to a source of support.

Sexual Assault Services (SAS) of Planned Parenthood of the North Country New York offers counseling, education, and advocacy for 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 by calling (518) 561-4430.

STOP Domestic Violence is available to counsel survivors of intimate partner 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 Soal 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 restitution.

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 “campus security authority” must report to the administration information concerning the incident that is not personally identifiable. In cases where a member of the college community is at risk, faculty and staff members may be required to report personally identifiable information concerning the incident to Campus Safety and/or appropriate administrators. RAs are required to report cases of sexual misconduct to the appropriate offices immediately.

Off Campus Support - A person may choose to receive assistance from a non-Paul Smith’s source. A list of off-campus confidential resources is set forth in the Sexual Misconduct Policy, found in Chapter 3.

In all cases, the college encourages individuals to preserve evidence for future use. Physical evidence may be necessary for criminal prosecution or for obtaining a Protection Order.

Sexual Assault Forensic Examination

The purpose of sexual assault forensic exam is to collect DNA evidence immediately after a violation. DNA evidence from a violation like 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.

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, 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. 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.

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.

Sexual Assault Services of Planned Parenthood (24 HOUR HOTLINE SERVICES – 1-877-212-2323) offers advocates who accompany individuals to the hospital for emotional

support. People who have advocates 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.

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.
- **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 a person does not pursue a sexual assault forensic examination, we recommend seeing a health care provider to discuss the risk of sexually transmitted infections, emergency contraception, and possible pregnancy.

5.2 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 Building located on the ground floor of the Administration building rooms, rooms 11 (Director), 12 (Sergeant), and 13 (Officers).

The College has installed emergency two-way call boxes at the entrances to each residence hall and at various other locations on campus. By pressing the red button on the stations, users can communicate directly with a Campus Safety Officer

The Office of Campus Safety provides an on-campus safety escorts which are available to any student, employee, or visitor.

The College has an Emergency Management Plan, which provides for the dissemination of information and response to any critical incident, emergency, or disaster. The Emergency Management Plan is reviewed and tested annually and disseminated to the College community.

5.3 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/survivor 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 incident occurring off campus involving Paul Smith's College community members they will forward, for disciplinary action, any information to the Coordinator of Community Standards.

In compliance with the Clery Act, the College request statistics for arrests of individuals within the areas owned or controlled by the College. This information excludes any personal identifiable information and is included in the College's annual report of crime statistics to the US Education Department and available in the Annual Security Report.

5.4 Campus Law Enforcement

Paul Smith's College Campus Safety Officers are responsible for maintaining a safe, secure, and learning friendly environment for students, faculty, and staff, as well as safeguarding College property. Campus Safety Officers are not law enforcement officers or public servants. While the Office of Campus Safety enforces College policy, rules, and regulations, they do not make arrests or issue court appearance tickets.

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

5.5 Security of Building and Grounds

Security and access to on-campus facilities are controlled by key. Residence halls are locked 24 hours a day.

Other security considerations used in maintaining campus facilities include the checking of campus lighting by the Office of Campus Safety and Physical Plant personnel. The Grounds Department checks areas which may be potentially dangerous and takes corrective action.

The Office of Campus Safety provides 24 hour-a-day patrol of campus. Patrols are

conducted by vehicle, bicycle, and on foot. The Office of Campus Safety's patrol area, includes the main campus and some nearby off-campus College property, as described in our Annual Security Report (ASR).

Some campus buildings are open to the public, including during the day and evening hours when classes are in session. Some events, including athletic and recreational events, and programs held on campus are open to the general public; however, access is limited only to the facilities in which these events are held.

After evening classes/functions, on the weekends, and during times when the campus is officially closed, campus buildings are locked and only employees and students with proper identification and authorization are admitted. College employees with assigned offices are issued keys and are responsible for reporting missing and stolen keys.

5.6 Crime Prevention Programs

Orientation programs are conducted for all onboarding students to inform parents and prospective students about crime prevention and personal safety.

Crime prevention tips in college publications, as well as brochures distributed throughout the residence halls and department offices, enhance the educational process. The campus conducts campus safety and security surveys on specific areas and buildings of the campus. 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.

Educational programs about crime prevention and personal safety are offered throughout the year to students and employees.

5.7 Programming on Security and Safety

The Office of Campus Safety educates the College community on crime prevention, safety and security of the campus, and personal safety. The Office of Campus Safety conducts safety and security, crime prevention, and personal safety programs for students and employees throughout the year.

The Residence Life staff is a team of individuals who work closely with the Office of Campus Safety and the campus community to provide a safe and secure environment in which students can live and learn. The Director of Student Life and Housing oversees the office, and each residence hall has a staff of Resident Assistants responsible for the overall operation of the hall. They work closely with the residents of their floor to develop a sense of community and help students adjust to living in college residences.

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, including lecture series, residence hall meetings, counseling, health services, classroom discussions, and new employee orientation.

The Facilities Department maintains the entire campus with a concern for safety and security. Inspections of campus facilities are conducted regularly, and repairs are made. All safety and security hazards should be reported to the Office of Campus Safety at (518) 327-6300.

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 and employees should report any suspicious persons who they believe do not belong in their residence halls or offices or any unusual incidents that are observed to the Office of Campus Safety.

5.8 Alcohol and Drugs

Using, consuming, and possessing alcoholic beverages, narcotics, and dangerous drugs is governed by federal law, laws of the State of New York, local laws, and College policy. Every alcohol or drug policy violation will be met with disciplinary action. 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 will not be tolerated. Cannabis use or possession on campus is a violation of College policy. Any issue related to alcohol, narcotics and dangerous drug violations that are reported receive immediate attention and are thoroughly investigated.

5.9 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 College provides ongoing drug awareness educational programs and dissemination of pertinent information as illustrated in Chapter 9 of this document.

5.10 Definitions of Clery Reportable Crimes

Offenses in the Campus Crime Report use the FBI Uniform Crime Reporting (UCR) Handbook Offenses and their related definitions.

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 Offenses: 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/survivor is incapable of giving consent. Such offenses include:

- Rape
- Fondling
- Incest

- Statutory Rape

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.

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.

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 complainant's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons 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.

Domestic Violence: 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

Stalking: Engaging in a course of conduct, directed as a specific person, which is likely to cause a reasonable person to fear for their safety or the safety of others or cause that person to suffer substantial emotional distress. Stalking is repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another person. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or severely annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm them.

- A. Course of conduct means two or more acts, including, but not limited to, acts by 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.
- B. Substantial emotional distress means significant mental suffering or anguish that may, but need not necessarily, require medical or other professional treatment or counseling.

Hate Crime: Also known as a bias crime, a hate crime is a criminal offense committed against a person, property, or society that manifests evidence that the victim/survivor was intentionally selected because of the alleged perpetrator's bias or the perpetrator's perceived bias against a race, sex, gender, sexual orientation, gender identity, gender expression, religion, sexual orientation, ethnicity, national origin, or disability. "Hate crime" shall have the same meaning as section 485.05 of the penal law.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state or local laws or violations of College policy 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); cannabis; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

Liquor Law Violations

The violation of laws or ordinances prohibiting: the manufacture, sale transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging, operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).

5.11 Timely Warnings/Emergency Notifications

In the event that a situation arises, either on- or off-campus, that, in the judgment of the Dean of Students, Director of Campus Safety and Emergency Management, or the Director of Compliance, constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through the college BOBCAT-ALERT System by e-mail, phone call and text message system to students, faculty, staff, as well as on the call-in ALERT line at (518) 327-6300 and by postings.

Depending on the circumstances of the event, especially in all situations that could pose an immediate threat to the community and individuals, the College may also post a notice on the campus-wide electronic bulletin board on the College's web site at:

www.paulsmiths.edu/emergency-information, providing the community with more up to date and detailed information.

Anyone with information warranting a timely warning should report the circumstances to the Office of Campus Safety, by phone (518) 327-6300 or in person at the Campus Safety Office located at the center of campus next to the U.S. Post Office.

5.12 Missing Student Policy & Protocol

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 have 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 campus official.

Federal law has required colleges and universities to establish a missing student notification policy. The policy states that the students must be given the option to provide confidential emergency contact information in the event that they are reported as missing. If that occurs, Paul Smith's College will use the information on the emergency contact form for the following purposes:

- Notify the missing student's identified emergency contact
- Notify a student's parent or guardian if the student is under 18
- Notify the appropriate law enforcement officials in the event no contact information is supplied

Missing Student Full 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 is in compliance with 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. In the event that parental notification is necessary, the Dean of Students (or designee) will place the call.

At the beginning of each academic year, residential students will be asked to provide, on a voluntary basis, missing student notification contact information for use in the event they are reported missing. This confidential 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 make contact with 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 and

Emergency Management of the reported missing student. The Director of Campus Safety and Emergency Management 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 staff and request information on when the student last used dining services
 - g. Contact the Information Technology (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 and Emergency Management.
7. The Director of Campus Safety and Emergency Management 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 Notification Form.
9. Once all information is collected and documented and the Dean of Students(or a designee) and the Director of Campus Safety and Emergency Management are consulted, Paul Smith's College will contact the local police to report the information. (Note: If in the course of 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 is determined that the student is missing, Paul Smith's College will notify local law enforcement within 24 hours of that determination.

5.13 Investigation of violent felony offenses and reported hate crimes

Paul Smith's College is committed to maintaining a safe and secure environment that supports learning and community access to facilities and services. Campus Safety will take the following steps after a report of any hate crime or violent felony offense:

- The Office of Campus Safety will assess the situation and contact the NY State Police if appropriate.
- If the offender(s) are no longer on campus and the immediate threat has ended, officers will take the appropriate measures to provide support to victims.
- If it is determined that the elements of the offense are consistent with any Violent Felony Crime or bias-related crime as defined under New York State Law, Campus Safety will contact the New York State Police.
- Campus Safety will assist the New York State Police or any other law enforcement agencies in any manner requested until the completion of the investigation.

5.14 Hate and Bias Crime Education

Paul Smith's provides hate and bias crime prevention information to incoming students, including information on:

- the applicable laws, ordinances, and regulations of bias related crime, including the provisions and coverage of the hate crimes act of 2000 codified in article four hundred eighty-five of the penal law;
- the penalties for commission of bias related and hate crimes;
- the procedures in effect at the college for dealing with bias related and hate crimes;
- the availability of counseling and other support services for the victims of bias related and hate crimes;
- the nature of common circumstances related to bias related and hate crimes on college campuses; and
- the methods the College employs to advise and to update students about security procedures.

5.14 Notice of Availability of 2023 Annual Security Report & 2023 Annual Fire Report

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Paul Smith's College 2023 Annual Security Report and 2023 Annual Fire Report is available to everyone by October 1, 2023. It is available on the Paul Smith's College website at [Annual Campus Security & Fire Report | Campus Safety \(paulsmiths.edu\)](#) and at several on campus offices including Compliance Office, Human Resources, the President's Office, and the Office of Campus Safety. This report includes statistics for the previous three years concerning reported Clery crimes that occurred on-campus; in certain 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 1st by the Paul Smith's College Clery Compliance Officer, Director of Compliance. This edition of the Annual Security Report covers the years 2020, 2021 and 2022.

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 US Department of Education website <http://ope.ed.gov/security/> or on the college website

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

5.15 Advisory Committee on Campus Safety

The College has an Advisory Committee on Campus Safety, which is comprised of a minimum of six students, faculty, and staff who meet at least twice a year to discuss issues concerning campus safety. This committee is maintained in accordance with New York State mandates.

