

# Annual Security and Fire Safety Report 2016-2017



Clery Compliance  
*Dean of the College*

Colgate University

Dear Colgate University Community Members,

Events occurring on both a local and national level over the past year have brought an increased awareness to safety and emergency management programs and plans at Colgate University. While Colgate University has always been committed to continuously evaluating and improving its safety and security programs, this acute awareness provides a unique opportunity to further strengthen the shared responsibility that students, faculty, and staff have in this process. With this in mind, campus community members are encouraged to review this report to obtain a greater understanding of safety and security at Colgate University and to use these data to inform their decision-making and behaviors to help keep Colgate safe.

The Colgate University Annual Security and Fire Safety Report is produced in accordance with the requirements set for by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, known as the Clery Act. The purpose of the report is to provide Colgate University community members essential information on campus crime and fire related statistics, policies, reporting procedures, and prevention programs. As mandated by the Clery Act, the report includes crime and fire statistics for the previous three calendar years (2014 – 2016).

Upon request, printed copies of this report may be obtained from the Department of Campus Safety located at 88 Hamilton Street, Hamilton, New York. If you have any questions, concerns, or suggestions about safety and security at Colgate University, please contact me directly at (315) 228-7335 or [dgough@colgate.edu](mailto:dgough@colgate.edu).

Respectfully,

Daniel B. Gough  
Associate Vice President  
Campus Safety, Environmental Health, and Emergency Management  
Colgate University

## **Campus Safety Department**

The Campus Safety Department, located at 88 Hamilton Street, has officers on duty and provides Campus Safety services 24 hours a day, 7 days a week. The office itself is open 7 a.m. to 10 p.m. daily. The Campus Safety Department may be reached at any hour by dialing (315) 228-7333 for general information and routine requests. To report a crime or emergency occurring on Colgate University property to the Campus Safety Department from a university extension dial **911**, or (315) 228-7911 from a non-university extension, or cell phone.

In addition to the emergency telephone number, the university maintains emergency blue light phones throughout the campus, which provide direct two-way communication with the Campus Safety dispatcher. These blue light phones are identified by an overhead blue light.

The Campus Safety Department is part of the Dean of the College Division, and is responsible for providing both emergency and non-emergency response on campus. Services provided by the Campus Safety Department include, but are not limited to:

- Campus policy and criminal investigations.
- Facility security patrols.
- Fire Safety responses, including inspecting, testing and maintaining all fire safety equipment and alarms, and conducting fire drills.
- Providing on campus non-emergency medical transports.
- Medical emergency responses.
- Vehicle and traffic enforcement.
- Campus parking registration and enforcement.
- Assisting on-campus motorists with battery jump-starts and vehicle unlocks.
- Issuing photo-identification cards and administering campus card access operations.
- Administering student drivers' licenses exams to permit operation of university vehicles.
- Maintaining a Lost and Found Department.

## **Enforcement Status and Authority**

Colgate University currently recognizes and authorizes NYS Security Guard status for Campus Safety personnel. Campus Safety Officers must be registered \*Security Guards through NYS Department of State. Campus Safety Officers receive NYS Department of Criminal Justice Services approved Security Guard training via the Colgate University Security Guard Training School. Officers are certified in cardio-pulmonary resuscitation (CPR), Automatic External Defibrillators (AED's) and first aid, and attend several training programs each year on a variety of campus safety related subjects.

Campus Safety Officers are non-sworn and therefore do not possess any law enforcement arrest powers. Officers also do not carry side arms or any other protective arms. Officers cannot act outside the authority of a NYS licensed Security Guard. If a situation arises where an officer witnesses a crime being committed or the victim of a crime desires criminal prosecution, the officer must contact a local or other law enforcement agency having jurisdiction, in order to start a criminal prosecution process and have the subject(s) arrested. The law enforcement agency makes the final decision to arrest or not arrest based upon the available information.

Campus Safety Officers only have jurisdiction on any owned and controlled property of Colgate University. Officers do not have jurisdiction on public or non-Colgate private property. Even though officers do not have jurisdiction off of Colgate University property, they may respond off of Colgate University property at the request of a law enforcement agency to provide assistance.

The Campus Safety Department continues to enjoy cooperative and collaborative working relationships with the Hamilton Police Department, Madison County Sheriff's Department and the New York State Police. Both Campus Safety and the local law enforcement agencies have the ability to utilize the same radio frequencies/system in the event of an emergency. Several campus events throughout the year are staffed by both campus safety officers and law enforcement. The shared radio system is also utilized during these large events. Information between the various departments is routinely shared. The director of Campus Safety is part of the County Police Chief's Association which meets on a regular basis. Although there is only a written memorandum of understanding with the Hamilton Police Department covering missing persons and violent felony offenses, the Campus Safety Department always advises victims of crime of the option to have the case reported to and investigated by the appropriate law enforcement agency having jurisdiction.