The committee reviews campus security policies and procedures and makes recommendations for their improvement. Issues may include educating personnel and the campus community about personal safety and crime prevention, reporting crimes and policy violations, supporting students during interventions, referring complaints to appropriate authorities, counseling students on their options, and responding to inquiries from concerned persons.

The committee reports to the President in writing, on its findings and recommendations no fewer than once per year, and makes the report available to members of the College community upon request.

PARKING AND VEHICLE POLICY



Purpose

To enhance the safety and security of the people, vehicles, and property on campus, Paul Smith's College has established the Parking and Vehicle Policy. It provides vehicle registration, parking lot assignments, and traffic and parking procedures for use by all individuals on the Paul Smith's College campus. This policy vests the Office of Campus Safety with enforcement of these regulations, which includes issuing parking and moving citations to those who violate the policy. This policy also establishes the appeals process for those who want to dispute a parking/moving citation.

General

This policy is in effect 24 hours a day, 7 days a week. The campus community will be notified via email of any addendum to this policy. Parking lots may be closed or limited periodically for maintenance, snow removal, emergencies, or special events. The campus community will be notified when this occurs.

Failure to follow this policy, which includes accumulation of 10 or more parking/moving violations during the academic year and egregious violations/offenses, is a violation of this policy. Students in violation of campus policy will be referred to Student Conduct and employees in violation of College policy will be referred to Human Resources for disciplinary action, which could include suspension and revocation of parking privileges on campus.

Vehicle Operation on Campus

All drivers must operate their vehicles in a responsible manner and obey all New York State traffic laws while on campus. The campus speed limit is 15 mph and is enforced. Drivers who fail to abide by traffic laws or the campus speed limit will be issued a moving citation, and be subject to further disciplinary action, including suspension, revocation, or denial of campus parking privileges.

Traffic Control

During special events and emergencies special traffic control measures will be instated; drivers are expected to follow all directional devices and personnel during those times.

Motor Vehicle Accidents, Damage, And Other Incidents

Drivers are required to report all incidents of motor vehicle accidents/collisions, damage, theft of motor vehicles, larceny from motor vehicles, and other incidents that occur on campus and/or with a College vehicle to the Office of Campus Safety immediately.

Liability

Vehicles operated and parked on campus are at the owner's risk.

Vehicle Registration, Permits, and Parking Lot Assignments

Vehicles can be registered online at the Office of Campus Safety page of the Paul Smith's College website: www.paulsmiths.edu/campussafety. From there, click Parking, and then Online Vehicle Registration. Once a vehicle is registered, go to the Campus Safety Office to pick up the parking permit.

Parking permits will be assigned to a specific vehicle and are not transferable. If a student or an employee requests a second permit for an additional vehicle there will be no charge for the second vehicle, but only one of the vehicles is permitted on campus at a time.

Students

Students must register their vehicle with the Office of Campus Safety within 24 hours of bringing a vehicle to campus. Once registered, they will be issued a parking permit. This permit is to be applied to the rear window on the lower left (driver's side) corner. All permits must be placed in this location, regardless of the tint of the rear window. Accommodations will be made for permit placement on motorcycles and in other special circumstances.

Students living on campus are permitted to park in any designated student parking lot. Commuter students are permitted to park in any designated commuter parking lot. A commuter student is defined as any student who does not live in an on-campus residence hall.

Student Parking Lots

- 2 Hillside, Lower and Upper St. Regis, Alumni Halls
- 3 Currier and Livermore Halls
- 5 Clinton, Essex, and Franklin Halls, and Lambert House
- 6 LMS and Lakeside Halls
- 11 Blum House (specified spots)
- 12 Saratoga Hall
- 14 Overlook Hall

Commuter Parking Lot

- 8 Across from Freer Science Hall and Cantwell Hall

Employees

Employees (faculty, staff, and contracted Sodexo employees) must register their vehicle with the Office of Campus Safety within 24 hours of bringing a vehicle to campus. Once registered, they will be issued a hang tag parking permit to be displayed on the rear-view mirror of the vehicle while parked on campus. Accommodations will be made for permit placement on motorcycles. An employee parking permit allows for parking in any designated employee parking lot.

Employee Parking Lots

- 4 Lot between Freer Science Hall and Facilities Building
- 7 Two-tiered lot near U.S. Post Office
- 9 Phelps Administration Building
- 11 Sporcck Admissions Center
- 13 Facilities Building (parking lot directly behind building)
- 15 Paolozzi Center
- 16 Freer Science Hall (parking lot behind building)

Open Parking

Anyone may park in these parking lots.

When assigned parking lots are full, drivers must park in these parking lots.

Open Parking Lots

- 1 Large parking lot behind the Facilities Building and parking lot 13
- 10 Parking lot behind Saunders Sports Complex
- 18 VIC parking lot

Visitor Parking

All overnight visitors to the College must obtain a temporary parking permit and must park only in areas designated as visitor parking or open parking. Visitor permits can be obtained from the Office of Campus Safety. Overnight visitors of students must obtain and present their campus guest pass when registering with the Office of Campus Safety. Visitors on campus for the day only do not need to obtain a parking permit, unless they cannot find any parking in the visitor parking or open parking lots or need to load and unload cargo. If a visitor receives a parking/moving citation, the visitor or the student/employee they were visiting should immediately present the citation to the Office of Campus Safety and submit a Ticket Appeal.

Visitor Parking Lot

- 17 Student Center, Library, and Pickett Hall

Parking Map

The parking map, which can be obtained during the registration process and any time at the Campus Safety Office and online (www.paulsmiths.edu/campussafety/parking), indicates the designated areas where students, employees, and visitors may park. The

map should be reviewed, and drivers should only park in their designated parking lots. It is the responsibility of each motorist to be parked within a clearly marked designated parking space. The map should be kept for reference when needed. Drivers should contact the Office of Campus Safety for any questions or clarifications on where they are permitted to park.

Recreational and Other Motor Vehicles

Other motor vehicles (trailers) and recreational vehicles (ATVs, dirt bikes, go carts, snowmobiles, boats, etc.) must be registered with Campus Safety. Recreational vehicles must be stored on a trailer or in the bed of a truck. Trailers must be parked in the rear row of parking lot

Recreational vehicles cannot be operated on campus property. Motorized boats cannot be launched from the campus shoreline. Students may not leave these items on College property during the summer or between semesters without prior permission from the Director of Campus Safety.

Trailers, boats, bicycles, canoes, and kayaks must also be registered with Campus Safety.

Disabled Vehicles

The Office of Campus Safety must be notified immediately if a vehicle is disabled (not operable). Emergency flashers or other signage on the windshield indicating the vehicle is disabled are not sufficient notification. Disabled vehicles will be issued a disabled vehicle permit, which must be displayed on the front dashboard. All attempts should be made to remove a disabled vehicle from campus as soon as possible. If a disabled vehicle cannot be removed from campus in a timely manner, the Office of Campus Safety must be notified. Any disabled vehicle which is in a roadway, is blocking traffic, is creating a hazard, is otherwise illegally parked in a handicap space or fire lane or has not been removed in a timely manner will be towed at the owner's expense.

Special Parking and Permits

Special parking permits are issued for special parking spaces. These spaces include, but are not limited to handicap parking spaces, low emission fuel efficient parking spaces, Veterans Raffle Winner parking spaces, and PSGVFD (Paul Smiths Gabriels Volunteer Fire Department) Member parking spaces.

15 Minute Parking

15 Minute Parking spots are available in parking lot 17 (visitor parking lot for the Student Center, Library, and Pickett Hall). Anyone, not only visitors, may park in the posted 15-minute parking spots, as long as they are not parked in the spot for more than the allotted 15 minutes. The 15-minute parking spots are for individuals who need to visit a nearby building for a short period (15 minutes or

less) of time. Any vehicles observed to be parked in a 15-minute parking spot for longer than the allotted 15 minutes will be ticketed.

Contractors/Vendors

Contractors and vendors must check in with the Office of Campus Safety when arriving to campus and before leaving campus. They will be issued a Contractor Parking Permit, which will allow them to park near the building they will be working/visiting.

Electric Vehicles

Electric Vehicles may park in the Electric Vehicle parking spaces, which include access to a charger. Non-electric vehicles may not park in these spaces.

Electric Vehicles Parking Spot Locations

Parking Lot 1 (Large open parking lot behind the Facilities Building and parking lot 13)

Parking Lot 7 (Two-tiered employee parking lot near U.S. Post Office)

Parking Lot 18 (VIC Open parking lot)

Handicap Parking

Any vehicle that possesses a state issued handicap parking permit may park in any handicap parking space without additional authorization. Those who do not have a state issued handicap parking permit but would like to request a College issued handicap parking permit for medical reasons must present a doctor's note or a note from the College nurse to the Office of Campus Safety.

Low Emitting and Fuel-Efficient Vehicles

Vehicles that are certified as low emitting and fuel efficient are eligible to park in the College low emission fuel efficient parking spaces but must first request a LEFE parking permit from the Office of Campus Safety; the permit must be displayed next to their regular parking permit.

Low Emitting Fuel Efficient Vehicle Parking Spot Locations

Parking Lot 14 (Overlook Hall student parking lot)

Parking Lot 15 (Paolozzi Center employee parking lot)

PSGVFD Parking

Students who are active members of the Paul Smiths Gabriels Volunteer Fire Department, registered with the Office of Campus Safety, and designated as the daily/nightly carpool vehicle will be issued a permit to park in a PSGVFD Member Parking space for quick response to the fire department for fire calls.

PSGVFD Member Parking Spots

Parking Lot 2 (Hillside Hall student parking lot)
Parking Lot 3 (Livermore Hall and Currier Hall student parking lot)
Parking Lot 5 (Clinton, Franklin, and Essex Halls, and Lambert House student parking lot)
Parking Lot 6 (LMS Hall and Lakeside Hall student parking lot)
Parking Lot 11 (Blum House student parking lot)
Parking Lot 12 (Saratoga Hall student parking lot)

Veterans Raffle Winner Parking Spots

Veterans Raffle Winner parking spaces will be issued Veterans Raffle Winner parking permits, which are only valid for the period stated.

Veterans Raffle Winner Parking Spot Locations

Parking Lot 2 (Hillside Hall student parking lot)
Parking Lot 3 (Livermore Hall and Currier Hall student parking lot)
Parking Lot 5 (Clinton, Franklin, and Essex Halls, and Lambert House student parking lot)
Parking Lot 6 (LMS Hall and Lakeside Hall student parking lot)
Parking Lot 8 (Commuter parking lot across from Freer Science Hall and Cantwell Hall)
Parking Lot 11 (Blum House student parking lot)
Parking Lot 12 (Saratoga Hall student parking lot)
Parking Lot 14 (Overlook Hall student parking lot)
Parking Lot 17 (Visitor parking lot in front of Student Center, Library, and Pickett Hall)

Other Specified Parking Spots

Anyone parked in specified parking spot without a current authorizing permit will be ticketed, and subject to be towed at the owner's expense.

Parking Signs

Parking signs have been kept to a minimum on the Paul Smith's College campus to preserve the beauty of the campus. Consequently, signs primarily will designate where you are allowed to park, rather than where you may not park. It is the responsibility of each student and employee who parks on campus to obtain a copy of these regulations and a campus parking map. The map clearly designates where students, employees, and visitors may park. It is each person's responsibility to be familiar with the map and locations on campus where parking is permitted; this includes during winter when snow may cover parking lot lines.

NOTE: WHEN IN DOUBT, CHECK BEFORE YOU PARK; CALL CAMPUS SAFETY AT 518-327- 6300.

Weekend Parking

Vehicles parked on campus during the weekend must still be parked in their designated parking lot.

Event Parking

Parking lots may be temporarily closed or limited for periods of time due to events. When this occurs, notifications will be made to the campus community in advance informing them of when lots are closed or limited to event parking only.

Snow Removal & Maintenance Needs

Any person using campus parking areas shall cooperate during periods of snow removal and required maintenance by moving their vehicle promptly when notified to do so. Notices will be emailed and posted in residence halls and the Joan Weill Student Center. The notice will indicate the date and times of snow removal or required maintenance. Any vehicle impeding snow removal or required maintenance will be towed without warning or notice, and the owner will be responsible for all related expenses.

Loading and Unloading Vehicles

Vehicles may be parked temporarily close to residence halls, classrooms, and other public buildings for up to 30 minutes for the purpose of loading or unloading the vehicle, provided that the emergency flashers are activated, and the driver is available to move the vehicle. However, the vehicle cannot be blocking traffic, in a fire lane, or parked in an inappropriate or unsafe manner. In order to preserve the lawn and sidewalks, vehicles cannot be driven or parked on the lawn or sidewalks without permission from the Office of Campus Safety; permission is only granted due to special circumstances and not simply for loading and unloading. After the vehicle has been loaded or unloaded, it must be moved to an approved parking space consistent with the type of permit issued to the individual. Vehicles parked for more than 30 minutes may be ticketed and/or towed without warning or notice. During Residence Hall Move-in / Move-out days, the loading and unloading period is extended to one hour.

Parking And Moving Violations and Fines

Citations will be issued to those who violate campus parking and moving regulations. Citations are delivered electronically via the student's and employee's Paul Smith's College email. Paper tickets are not issued unless the vehicle is not registered. It is the responsibility of the students and employees to check their Paul Smith's College email regularly.

Parking and Moving Violations, and the associated fines are listed below.

Parking Violations	Fine
Failure to Register/Display Permit	\$20.00
Parking in the Wrong Lot	\$20.00
Improper Parking	\$20.00
Parking on Grass, Sidewalk, Loading Zone or Other Restricted Area	\$50.00
Fire Lane	\$100.00
Handicap Zone	\$100.00
Unauthorized or Fraudulent Use of a PSC Parking Permit	\$100.00

Other \$ _____

Moving Violations	Fine
Stop Sign	\$20.00
Unsafe Operation	\$50.00
Speeding	\$60.00
Operating on Walk or Grass	\$100.00
Operating so as to Endanger Lives or Cause Property Damage	\$100.00
Refusing to Give Name or Giving False Name	\$100.00
Other	\$ _____

Payment of Fines

The person to whom a vehicle is registered is responsible for all fines resulting from citations written for that vehicle regardless of who is responsible for the infraction.

Students

All fines are forwarded to the Student Accounts Office and charged to the student's account. All fines must be paid to the Student Accounts office prior to the end of the current semester. Failure to clear any outstanding fines can result in a hold on a student's account and suspension of parking privileges on campus.

Employees

All fines shall be paid to the Student Accounts office within fourteen (14) business days.

Any fines not paid may be referred for collections and parking privileges on campus may be suspended.

Towing

The following violations may result in towing the vehicle at the owner's expense:

1. Any illegally parked vehicle that poses a traffic and/or safety hazard.
2. Any vehicle parked in an area designated as "No Parking" or "Fire Lane".
3. Any vehicle impeding snow removal during extreme weather conditions.
4. Any vehicle that has not been registered with the Office of Campus Safety.
5. Any disabled vehicle that has not been removed from campus property within a reasonable amount of time.
6. Any vehicle that has been abandoned.

Vehicle Searches

All registered vehicles operated and parked on College property are subject to search by the Office of Campus Safety if an illegal item or violation of campus policy is seen in

plain view or there is reasonable belief an illegal item is contained in the vehicle. If a student or employee fails to cooperate with the search, the vehicle must be immediately removed from College property and the incident will be referred to Student Conduct or Human Resources for review; the New York State Police may also be contacted.

Revocation of Parking Privileges

Any student issued 5 or more parking/moving violations during the academic semester will be referred to Student Conduct for adjudication. The results of the student conduct hearing may include suspension of parking privileges for the semester or revocation of parking privileges for the remainder of the academic year.

Any employee issued 5 or more parking/moving violations during the academic year will be referred to Human Resources for disciplinary review. Results of the review may include suspension of parking privileges for the semester or revocation of parking privileges for the remainder of the academic year. Outstanding fines that are 30 days overdue may result in the suspension of parking privileges and place the vehicle in jeopardy of being towed. Parking privileges will be reinstated upon payment of all outstanding fines.

If parking privileges are suspended or revoked and the vehicle is located on campus, the vehicle will be towed off campus at the owner's expense and without notification. When a driver has their parking privileges revoked, they cannot obtain an additional parking permit. When parking privileges are revoked, all vehicles formerly registered to the driver may not be parked on campus by any other motorist, unless the vehicle is then owned and operated by another motorist and registered with the Office of Campus Safety.

NOTE: THE ACCUMULATION OF TEN (10) OR MORE CITATIONS MAY LEAD TO THE REVOCATION OF PARKING PRIVILEGES. FULL OR PARTIAL PAYMENT OF OUTSTANDING FINES, AND/OR RECEIVING ANY REDUCTION OF FINES OR VOIDING OF TICKETS DOES NOT ERASE THE RECORD OF INFRACTION AND DOES NOT ENTITLE THE PERMIT HOLDER TO ACCUMULATE ADDITIONAL CITATIONS WITHOUT RISK OF TOWING, IMPOUNDMENT, AND/OR REVOCATION OF PARKING PRIVILEGES.

Ticket Appeal Process

Individuals who receive a ticket (students, employees, and contract Sodexo employees) have 7 days from the date ticket was issued to appeal it. Appeals are filed by a Ticket Appeal Exam or Ticket Appeal (available at the Campus Safety Office) and submitted with a copy of the ticket. Notification of the outcome of the appeal will be made via email by the Office of Campus Safety.

Ticket Appeal Exam

Those who have received their first ticket of the academic year for a parking violation may fill out and submit a ticket appeal exam. Anyone who has already received a parking ticket for the academic year or who has been ticketed for a moving violation will not be eligible to submit a Ticket Appeal Exam but will still be eligible to submit a Ticket Appeal.

The ticket appeal exam consists of 10 questions related to the parking policy. The Ticket Appeal Exam will be reviewed by the Director of Campus Safety and the ticket will be

voided. Notification will be made to the person submitting the Ticket Appeal Exam via their Paul Smith's College email, notifying them of the outcome.

Ticket Appeal

Anyone may submit a ticket appeal. There is no limit to the number of tickets that can be appealed, as long as they are submitted within 7 days from the date the ticket was issued and are submitted individually.

The Director of Campus Safety will review submitted ticket appeals. An email notification will be sent to the person appealing the ticket, informing them of the appeal outcome. If the ticket appeal is denied, it will automatically be forwarded to the Parking Committee for final review. After the Parking Committee reviews the ticket appeal, another email notification will be sent informing the person appealing the ticket of the final appeal outcome. Decisions made by the Parking Committee are final and cannot be appealed further.

Parking Committee

The Parking Committee was established to review issues regarding parking and driving on campus and to provide a second level of review for ticket appeals. The Parking Committee consists of members from the following groups on campus: on-campus students, commuter students, faculty, staff, Student Government Association (SGA), Residence Life, and Sodexo. The committee is facilitated by the Campus Safety Sergeant. The committee meets at least once a month to discuss parking and traffic issues on campus, and to review ticket appeals.

Definitions

Commuter Student is defined as any student who does not live in an on-campus residence hall.

Other Related Information

N/A

Procedures

Registration

Vehicles can be registered online at the Campus Safety page of the Paul Smith's College website: www.paulsmiths.edu/campussafety. From there, click Parking, and then Online Vehicle Registration. Once a vehicle is registered, go to the Campus Safety Office to pick up the parking permit.

Parking Permits

Student and Commuter Student permits are to be applied to the rear window on the lower left (driver's side) corner. All permits must be placed in this location, regardless of the tint of the rear window. Accommodations will be made for permit placement on motorcycles and in other special circumstances.

Employee hang tag parking permits are to be displayed on the rear-view mirror of the vehicle while parked on campus. Accommodations will be made for permit placement on motorcycles.

Disabled Vehicles

If a disabled vehicle cannot be removed from campus in a timely manner, the Office of Campus Safety must be notified.

Ticket Appeals

Submit Ticket Appeals (including the First-Time Violator's Appeal Exam), along with a copy of the ticket, to the Office of Campus Safety (either in person or via email at campussafety@paulsmiths.edu) within 7 days from the date ticket was issued to appeal it.

The Office of Residence Life and Housing is charged with supervising and maintaining all residence halls on campus. Each individual building is staffed with Resident Assistants who are directly supervised by the Director of Student Life & Housing. The Director oversees Residence Life and housing staffing, training, and evaluating and has trained staff to provide support for students making the adjustment to community living while helping them to understand the regulations necessary to build and support residential communities. The Director of Student Life and Housing lives on campus and shares on-call responsibilities 24 hours a day with the Graduate Assistant of Residence Life & Housing.

MISSION

Residence Life and Housing at Paul Smith's College provides inclusive foundations that engage residents in exceptional living and learning experiences that build a sense of home.

VISION

Residence Life and Housing at Paul Smith's College will create communities in which residents actively learn, confidently lead, and comfortably live.

VALUES

- Diversity & Inclusion
- Collegiality
- Dynamic Leadership
- Identity
- Community Engagement
- Well-Being

RESIDENCE LIFE AND HOUSING

Location: Joan Weill Student Center

Office Hours: 8am-4pm, Monday through Friday

Telephone: 518-327-6493

Web: paulsmiths.edu/housing

Email: residencelifeandhousing@paulsmiths.edu

For more information on all Residence Life policies and procedures, please see our Residence Life page on Bobnet.

Chapter 8

Student Services

8.1 Student Affairs

The Dean of Students TRiO, HEOP, Accommodative Services and Athletics. They ensure that students at Paul Smith's College are given every opportunity to succeed. It is the job of the Dean of Students to work closely with the Director of Compliance and the Office of Academic Affairs.

8.2 Office of Residence Life and Housing

The Office of Residence Life and Housing is charged with supervising and maintaining all residence halls by staffing each building with Resident Assistants, which are supervised by the Director for Student Life and Housing. The Director oversees all Residence Life staffing, training, and evaluating, as well as the different services that are provided in the residence halls. The Director has trained staff to provide support for students who are making adjustments to community living, while helping them understand the regulations necessary to build and support residential communities.

MISSION

Residence Life and Housing at Paul Smith's College provides inclusive foundations that engage residents in exceptional living and learning experiences that build a sense of home.

VISION

Residence Life and Housing at Paul Smith's College will create communities in which residents actively learn, confidently lead, and comfortably live.

VALUES

- Diversity & Inclusion
- Collegiality
- Dynamic Leadership
- Identity
- Community Engagement
- Well-Being

RESIDENCE LIFE AND HOUSING

Location: Joan Weill Student Center

Office Hours: 8am-4pm, Monday through Friday

Telephone: 518-327-6493

Web: paulsmiths.edu/housing

Email: residencelifeandhousing@paulsmiths.edu

9.3 Student Engagement

Participation in extracurricular activities can help students develop self-confidence, leadership, and the social skills that will help them in their future lives. Being involved in campus life outside the classroom is a great way to meet new people and experience the diversity of community living. The Office of Student Engagement sponsors opportunities for students to interact with other students and staff seven days a week during each semester. There are clubs and organizations in which students can become involved. Students also have a collective voice within the College governance system through an elected Student Government Association (SGA). The purpose of SGA is to promote cooperation both within the student body and among students, faculty, and administration and to act as a channel for the expression and resolution of student concerns. For more information, see our SGA members in Student Center office #011 or Coordinator of Community Standards.

The Office of Student Engagement plans a wide range of events, including bands, DJs, comedians, speakers, pool tournaments, open mike nights, games, inter-residence hall contests, movies, and trips off-campus. Much of this programming is initiated by students' suggestions, and anyone with an idea for an activity is welcome to contact the Student Engagement Office. Many academic disciplines sponsor clubs for their students, which coordinate field trips to job sites and conferences and engage in other career-related activities. Such clubs as the Society of American Foresters, are an excellent way for students to make job contacts and gain additional experience in their chosen fields. All students are welcome at all Student Engagement events, and the clubs recognized by SGA and Student Engagement events are open to any students who wish to join. Only academic honor societies have a minimum grade point average required for membership.

Regulations for Clubs and Organizations Students initiate and help plan many of the activities that the College offers, working within guidelines that are at the sole discretion of the College to ensure that all sponsored programs are fun and safe for all who participate:

Club officers/advisors are required by the compliance office.

- Every club or student organization must have a faculty or staff advisor to guide the club in its activities.
- Alcohol and/or drugs are not allowed at any College-sponsored Student Engagement event, regardless of the age of the participants and/or where the event is held; except in the Bobcat café bar when it is open.
- Groups may not sponsor events at which alcohol is served, and no College funds may be used to purchase alcohol. Drugs are forbidden at any club-sponsored events.
- Clubs and student groups are welcome to sponsor activities and trips off-campus, as long as they are approved in advance by the Coordinator of Student Engagement and comply with the College's regulations for approved drivers and long-distance travel. Overnight trips must be accompanied by a faculty or staff member for liability reasons.
- The College reserves the right to limit activities or events that create unacceptable risks for students or the College.

- All reasonable precautions will be taken to make all activities and events sponsored by the College as safe as possible, but students participate at their own risk.
- Clubs and organizations that are funded by Student Government or Student Engagement must have advance approval for expenditures by the club's advisor and the Coordinator of Student Engagement.
- All club-initiated or -sponsored fundraising efforts must be approved in advance by the Coordinator of Student Engagement.
- No club or organization shall engage in hazing or hazing-type behavior, whether required as a condition for membership, expected as part of a group tradition, or carried out as a spontaneous action. Hazing is defined as: any activity or situation that recklessly or intentionally endangers the physical or mental health of anyone. This involves but is not limited to the forced or coerced ingestion of alcohol or any other substance or drug or that interferes with anyone's academic obligations. New York State law prohibits hazing. Any student who feels they have been subjected to hazing is encouraged to bring the matter to the attention of a member of the Student Life Staff.
- Recognized Student Clubs may not maintain an off-campus savings/checking account through any off-campus banking system.
- All Clubs and Organizations can be contacted through the Student Activities Office.

Every institution shall require that each student leader and officer of student organizations recognized by or registered with the institution, as well as those seeking recognition by the institution, complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to receiving recognition or registration, and each institution shall require that each student athlete complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to participating in intercollegiate athletic competition.

Soliciting Business

The Dean of Students must approve all acts of solicitation, sales and business ventures, and distribution of sales or advertising materials on the College grounds.

Credit Card Marketing

New York State Education Law (Article 129-A, §6437) requires that each college in New York State prohibit the advertising, marketing, or merchandising of credit cards on its campus to students, except as provided in said policy, and that the penalties for individuals violating such a policy be clearly set forth therein. Paul Smith's College has established this college credit card marketing policy as its official policy:

Prohibition - The advertising, marketing, or merchandising of credit cards to students on the campus of Paul Smith's College is strictly prohibited, except as set forth below.

Penalty - Any individual visitor, licensee, or invitee on our campus found violating this

policy shall be banned from the campus for a period of two years, and any credit card issuer represented by said visitor, licensee, or invitee shall be banned from the campus for a period of one year. Any student, faculty, or other staff found violating this policy shall receive a warning and be subject to disciplinary action through the Office of Academic Affairs.

Restrictions – The following restrictions shall be imposed on any individual wishing to advertise, market, or merchandise credit cards, hereinafter referred to as “marketer”, on the campus of Paul Smith’s College:

- The marketer shall register with the Office of the Chief Financial Officer and receive express written authorization to be on campus property for the purpose of advertising, marketing, or merchandising of credit cards.
- The marketer shall be restricted to the hours specified by the college administration.
- There shall be no posting of flyers, posters, or other forms of information on any college property for the purpose of advertising, marketing, or merchandising of credit cards, except on the day the marketer is on the campus, provided that it is limited to the immediate vicinity where the marketer has permission to operate.
- There shall be no inducement or gifts provided to the student in exchange for completing a credit card application.
- The marketer shall provide to each student applying for a credit card a pamphlet that provides students with information about good credit management practices, including how to access any information or services provided by the New York State Consumer Protection Board.

Exemptions - This policy does not apply to any advertising, marketing, or merchandising of credit cards by either the college or an agent of the college to non-students, nor does it prohibit the advertising, marketing, or merchandising of credit cards to students through direct mail, newspapers, magazines, or within any banking institution located on the campus or of any affinity-based credit card program to which the college is a party.

Information to Students - Students of Paul Smith’s College will be informed of good credit management practices through co-curricular programming, workshops, and seminars.

Advertisement Policy

Community organizations/businesses that wish to advertise events on campus MUST have prior approval for posting that event from the Coordinator of Student Engagement. The advertising of alcohol, whether part of an event or otherwise associated with the activity, is strictly prohibited. Posters indicating the availability of alcohol will not be approved for distribution or posting on campus. Illegally posted advertisements will be removed and destroyed.

Hazing

Is punishable under New York State Law as follows:

New York Penal Law 120.16; Hazing in the First Degree: A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes injury. Hazing in the First Degree is a Class A misdemeanor.

New York Penal Law 120.17; Hazing in the Second Degree: person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct, which creates a substantial risk of physical injury to such other person or a third person. Hazing in the second degree is a violation.

The College forbids hazing and all other activities that interfere with the personal liberty of an individual. 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 other organization. Such actions and situation may include but are not limited to the following:

- Paddling in any form
- Creation of excessive fatigue
- Physical and psychological shocks
- The alteration of an individual's physical appearance
- Quests, treasure hunts, scavenger hunts, road trips, or any other such activities carried on outside of the confines of the College
- Engaging in stunts
- Requiring sleepovers or degrading or humiliating games and activities
- Late work sessions or activities that interfere with scholastic activities and/or normal sleeping hours
- Forced consumption of alcohol or any other substance both legal or illegal
- Falsely leading an individual or individuals to believe that they will be inducted/initiated by participating in particular activities
- Removing public or private property
- Forcing individuals to participate in activities that are not consistent with the College mission, rules, regulations, and policies or federal, state, or local law

8.4 Athletics; Recreation & Intramurals

All athletes require training in prevention of sexual assault, intimate partner violence and stalking through the Compliance Office before any intercollegiate play.

Saunders Sports Complex is the home to not only the College's athletic teams but much of the campus's recreation and fitness opportunities. The two gymnasiums (Saunders

Sports Complex and Buxton Gymnasium) anchor the complex are supported by several specialized spaces to allow varied use including: a 25-yard saline pool, fitness center, group movement space, rock climbing wall, athlete's lounge, classroom and locker rooms. Many group exercises sessions are scheduled in the pool and the dance room. You can simply "drop-in" and participate under the guidance of a qualified instructor.

The athletics department sponsors basketball, cross country, soccer, rugby, women's volleyball, bowling, golf, marathon canoe racing, Nordic skiing, rock climbing, snowshoeing and the woodsmen's team. Most recently the athletics department has added competitive bass fishing, cheering, and croquet to its line-up. Students interested in participating in intercollegiate competitions are encouraged to approach the athletic director in order to express interest and learn of requirements to get started.

For those looking for recreational opportunities outside of intercollegiate play, the college offers a robust intramural and recreation program. With intramural sports running throughout the school year from traditional sports like indoor soccer to ultimate Frisbee and other unique offerings. The recreation department also runs Outdoor adventures throughout the school year including rock climbing, canoeing, sea kayaking and multiple other trips to help the campus get outside in our beautiful location.

Part of the recreation and intramurals mission is to encourage students and employees to establish healthy lifestyles. During fall and spring semesters the fitness center is open from 6:00 am to 10:00 pm on weekdays and 8am to 9pm on weekends - ample time to gain/maintain strength, flexibility, and cardiovascular endurance. The rock wall provides equipment and instruction –and is a welcoming environment for beginners through seasoned rock climbers. As the entire complex has Wi-Fi, the athlete's lounge provides the perfect setting to gather with friends to study, watch sports on the large screen, or simply kick back and relax.

The recreation and intramurals department has an inventory of snowshoes and Nordic skis/boots/poles that may be borrowed during wintry days or rented for overnight use. Many trails begin on campus, while others may be accessed just off the property. Those who have successfully participated in Canoe Safety Training may borrow a canoe or kayak for day use during the summer or the fall semester. Tennis racquets/balls and basketballs may be borrowed and used on the outdoor tennis and basketball court.

Several extra-curricular courses are organized through the recreation and intramurals department that are not included in tuition and fees. American Red Cross certification classes include CPR/AED for the Professional Rescuer and Lifeguard Training. The New York State Department of Environmental Conservation offers certificates in Basic Search and Rescue and the Federal Wild Land Fire Suppression courses, S-130 and S-190, open water diver courses by SOLO, or Stonehearth Open Learning Opportunities, include Wilderness First Aid and Wilderness First Responder.

To access Saunders Sports Complex, use the front doors and show a valid Paul Smith's College student or employee ID. An ID is also used in order to borrow equipment. Gymnasium, fitness center and dance room surfaces require users to wear clean, dry athletic shoes. Please come over and enjoy all that is available to the entire college

community through this wonderful complex.

Schedules for all the facilities and recreational offerings can be found on the colleges' website.

Every institution shall require that each student leader and officer of student organizations recognized by or registered with the institution, as well as those seeking recognition by the institution, complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to receiving recognition or registration, and each institution shall require that each student athlete complete training on domestic violence, dating violence, stalking, or sexual assault prevention prior to participating in intercollegiate athletic competition.

Name, Image, and Likeness (NIL) Policy

Paul Smith's College does not limit or prevent a student-athlete from earning compensation or representation for name, image, or likeness. Paul Smith's College does not provide compensation to a prospective student-athlete for name, image, or likeness. The institution will adhere to the regulations set forth by the state of New York and the national governing bodies each sport is a member of.

The above-mentioned rules & regulations can be found here:

NYS : N.Y. Education Law section 6438-c

USCAA: [NIL Resource Center - USCAA \(theuscaa.com\)](http://theuscaa.com)

9.5 Campus Dining Services

Sodexo operates the Morehouse Dining Hall, located in the Joan Weill Student Center.

A. Meal Plans Campus Dining Services

Meal plans are offered for residential and commuter students. All residential students are enrolled in a Meal Plan. Students looking for additional information about residential meal plans should contact the Student Account Office directly at (518)-327-6204. For more information regarding a commuter meal plan, contact Sodexo Dining at (518) 327-6311.

Commuter students are encouraged to participate in one of the following meal plans:

- 25 meal plan blocks
- 50 meal plan blocks

Commuter students and visitors to the College may eat in the Morehouse Dining Hall for cash.

B. Morehouse Dining Hall ID Cards

All students must show a valid PSC ID card at the door to enter Morehouse Dining

Hall. If an ID card is lost or stolen, it must be reported to Campus Dining Services immediately. A replacement ID card may be obtained by the student at the Campus Safety Office.

C. Special Meals

Theme meals are provided on a regular basis, and to ensure that students are receiving services that are adequate to their needs.

Students may request a bag lunch if they will be missing a meal on a regular basis due to class conflicts. Order forms are available at the Campus Dining Services Office in The Joan Weill Student Center.

D. Sick Pass

Students who are ill may also receive a sick plate with authorization from Student Health Services. Documents from Student Health Services is also needed if students require dietary needs or supplements or special diet items. A student will NOT be released from the obligation to subscribe to a meal plan unless the Dining Services absolutely cannot obtain the necessary dietary supplements and provides written notification to the student.

E. Food Take-Out Policy

Morehouse Dining Hall is an “all you can eat” facility. Other than bag lunches and sick trays, food, beverage and utensils may NOT be removed from the dining hall. Morehouse Hall supports sustainability by providing reusable to-go containers. These containers are available for \$5 each and can be turned back in to the cashier to be washed each time for unlimited use. These are high quality containers that will contain enough food for a large meal. Some students prefer to bring their own, which is permitted, though they must be of a reasonable size – similar to the reusable containers sold by Dining Services.

To ensure that meals are a pleasant and orderly experience for everyone, all students should respect the rules of the Dining Hall by taking turns in line, bussing their own plates and being polite to staff and other students.

Dining Services can be reached at (518)-327-6311 for further assistance or information.

Students will be notified of in a reasonable time frame should any changes in the hours of operation during the semester. This is likely around vacations or for construction issues. Notices will be posted on the College’s website, www.paulsmiths.edu.

8.6 Student Health Services

A. Vision:

Student Health Services (SHS) envisions an environment in which students understand the importance of good health and the value in making good life choices that may impact their health (and that of others). An emphasis is placed on increasing the student’s sense of independence and self-determination to encourage self-advocacy when it comes to

their overall wellbeing.

B. Mission:

The SHS mission is to keep students fully engaged in the learning environment at PSC while addressing their health and wellness concerns and/or challenges. Great care is taken not to over-assist the student, providing care only to the degree necessary, in order to promote self-care and growth. SHS enables rather than hinders the process of becoming a fully functioning, independent adult capable of making sound decisions and managing the consequences of choices.

SHS is intended to function as an acute care clinic, providing assessment, testing, diagnosis, and treatment for unanticipated medical situations. Students with chronic medical issues and/or who require ongoing prescriptions or treatment should maintain or establish a relationship with a primary care provider, either at home or in the community. In the event of an urgent matter, SHS will work with the student's regular physicians to provide continuity of care on a temporary basis until the student can see their regular provider.

C. New Student Health Requirements:

Any new student taking six or more credits at PSC must be required to meet certain state-mandated and college-mandated health requirements to attend class and/or move into residential housing. These requirements, listed [here](#), should be uploaded via the Student Health Portal by August 1 for Fall semester and by January 1 for Spring semester.

Requirements include a physical performed by a licensed medical provider within 12 months prior to the student's first day of class and an immunization history including NYSDOH mandated immunizations. The College recognizes medical and religious exemptions as defined by New York State Public Health Law 2165. However, in the event of an outbreak of measles, mumps, or rubella, those students with medical and religious exemptions will be excluded from campus and classes to protect them from exposure for as long as they could be at risk.

Any student who either graduates or leaves the college and decides to return is treated as a new incoming student and must re-submit their health requirements via the Student Health Portal and complete the onboarding process for SHS prior to the start of classes. A physical obtained in the 12 months prior to re-entry and immunization history is part of the requirements.

Any student who is seeking a medical withdrawal, has medically withdrawn, or is seeking a medical single room, must submit the proper forms to the chair of the MAP Committee for consideration. Please see Section 11.1 below. Any student participating in a sport while at PSC must complete a yearly sport physical after the initial entry physical provided for their freshman year. Sports physicals can currently not be obtained through SHS due to the medical provider being via telehealth.

Any student athlete who has been injured must be cleared by a medical representative prior to returning to practice or play. A medical representative includes SHS medical providers or the athletic trainer from Adirondack Health. The required paperwork from

either office must be in place for a student to return to practice and/or play. If treatment was received from an off-campus medical facility, all documents for diagnosis, treatment, prognosis, and plan must be forwarded to SHS and an appointment made to review with the Director of Student Health Services and the in-house medical representative prior to return to practice and/or play.

D. Contact Information:

Mailing Address: Paul Smith's College
Attention: Student Health Services
7777 State Route 30
JWSC-003
Paul Smiths, New York 12970

Office Manager/Student Wellness Coordinator: Heather Allard
(518)-327-6319 (P)
(518)-327-6319 (F)
hallard@paulsmiths.edu

Director of Student Health Services: Christine Brennan, RN BSN
(518)-327-6349(P)
(518)-327-6349(F)
cbrennan@paulsmiths.edu

E. Basics of SHS:

During the academic year, the front desk at Student Health Services is open from 9am-4pm Monday through Friday (“office hours”). The SHS Director is a registered nurse and is available to see scheduled appointments and walk-ins during this time. A medical provider from Mobile Primary Care (MPC) is dedicated to PSC Student Health Services via telehealth from 9am-12 pm on Monday, Wednesday, and Friday as well as on an as-needed basis on Tuesdays and Thursdays (“clinic hours”). Appointments to see either the RN or the medical providers may be made via the Student Health Portal. Scheduled appointments are encouraged but walk-ins will be seen based on acuity and provider availability.

Note: The student health clinic is closed on weekends and when the College is closed, including Thanksgiving, spring and winter breaks. Over the summer, there is no set schedule for the clinic but there is limited appointment availability for both the registered nurse and the telehealth medical provider; please contact the clinic for availability during this time.

Services offered at Student Health Services include:

- Basic assessment and treatment options
- Blood pressure screening/tracking
- Reproductive health care needs, including emergency contraception
- Basic OTC medications and supportive devices
- Certain immunizations (Influenza, Tetanus/TDAP)
- Rapid tests (COVID, mono, influenza, strep, pregnancy, urinalysis)

- Prescription processing
- Tuberculosis test (PPD) readings (not administration)
- Vision testing
- Glucose testing
- Confidential HIV and STI testing and counseling
- Coordination of care with other specialty offices and/or hometown practitioners
- Assistive devices that can be checked out while the need is present.

Student Health Services (SHS) is available for use by all PSC students regardless of insurance type. There is no charge to see the nurse or medical provider. However, there may be a nominal fee for optional items including prescription medications, vaccinations, supportive devices, or in-house rapid testing. Any fees incurred at SHS will be billed to the student's account under "infirmery charge" and an invoice will be provided if the student wishes to submit a claim to his or her insurance. It is important to note that SHS does not bill insurance for any reason.

Students *may* incur costs if the visiting medical provider orders any off-site services, such as:

- Labwork that must be processed at the hospital lab
- Imaging (X-rays, MRIs, etc.)
- Prescription medication
- A referral to a specialist, or physical/occupational therapy

Costs for these services will depend on the student's individual insurance plan. Students are encouraged to contact their insurance provider and inquire about costs for any of the above services before the service is rendered or attending an off-campus appointment.

SHS is available to facilitate continuity of care with student's hometown provider. Provider orders for labwork may be faxed to SHS at 518-327-6319. Provider orders for medication may be faxed directly to Kinney Drugs at 518-891-3132 or 518-891-6811. Should regular communication be required to share information between SHS and a specialist or primary care provider, the student should initiate a release of information form through SHS.

All injuries on campus require the completion of an injury report by SHS, Campus Safety, or the Athletic Director/coach. Please notify SHS staff, upon arrival to the office, if you are being seen for an on-campus injury so that paperwork can be started immediately, avoiding any delay of treatment for clerical reasons.

The Student Counseling Center (SCC) works directly with SHS. The SCC offices are located across the hall from SHS, on the bottom floor of the Joan Weill Student Center. Information will therefore be shared between the two offices as necessary to provide appropriate treatment with a signed release.

F. Medications/Substances:

Students are responsible for their own medications. SHS will not hold medications for students, or monitor their administration, unless it is an injectable medication that requires administration assistance or refrigeration, such as an allergy serum. If a

medication requires administration by the registered nurse, SHS requires a valid medication administration order from the student's medical provider.

If a student has a prescription medication from a primary care provider that requires a refill of medication, the student should seek to obtain the refill from the home provider/PCP who initiated the prescription. If the student cannot obtain a refill from the original prescriber, the student should schedule an appointment with the telehealth medical provider with a minimum of 4 to 5 days' worth of medication remaining. The medication will be refilled at the provider's discretion and, if refilled, will be a one-time prescription to hold the student over until a primary care provider can resume regular prescription of the medication. If the medication needing to be refilled was not originally dispensed from Kinney Drugs, the student should bring the original bottle/box with the dispensing pharmacy's information to SHS when requesting the refill.

Prescription medications are dispensed from Kinney's in Saranac Lake.
Phone: (518)-891-3132, Fax: (518)-891-6811.

Kinney's delivers medications to SHS during the work week on an as-needed basis. Once the medication has been delivered, SHS staff will place the medication in the student's mailbox and email to the student to alert them it has been placed. If the medication is a controlled substance, it will be held at SHS in a locked room and SHS staff will email the student to come to SHS to retrieve the medication during regular office hours. The student is required to show identification (driver's license, PSC ID) to pick up controlled substances. Students should pick their medications in a timely fashion. Medications will not be returned to the pharmacy. If left in the office, they will be destroyed by SHS at the end of the semester. Any amount due, be it copay or cash amount, will be billed to the individual student's account as an "infirmity charge".

Any student who administers injectable medication must use approved sharps containers to dispose of used needle/syringes. These containers should be stored safely away from others when in the residence halls and may be dropped at SHS for proper medical waste disposal.

Illegal substances, tobacco, and/ or e-cigarette use are not permitted on the PSC campus. If any student is using an illegal substance, tobacco and/or e-cigarettes, they are strongly urged to notify the registered nurse to ensure proper care is received for any health concerns occurring while using.

Any student using an illegal substance, tobacco, and/or e-cigarette who wishes to receive assistance to quit may notify the nurse, medical provider or the Student Counseling Center. No judgment will be passed nor will Campus Safety be notified; only assistance with cessation and treatment of any related health issue will be provided.

G. Insurance:

All students are required to have health insurance. A copy of the insurance card, front and back, should be uploaded to the Health Portal as part of the student health requirements process. Whenever insurance is changed or updated, the new card should be uploaded via the Health Portal and SHS staff notified. It is the student's responsibility to provide all

insurance documentation, prescription cards and/or flex cards that they hold when requesting services or benefits that warrant their use. Additionally, it is the student's responsibility to electronically waive or accept the college insurance prior to the start of classes each academic year. A fee for college insurance will be placed on all student accounts at the start of each semester. If the electronic waiver is not received prior to the start of the semester, the fee will not be removed, but will remain for the student to pay down regardless of whether proof is later provided of private insurance. Please contact Student Accounts at: (518)-327-6204 with any questions or concerns regarding student health insurance.

Secondary insurance coverage is provided by the College for athletes who require medical attention as a direct result of their involvement in an approved athletics program. The student athlete's primary insurance must be used first before the college's secondary insurance will pick up. Any questions regarding this should be directed to the Athletic Director at (518)-327-6226.

Students who have private insurance are responsible for knowing what their policy covers, initiating their own claims, and following the requirements of their insurance carrier. It should be noted that providers local to PSC may be considered "out of network" by a student's insurance carrier and therefore students may incur higher charges than they would if they visited an "in network" provider. It is strongly recommended that, prior to arrival at PSC, the student contact their insurance carrier to discuss how their needs are best covered if local providers are not considered "in network".

H. Medical Transportation:

Students who are ill or injured on campus and want to visit SHS may contact Campus Safety at (518)-327-6300 and they will provide transport on campus to SHS during office/clinic hours. After normal business hours or if the student desires due to the nature of the injury, Campus Safety will call for a crew from the Paul Smith's-Gabriels Volunteer Fire Department. All transports by ambulance are to the Adirondack Medical Center in Saranac Lake, New York. (518)-891-4141 (ext. 1 for the Emergency Room).

SHS will help students with scheduling any necessary off-campus medical appointments including dental, mental health, physical therapist, and specialty providers such as orthopedists. However, students are expected to arrange their own transportation for any off-campus appointment. At this time, the College is not able to provide transportation to local medical providers or facilities.

I. Class Absences:

SHS does not provide excuses for routine health matters that may lead to missed classes, labs, exams, or deadlines. This policy is similar to that of many other colleges and universities.

Most illnesses and injuries seen in Health Services are of an acute and relatively minor nature. As a result, Health Services encourages students to make their own decisions regarding attending class and to communicate their decision to Faculty as soon as

possible. We consider this part of a broader effort to teach responsible health behaviors and to advocate for oneself when it comes to physical and mental health matters.

The College expects that students will be candid with Faculty regarding their ability to complete work, and Faculty are expected to work with students on these issues. Staff in the Center for Academic and Career Success (CACS) are available to help students or Faculty members who have concerns about attendance issues.

While written/mailed excuses for routine health issues will not be provided, the following may apply:

- Health Services will, at the student's request, email Faculty confirming that the student visited the clinic for a health reason. The reason will not be included in the email. The email will merely confirm the student visited the clinic at a particular time.
- On occasion, the College's visiting medical providers may provide a written excuse for a condition deemed significant enough to stay home for at least two full days. This is at the provider's discretion.
- If an absence is related to a medical emergency, Health Services will assist with Faculty notification.

Finally, Faculty who require "excused absences" for their classes are the ones who determine whether or not the absence is considered excusable. Professors and instructors should not instruct students to obtain a note/email excusing them from class as Health Services does not provide such documentation, except as noted above.

J. Accommodations:

If any newly diagnosed medical condition requires assistance or accommodation, whether temporary or permanent, it is important for all information on that condition to be forwarded to SHS as soon as possible, as well as to Accommodative Services. Please see section 11.1

K. Medical Records:

Records are maintained to a HIPAA-approved standard while the student is actively attending PSC and for 7 years after separation from the college. All inactive students will have their charts purged/destroyed, via HIPAA-approved means, from the semester immediately following the 7-year mark. A release of information must be completed by the student or former student to obtain any information from the students' chart whether active or inactive. It may be mailed, faxed, or emailed to SHS. Please see contact information. Please note that office hours may change during the summer, on weekends, or when the campus is closed and that this might affect the timeliness of processing the request.

L. Health Risks of Alcohol and Illegal Drugs

Alcohol—Alcohol is an addictive drug that acts to depress central nervous system function. Although its effects vary among individuals, alcohol generally decreases alertness, impairs judgement, and reduces physical coordination and muscle control. People who consume larger quantities of alcohol can experience blackouts and severely

impaired mental functions, including memory loss. Unconsciousness, respiratory arrest, coma, and death are possible consequences of high level of alcohol consumption. Drinking is strongly associated with other high-risk conditions including being involved in car accidents or acquiring a sexually transmitted disease from risky sexual activity. Heavy drinking often increases the likelihood of violent behavior, which includes sexual assault, date rape and fighting. Long-term drinking can result in addiction and physical damage such as heart disease, liver disease and ulcers. Physical signs of alcohol abuse can include experiencing temporary blackouts or short-term memory loss, feeling hungover when not drinking, gradual or sudden deterioration of a person's physical appearance and overall hygiene. Behavioral changes can also occur including irritability and extreme mood swings, making excuses for drinking, becoming isolated or distant from friends and family, switching friend groups, impairing interpersonal relationships, or beginning to drink alone or in secrecy. People abusing alcohol can also develop a level of dysfunction in their life, either in job performance or schoolwork or by simply choosing drinking over other responsibilities and obligations. Be aware, these symptoms may be independent or co-existing. Signs of alcohol abuse will generally 'snow-ball' and often increase behavioral issues further on.¹

When an overdose from the consumption of too much alcohol, often called alcohol intoxication or alcohol poisoning, occurs, the person having the overdose will experience a variety of alarming physical changes. This includes feeling confused and disoriented, possibly coupled with a lack of physical coordination, falling unconscious or being unable to remain conscious for long periods of time. A person may begin to vomit, choke, or begin seizing while experiencing depressed breathing and an irregular pulse. They can become hypothermic, identified mostly by cold or clammy skin and/or have blue-tinged skin especially around the lips and under the fingernails. In some cases, the loss of bowel or bladder control can also occur.² These symptoms, like signs of alcohol abuse, may be independent or co-existing.

Drugs— Drugs are chemical substances that affect both psychological and physical functioning. Health risks that may result from the abusing of these substances include: addiction, increased susceptibility to illness due to a less efficient immune system, increased likelihood of accidents, increased likelihood of sexual assault and violence, impaired cognitive functioning (e.g. impaired memory, distortion of reality), extreme agitation, aggressiveness, psychosis and death. Most drugs are associated with risks specific to that drug; additional information, apart from the information below, about the effect of individual drugs, can be obtained from SHS or the Student Counseling Center.

Cannabis and cannabinoid products – Cannabis, also known as marijuana, when abused can have a negative impact on a person's life. Signs of cannabis use are rapid, loud talking with bursts of laughter in early stages of intoxication followed by sleepiness or stupor in the later stages, as well as inflammation in the whites of eyes and dilated pupils. People who use cannabis will eat outside of regular mealtimes or eat excessive amounts in one sitting. Signs of long-term cannabis abuse can include forgetfulness, diminished performance in school, at work or in other responsibilities. They may also withdraw from friends, family

1 Alcohol Rehab Guide

2 American Addictions Center

and classmates while also possibly changing friend groups to spend more time with people who also use cannabis or other drugs.

An overdose from cannabis use is rare and almost never life-threatening. With the legalization of recreational cannabis in New York, however, overdoses have increased in recent years. Signs of cannabis overdose include paranoia and/or hallucinations, uncontrollable shaking or seizures, unresponsiveness, and extreme anxiety which can be in the form, or lead to, a panic attack. Cannabis use or possession on PSC property remains a policy violation.

Stimulants—Stimulants, also called uppers, can temporarily increase alertness and energy. The most common types of stimulants are cocaine and amphetamines. College students generally will abuse prescription drugs such as Adderall.³ Physical symptoms of stimulant abuse include pupil dilation, dry mucus membranes of the nose, mouth and lip, excessive activity and difficulty sitting still, a lack of interest in food or sleep, weight loss, and increased blood pressure, heart rate and respiratory rate. People may experience behavioral changes such as nervousness, irritability, becoming argumentative, and/ or experiencing psychosis or paranoia.

It is possible to overdose on stimulants, facing not only stroke and heart failure, but also death.⁴

Depressants—Depressants, also called downers, are generally prescription drugs. The most commonly abused depressant prescription drugs are benzodiazepines such as Xanax, Valium, Ativan and other similar medications. People who abuse depressants often must increase their dosage in order to achieve the same high as before.⁵ People experiencing a depressant high have similar comparisons to a person experiencing alcohol intoxication without the alcohol odor on their breath. Physical signs of depressant abuse are slurred speech, poor coordination, difficulty concentrating and forgetfulness, and low heart rate, blood pressure and respiratory rate. Behavior changes include a decrease in inhibition, also similar to alcohol.

Signs of a depressant overdose are a decreased respiratory rate and loss of consciousness. When combined with alcohol use, depressants can become life threatening at much lower doses.⁶

Hallucinogens—Hallucinogen drugs, such as LSD, psilocybin and DMT, can disrupt a person's ability to think or communicate, resulting in dangerous behaviors.⁷ Someone who is using a hallucinogen will have physical effects such as dilated pupils, warm skin and perspiration, impaired motor function, loss of memory and neural functions, and a distorted sense of sight, touch and sense of

3 Drug-Free World

4 National Institute of Drug Abuse

5 Drug-Free World

6 National Institute of Drug Abuse

7 National Institute of Drug Abuse

self and time. Behavioral changes are dependent on the emotional state of the user, and unpredictable flashback episodes can occur long after withdrawal has taken place.

Abusing a hallucinogen to the point of overdose can have mental effects such as anxiety and nervous hysteria. The person may also experience traumatic, life-threatening physical effects such as seizures, coma, stroke, thermoregulatory dysfunction (being unable to regulate body temperature), and rapid heart rate, so much so that it can strain the cardiovascular system.⁸

Opioids— This category includes illegal drugs such as heroin but also prescription drugs such as fentanyl, oxycodone, hydrocodone, morphine and codeine. Physical signs of opioid abuse include constricted pupils, slowed and shallow breathing, signs of intravenous drug use (needle marks) which often leads to vein damage. Behavior changes include sudden and dramatic mood changes, increased depression and anxiety, hallucinations, impulsive actions, and decision making, increased dangerous behavior, including increased risk for exposure to HIV/AIDS.

Overdosing on opioids can be fatal. A person who has overdosed on opioids will likely lose consciousness and become unresponsive to stimuli, experience a decrease in respiration to a point where they may stop breathing entirely and go into respiratory arrest.

SUBSTANCE ABUSE GUIDELINES— In the event of an acute substance intoxication or withdrawal (pale skin, sweating, disorientation, odor of substances) please notify both Campus Safety at 518-32-6300 and Health Services at 518-327-6319.

If a student arrives to class under the influence and emits an odor or alcohol or cannabis, seems disorientated, uncoordinated/unsteady, is pale and sweaty, and/or has bloodshot eyes, the student may be in a state of acute substance intoxication or withdrawal from substances and may require immediate attention. Calmly suggest to the student that they go to Health Services instead of attending class that day. If the student's condition makes you feel uncomfortable with sending them alone, please accompany them or ask another student to do so. If you suspect a medical emergency as a result of the student's appearance or condition, please call Campus Safety or Emergency Services at 911.

8.7 Student Counseling Services

Student Counseling Services (SCS) aims to meet the psychological and developmental needs specific to the experiences of a student at Paul Smith's College: an experiential, hands-on education on a rural, residential campus. SCS provides mental health care, crisis education, consultation, and outreach and education services to support PSC students. SCS' care model is to provide short-term, time-limited trauma-informed counseling services. It emphasizes prompt triage, normalization to receiving counseling services, psychoeducation, and collaborative decision-making between counselor and student about the course of mental health care.

SCS provides direct clinical services such as initial assessment and triage, individual counseling, group counseling, consultation, and crisis services (during standard business hours). To provide students with additional support, SCS has an agreement with Citizen Advocates (CA), a local mental health advocacy agency, to provide access to trained therapists when the Counseling Center is closed. If a student is experiencing emotional distress and SCS is unavailable, they can reach out to qualified staff at CA at 518-483-3261 for support. This after-hours line is a confidential service provided by a third party. Therefore, CA and PSC cannot share personal information without appropriate consent.

Due to high demand, SCS currently strives for a limit of eight counseling sessions per student per semester. This limit may be adjusted up or down based on fluctuations in enrollment, counseling staffing resources, or student need. Students may elect to schedule themselves on an every-other-week basis, or cluster several appointments during anticipated times of higher need. As always, sessions are based on counselor availability. Counselors make every attempt to find mutually acceptable times for sessions, however students should be aware that their preferred times may not always be available. Group counseling is available weekly as scheduling and student interest allows throughout the semester with no limit.

All current PSC students are eligible for counseling services free of charge. Students must be admitted, matriculated, and in-residence in the state of New York to receive counseling care. PSC students who are in-residence during the summer months who will continue their degree are eligible for consultation services.

In collaboration with the PSC Community Standards Office, SCS provides individual assessment and education for students who have had at least one alcohol or other drug violation. Students who find themselves in such situations are required to meet with a PSC counselor. This initiative keeps the student enrolled and prevents substance from interfering with the students' academic and life goals. This program is not considered to be an AA program, a punishment, nor an assumption that the student has a serious problem with drugs and/or alcohol. It enables a student to assess their use, look for potential problems, make informed decisions, and receive some information about substances. Failure to do so may result in further disciplinary actions, such as a hold on the student's account. Students may require a higher-level of care with substance use, thus requiring assistance from outside resources. Serious concerns with substance use may necessitate students to deal with this concern at home at an outpatient support facility.

8.8 Campus Safety

The Office of Campus Safety is responsible for enhancing the living, learning, and working experience at Paul Smith's College by protecting life, maintaining order, and safeguarding property.

Located on the ground floor of the Phelps Administration Building, 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 or by dialing 6300 from any campus phone. The Office of Campus

Safety can and should be contacted for emergencies, calls for service, to report incidents, and for non-emergency calls.

The department consists of trained professional Campus Safety Officers dedicated to providing best-in-class 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, by bicycle, and in vehicles. Campus Safety Officers respond to calls for service, including room/office lock-outs, vehicle lock-outs, vehicle jump-starts, and safety escorts; respond to reports, incidents, and emergencies; conduct investigations; protect college property; and direct, control, and enforce traffic and parking.

The Office of Campus Safety is one of the rules and regulation enforcement agencies 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. If anyone requires medical or law-enforcement assistance, Campus Safety Officers will assess the situation and make appropriate referrals. Neither the Office of Campus Safety nor Residence Life staff can transport students to the hospital.

Credentials

All Campus Safety Officers are licensed as New York State security guards. All Officers are trained/certified in basic first aid, blood-borne pathogens, emergency oxygen administration, CPR, automated external defibrillator (AED), Narcan administration, Mental Health First Aid, OSHA 10 Hour General Industry, and incident command. Officers also receive additional training on topics including, but limited to verbal de-escalation; responding to incidents; interviewing and conducting investigations; the neuro-biology of trauma and trauma-informed care; responding to disclosures of sexual misconduct; crisis response for suicide ideation and attempts; working with students on the autism spectrum; working with LGTBQIA+ individuals; cultural competency and unconscious bias; securing a scene, evidence collection, and chain of custody; fire safety and fire systems; electrical and natural gas safety and response; hazardous materials awareness and response; explosive hazard recognition and response; drug identification and clandestine lab awareness; active shooter preparedness and response; weather spotting; and local, state, and federal laws and regulations, including the Federal Education Rights and Privacy Act, the Clery Act, Title IX, and New York State Education Law 129. A and B "Enough is Enough".

Additionally, Campus Safety Dispatchers also receive training on many of the same topics. Training is conducted continuously throughout the year in order to better serve the Paul Smith's College community.

Vision

The vision 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.

Mission

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.

Core Values

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 that is possible to ensure all members of the College community feel appreciated and duly rewarded for their contributions.

8.9 Student Financial Services

The Office of Student Financial Services provides students with comprehensive information about both their personal student accounts and financial aid. Students with

questions or concerns about their financial standing with the College or financial aid awards and opportunities should visit the offices on the main floor of Phelps Smith Administration Building.

8.10 The Center for Academic & Career Success

The Center for Academic and Career Success (CACS) seeks to assist students in achieving their academic and career goals by offering an integrated suite of support services. From freshman year through degree completion, our programs and services help students transition to college, succeed academically, and develop the skills needed to excel in their chosen career field.

The Center for Academic & Career Success is located on the second floor of the Joan Weill Adirondack Library. It is open Monday-Friday; 8am-5pm and further information can be found online at <https://www.paulsmiths.edu/academicsuccess>. For general questions or assistance phone 518.327.6046 or email academic_success@paulsmiths.edu. CACS provides the following programs and services:

Academic Coaching: Academic Success Coaches provide individualized academic and career support for all students through the Early Outreach Program, Voluntary Support Programs, and the Academic Recovery Program. If you need support with time management, study skills, career exploration or connecting with additional support services please email academic_success@paulsmiths.edu

Tutoring, Supplemental Instruction: PSC is committed to providing excellent course support services. Individual or small group tutoring is available free of charge for most classes taught at Paul Smith's College. Most tutoring takes place in the Center for Academic and Career Success and around the library. Peer Tutors are trained to help you learn and improve your understanding of course material and can teach you new study techniques or problem-solving strategies that helped them succeed in the same course. Supplemental Instruction is one of our most popular academic support options. Each session is led by a student who has successfully completed the course. The SI leaders meet regularly with the course instructor, attend current classes, and hold instruction sessions at least once a week. You can attend every session, or just a few. The more you attend, the more positively it will affect your grade! On average, students who participate regularly in Supplemental Instruction improve their grades by a half to full letter. Pass rates in classes that have Supplemental Instruction are significantly higher.

Career Services: Our mission is to support PSC students in setting career goals, creating an academic and career action plan and mapping a clear path to career strategies and success. Collaborative partnerships are developed with faculty, staff, alumni, businesses, organizations, and graduate schools that connect students to relevant field experiences and career opportunities. We encourage and assist our students to identify jobs relevant to their field of study or to continue their education after graduation and beyond. Paul Smith's College career support services are available to our students and alumni. For career questions or assistance phone 518.327.6959 or email mpellerin@paulsmiths.edu

TRIO Student Support Services: TRIO SSS is a federally funded program sponsored by the U.S. Department of Education, which provides comprehensive academic support services to eligible participants at Paul Smith's College. Participants are either first-generation college students (neither parent completed a four-year college degree), meet family income guidelines, and/or have a documented learning disability. The mission of the Student Support Services program is to increase student persistence and graduation rates at Paul Smith's College by providing a range of services, which include:

- Academic, career, financial, transfer, and personal counseling
- Assistance with strengthening academic and research skills
- Peer mentoring support for first year students
- Financial literacy education and scholarship assistance
- Career, personality, and learning styles assessments
- Personal and cultural enrichment through field trips and events
- Assistance with study abroad and admission to graduate school

All program services are provided at No Cost to participants. The location of the project is Room 207 of the Joan Weill Adirondack Library. For more information, contact (518) 327-6061 or trio-sss@paulsmiths.edu

HEOP (Higher Education Opportunity Program): The Arthur O. Eve Higher Education Opportunity Program (HEOP) is a collaboration between the New York State Department of Education and Paul Smith's College. It provides academic and financial support to New York State residents who meet academic and income eligibility guidelines and are then selected for the program based on application materials. (Students who meet the academic and income eligibility are not automatically considered or selected for HEOP).

Students must be selected for HEOP prior to entering their first semester of college. The program is not available to students who have already attended or are currently attending college without being in an opportunity program such as: HEOP, EOP, SEEK or College Discovery.

Students selected for HEOP are from rural and urban areas throughout New York State. We accept students from a variety of backgrounds regardless of ethnicity, race, creed, disability, sex, gender, sexual orientation, gender identity, gender expression or religious background.

Entering students attend a four-week summer program on campus prior to their freshman year. The summer program is designed to orient students to college life and build their academic skills. All accepted students are required to attend weekly advising meetings to help navigate any problems that may interfere with academic work. In addition to academic support, students receive a generous financial aid package combining state, federal, and Paul Smith's College grants and loans. Students in HEOP are required to take out Federal Loans each semester and are responsible for any aid lost due to poor academic performance. Furthermore, students participating in HEOP are Paul Smith's College students first and are held to the same rules, regulations, and academic standards as all students. The HEOP office is located in Pickett Hall room 203.

8.11 Emergency Management Office

The Director of Campus Safety and Emergency Management is responsible for developing and maintaining emergency response and continuity plans for the college's response to emergency situations on campus. This includes procedures for informing the campus community of events that may have an impact on the college's ability to meet its stated mission.

The College currently maintains an emergency notification system known as Bobcat-Alert. This system is used to help guide the campus and its constituents during times of minor emergencies and/or large-scale disaster.

The Bobcat-Alert system is maintained by the Director of Compliance in conjunction with the Office of Campus Safety.

In an emergency situation the campus community will be informed and advised as to how to respond via multiple methods.

- The Bobcat-Alert system will send an email, phone call, and text message to those individuals who have provided that information to the system.
- Accessing the ALERT voicemail at (518)-327-6219
- Visual displays throughout our buildings and website (e.g. posters and banners)
- At www.paulsmiths.edu/emergency-information

This process affords us the ability to inform our campus community of current situations ranging from power outages to large scale evacuations.

For more information, contact the Director of Campus Safety and Emergency Management at (518) 327-6300 or campussafety@paulsmiths.edu.

Chosen Name Policy

Chosen Name Policy – Paul Smith's College

Paul Smith's College supports current students, former students, faculty, and staff in using a chosen name to identify themselves regardless of whether they have legally changed their name.

This policy is consistent with Title IX federal law protecting students against discrimination based on gender identity and expression. This service is available to individuals who use a chosen name daily other than their legal/primary first name. The purpose of the chosen name policy is to foster a campus environment that both encourages self-expression and affirms identity.

Incoming/New Students:

Students who indicated their chosen name on their Paul Smith's College application will see their chosen name used in all compatible systems (listed below).

Current Students:

Students who would like to indicate a chosen name should complete a **Chosen Name Form**. Please visit the Registrar's Office (Administration Building, Room 113) to complete this form or submit it via email to registrar@paulsmiths.edu.

Legal Name Changes:

Students who have legally changed their name should submit legal documentation to the Registrar's Office (Administration Building, Room 113). Examples of legal documentation include:

- Name change judgement from State Court
- Certified marriage certificate
- Final decree of divorce

Questions? Contact:

Registrar's Office- Phelps Smith Administration Building, Room 113

518-327-6231 | registrar@paulsmiths.edu

Where will my chosen name be used?

- College mailings to your permanent address
- Starfish (Tutoring/Academic Support System)
- Canvas (Learning Management System)
- Email
- eRezLife (Residence Life & Housing)
- ID Badge
- PyraMED (Health Services/Counseling Center)
- Office 365
- SirsiDynix (Library)

There are some spaces where a student's legal name is required by law to be used:

- Background checks
- Employment information and timecards
- Responses to enrollment inquiries such as verification requests

- Official Transcripts
- Licensure Paperwork
- Student Billing/Accounts
- Financial Aid & Scholarship Records
- Medical Records
- Immigration Documents
- Admissions Records
- Email Account & Active Directory Authentication (Email display name will be chosen name)

Because of some technological barriers, there are some technology systems where a student's legal name will still appear:

- Self-Service
- Raisers Edge
- PowerFAIDS

**Note: The institution is in the process of updating technology systems, which will allow for a chosen name to be used in some of the above systems in the future*

What qualifies a student to use a chosen name?

There are no specific criteria that qualify a student to use a chosen name. Any student who prefers to use a name other than their legal name may choose to do so. Examples of reasons to use a chosen name can include:

- Student's legal name is inconsistent with their gender identity
- Student primarily uses their middle name instead of their first name
- Student goes by a nickname significantly different from their first name
- International students or other students who wish to adopt an English language nickname during their course of study

**Note: Nicknames that are common abbreviations of first names (such as "Joe" for "Joseph" or "Kate" for "Kaitlyn") are not covered under this procedure.*

Chosen name changes are not to be used for purposes of misidentification, fraud or misrepresentation. A student's chosen name must meet community standards (i.e. not profane, obscene, or derived from hate-speech).

What is a chosen name?

For the purposes of this policy, a chosen name is a first name used daily that is significantly different from the student's legal first name.

Class Rosters

Chosen names will appear on class lists on Canvas, however class rosters on Self Service will reflect a student's legal name. Paul Smith's College is currently unable to add the chosen name to the Self-Service class rosters due to technology limitations. This is a project under review. In the meantime, students can utilize the letter below to assist in having this conversation with their course instructors.

Dear [Name],

I am a student in your [insert course name]. The purpose of this email is to inform you that I would appreciate it if you referred to me as: CHOSEN NAME: _____

PRONOUN: _____

On your class roster, you'll see _____, which is my legal name. Please refer to me by my chosen name instead of by my legal name.

If you have any questions regarding this request, please contact the Title IX Coordinator. Thank you for your understanding, and I look forward to seeing you in class.

Sincerely, [chosen name]

Pronouns

Paul Smith's College seeks to cultivate a community in which the asking, sharing, and respecting of a person's pronouns is a common practice. Referring to people by their identifying pronouns is an easy and fundamental way to give meaning to a core Paul Smith's College value. In contrast, referring to people by the wrong pronouns, especially intentionally, can have a negative, devaluing impact. The English language has a number of pronouns that are used to describe an individual, which include and are not limited to she/her/hers, he/him/his, and they/them/theirs. As we seek to sustain the practice of sharing, asking for, and respecting pronouns, Paul Smith's College is providing pronoun pins and stickers. They can be found in the Counseling Center, JWSC 017.

Chapter 9

Student & Campus Employment

9.1 Federal Work Study and Student Employment

All students are eligible to seek a job on campus through Student Employment. Some students may qualify for Federal Work Study employment, and the Financial Aid Office can help students determine if they are eligible for this funding.

A listing of available positions can be found on the College's website

<http://www.paulsmiths.edu/humanresources/student-employment/>

To be compliant with Federal and State laws, employment documentation (such as I-9, W-4, and Work Authorization forms) must be completed and submitted to the Human Resources Office prior to beginning work.

For further information on Student Employment at Paul Smith's, please review the Student Employment Handbook on the College's web site.

<https://cpb-us-w2.wpmucdn.com/www.paulsmiths.edu/dist/f/44/files/2019/03/Student-Employment-Program-Handbook-March-2019-1xdag3p.pdf>

9.2 Non-Discrimination Notice

Consistent with Title IX and other applicable federal laws and with applicable state laws, and as an Equal Opportunity Employer, Paul Smith's College does not discriminate based on race, color, creed, religion, ethnicity, national origin, sex/gender, gender identity/expression, sexual orientation, marital status, pregnancy, disability, age, citizenship status, veteran status, military status, familial status, predisposing genetic characteristics, conviction record, status as a victim of domestic violence, sexual violence, or stalking, or any other legally protected status, in any phase of its employment process, in any phase of its admission or financial aid programs, or other aspects of its educational programs or activities. 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:

Title IX Coordinator, (518) 327-6451, jmoffitt@paulsmiths.edu

Coordinating Officer, Section 504/ADA Compliance: Coordinator of Accommodative Services, (518) 327-6414, accommodativeservices@paulsmiths.edu

Affirmative Action Officer: Director of Human Resources, Office of Human Resources, (518) 327-6242, kashline@paulsmiths.edu

9.3 Sexual Harassment Policy and Information

Paul Smith's College is committed to creating a living and learning environment that protects and honors all people. Sexual harassment is detrimental to the learning and working environment at the College and seriously undermines the atmosphere of trust and respect that is essential to work and study for all members of the academic community.

Sexual Harassment is a form of sex discrimination. Sexual harassment may be verbal, written, visual or physical. Sexual Harassment is illegal under Title VII of the Civil Rights Act, Title IX of the Higher Education Amendments of 1972, and the Human Rights Law of New York State. The College prohibits employees, including student employees, from engaging in sexual harassment.

The College prohibits alleged sexual harassment violative of Title IX of the Education Amendments of 1972 (i.e., "Title IX Category Violation"), and prohibits sexual harassment that might occur within a broader range of contexts and behaviors inconsistent with the College's commitment to equal opportunity (i.e., "College Category Violation"). The designation of conduct as either "Title IX Category" or "College Category" is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the College's broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

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 on the basis of 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:
 - Rape
 - Incest

- Non-consensual sexual contact/Fondling
- Statutory Rape
- (4) Intimate Partner Violence
- (5) Stalking

College Category Violations

The College prohibits the following behavior. 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.

Sexual harassment. "Sexual harassment" means 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.

Any person who reports an incidence of sexual harassment will not be punished or retaliated against for filing a report.

Any individual who violates this policy, including retaliation, will be subject to disciplinary action that may include suspension or dismissal. Sexual Harassment is a form of sex discrimination, which is illegal under Title VII of the Civil Rights Act, Title IX of the Higher Education Amendments of 1972, and the Human Rights Law of New York State.

Incidents of harassment should be reported to the Campus Safety Office (518)-327-6300. Human Resources Office (518)-327-6400 or the Director of Compliance, Title IX Coordinator (518)-327-6451

One or more of the College's personnel policies or staff handbook policies applicable to employment may overlap with this policy and/or the Sexual Misconduct policy set forth in Chapter 3 above in a particular situation. The Sexual Misconduct policy set forth above applies to any situation where a student is the complainant or respondent. In other situations, the College reserves the right to apply the Sexual Misconduct policy set forth in Chapter 3 above or another applicable College policy or process. The College will apply its Sexual Misconduct policy set forth in Chapter 3 above to any situation where

the College determines that Title IX requires the application of that policy.

9.4 Drug Free Workplace Policy

Paul Smith's College is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee of the College, whether on- or off-campus, illegally uses drugs or alcohol on the job, comes to work with these substances present in their body, or possesses, distributes, or sells drugs in the workplace. Therefore, Paul Smith's College has established the following policy:

- It is a violation of College policy for any employee, including work-study and student employees, to possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs or alcohol on the job.
- It is a violation of College policy for anyone to report to work under the influence of illegal drugs or alcohol -- that is, with illegal drugs or alcohol in their body.
- It is a violation of College policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medication.)

Violations of this policy are subject to appropriate personnel action against the employee, up to and including termination, or requiring the employee to participate satisfactorily in a drug-abuse assistance or rehabilitation program approved for such purposes.

It is the responsibility of the College's supervisors to counsel employees whenever they see changes in performance or behavior that suggests an employee is under the influence of alcohol or other drugs. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who uses alcohol or other drugs in the workplace to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is to offer a helping hand to those who need it while sending a clear message that illegal drug use and alcohol abuse are incompatible with employment at Paul Smith's College.

As a condition of employment, employees must abide by the terms of this policy, and must notify the College in writing of any conviction or a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction. The Human Resources Office will receive violation reports and forward them to appropriate agencies and offices.

The College offers an Employee Assistance Program (EAP) benefit for employees and their dependents. The EAP provides confidential assessment, referral, and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance, but the costs of such outside services are the employee's responsibility.

The Student Counseling Center, located in the Joan Weill Student Center room #017 provides students with confidential counseling, personal development, and health education at Paul Smith's. All services are free to students of the College. The counseling activities are designate to help students lead healthy lives, better understand themselves, deal with important decisions, and resolve personal, social, career, and study problems that can interfere with their educational goals. Services include counseling (for issues such as depression, anxiety, relationships, family concerns, grief, academic concerns, harassment, etc.), crisis intervention, referrals, and outreach programming. Support and educational counseling for alcohol and other drug issues is available. The Counseling Center also offers Alcohol/Other Drug outreach and programming for the campus.

Chapter 10

Accommodative Services & Students with Disabilities

Accommodative Services (AS) Office

10.1 Students with Disabilities

Paul Smith's College recognizes its responsibility to provide equal access to opportunity for students with disabilities under Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act of 1990 (as amended). The College will provide reasonable adjustments and/or accommodation to assure that students will have equal opportunity to learn, grow, and succeed during their time at PSC. The entire college community (faculty, staff, and students) has broad responsibility to adhere to this philosophy of equal access to opportunity.

Paul Smith's College has charged the Accommodative Services (AS) office with providing leadership for our efforts to assure equal access for our students. The college will support the authority of the AS office in these efforts. The current best practices and compliance for disability support services are presented on the Accommodative Services webpage. The office is located in Pickett Hall room 101 A.

To initiate recognition and consideration as a student with a disability, students should:

- Submit an application for services via Bobnet. Click on 'Academics', 'Student Support', Accommodative Services', and then 'Disability Disclosure/Application for Accommodations'
- Request accommodations they feel are needed or have been used in the past
- Meet with the Coordinator of Accommodative Services as needed to finalize an accommodation plan

Students may always contact the Coordinator at accommodativeservices@paulsmiths.edu for assistance with the application process

Eligibility is determined on an individualized basis and is based upon documentation of a disability that currently substantially limits some major life activity.

All services are completely voluntary, and it is the student's responsibility to request them. Students are encouraged to identify themselves early to ensure timely accommodation.

10.1 Philosophy

You are an expert on your own disability. While the college challenges students with disabilities to accept the freedom and responsibility of directing their own lives, we also believe that all students deserve the opportunity to succeed to the best of their abilities. Learning specialists help people with disabilities exercise more control over their own

education, increase their independence and self-determination and complete degree requirements.

The Accommodative Services office offers alternatives and options that allow students to fully participate in academic pursuits at Paul Smith's. It is up to students to make their own decisions and to initiate actions that ultimately lead to success and enable them to contribute to, as well as share responsibility in, the Paul Smith's College community.

Services will not be initiated until students request them. Students have the right at any time to discontinue services. They may refer themselves to the Center for Academic and Career Success for extra help in any subject. Professors may refer students, as well. The academic support coordinator obtains information from students about how they are doing in their courses before assigning a student tutor.

10.2 Policies & Procedures

Following is a list of policies and procedures for acquiring academic adjustments.

- Students identify themselves by completing a disability disclosure on the Student Health Portal. Students may also self-identify at any time by contacting the AS office directly.
- Complete the application for academic adjustments.
- Provide disability documentation which supports specific accommodations requested.
- The coordinator reviews the application and disability documentation and determines eligibility.
- An email is sent stating the status of the application.
- The student meets with the coordinator to set up academic adjustments and begin the faculty notification process to request adjustments needed in classes for the semester. Academic adjustments may begin once the process is complete.
- The faculty notification form will be emailed to each professor and the student will be copied – the student requests a new faculty notification form each semester and gives permission for which professors may receive notification – the student is able to review their faculty notification and their file at any time by logging in to the Student Health Portal or asking the coordinator directly for a copy.

10.3 Acquiring Specific Academic Accommodations

Students with disabilities must initiate all requests for services. Academic adjustments are backed up by documentation on file in the Accommodative Services Office and will be

listed on your Faculty Notification Form. For a list of some of the most commonly requested accommodations, go to our Accessing Services page on the PSC website.

10.4 Informed Consent

Informed consent is your consent given with complete knowledge of your rights. Students should think about and understand where their information is going; information held in our office will not be used against a student. Consent authorizes yet does not obligate us to give information about you. For more legal Information, go to our Legal Information and Forms page on Bobnet.

10.5 Handling Disputes

Disputes involving students receiving services through the Accommodative Services Office use the dispute-resolution plan outlined on the Handling Disputes page on Bobnet.