\*A security guard as defined in Article 7A of the NYS General Business Law [§89-f (6)] is a person (other than an active police officer) employed in NYS to principally perform one or more of the following duties, and the person is not performing the functions of a private investigator as defined in Section 71 of Article 7 of the General Business Law:

protection of persons and/or property from harm, theft, and/or unlawful activity; deterrence, observation, detection, and/or reporting unlawful or unauthorized activity; street patrol service; response to, but not installation or service of, a security system alarm.

### **Reporting of Crimes or other Emergencies Occurring on Campus**

Colgate University encourages accurate and prompt reporting of all crimes to the Campus Safety Department and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report.

To promptly report all crimes or other types of emergencies occurring on Colgate University property contact the Campus Safety Department dial **911** from any university extension, or (315) 228-7911 from a non-university extension or cell phone.

Campus Safety strongly urges all university students, faculty and staff to report any of the criminal offenses described in the law, as detailed in this report that may have occurred, for the purpose of determining the need for making timely warning reports and for inclusion in the annual statistical disclosure.

University professional counselors, physicians and pastoral counselors are also encouraged, if and when they deem it appropriate to inform the persons they are counseling or treating, of the university procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics as described below.

For crimes or other types of emergencies occurring outside of Colgate University property, the Madison County 911 Center should be contacted by dialing 911 from any phone so the appropriate law enforcement agency with jurisdiction may be dispatched.

If the Campus Safety Department receives a report of a crime or other emergency occurring on Colgate's main campus or other Colgate property in Madison County, the dispatcher will send campus safety staff to investigate as well as make other appropriate notifications and requests from non-university emergency response resources as appropriate for the incident and location. For reports of crimes or other emergency occurring on non-Colgate property, the Campus Safety dispatcher will immediately transfer that call to the Madison County 911 Center or will immediately relay the information to the 911 Center so appropriate law enforcement and other emergency response resources may be deployed.

Prompt and accurate reporting are valuable assets to Campus Safety Officers and/or law enforcement personnel responding to and investigating a criminal offense or other type of emergency condition.

### **Confidential Reporting**

It is important to note that some victims may not report incidents of crime to the Campus Safety Department or local law enforcement agencies, but may prefer to confide and report via confidential sources, which also provides an individual the opportunity to report a crime for statistical information to be included in this annual crime statistics report.

To file a voluntary confidential report contact the Campus Safety Duty Chief via 315-228-7333. While retaining confidentiality, the University may decide if an investigation needs to be conducted by Campus Safety or a timely warning is required to be sent to the campus community.

To provide information anonymously regarding possible or planned crimes, law/policy violations, and/or other crime information, Campus Safety maintains an anonymous reporting/tip form on their website at: [campus safety: report/tip form](#). The contents of this form are e-mailed directly to the Campus Safety Department and the sender appears as "Campus Safety Web Page". Anonymity is ensured if a person wishes to not provide a name or other information. Once the form is completed, click the 'Submit' button at the bottom of the page.

### **Campus Alerts (Timely Warnings)**

The campus must, in a manner that is timely, and will aid in the prevention of similar crimes, provide a timely warning to the campus community, on Clery Act crimes that occur on Colgate University Clery geography and are:

- a. Reported to campus security authorities or local police agencies; and
- b. Is considered by the institution to represent a serious or continuing threat to students and employees.

Timely warnings are not limited to violent crimes or crimes against persons. Timely warnings can be issued for threats to persons or to property.

Colgate utilizes the university's email system to send to all students, faculty and staff, a 'Campus Alert' email to issue timely warnings. All university students and employees are provided with an email account. In the event the email system is not operational, 'Campus Alert' flyers will be posted in all residence halls and other campus buildings.

Colgate University is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. A pastoral counselor must be functioning within the scope of that recognition as a pastoral counselor. A professional counselor must be a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

It is the policy and responsibility of the Colgate University Campus Safety Department to review all Clery Act offenses subject to disclosure in the Annual Campus Security Report and have been reported to campus security authorities or local police authorities to determine if they represent a serious or continuing threat to students or employees.

Timely reporting to the campus community is decided on a case-by-case basis in light of all the facts surrounding a crime, including:

- a. The nature of the crime,
- b. The length of time between occurrence of the crime and the time reported,
- b. Continuing danger to the campus community,
- c. Possible risk of compromising law enforcement efforts.

All Clery Act reportable crimes are subject to the timely warning requirements. However, there are often concerns raised regarding confidentiality if the information disclosed in the timely warning report would personally identify the individual. Although personally identifiable information is generally precluded from disclosure, such information may be released in an emergency situation.

Timely Warning Procedure:

- a. The amount and type of information that the campus discloses in a timely warning report will vary depending on the circumstances of each case, as noted above.
- b. Whenever a Clery Act crime, is committed on Colgate University Clery geography locations, and
- c. Is reported to a campus security authority or local law enforcement and
- d. Is determined by the Director of Campus Safety or designee,
- e. To represent a serious or ongoing threat to the safety of students and employees,
- f. The institution, via the campus safety department, must issue a warning as soon as pertinent information is available.
- g. The warnings should include the following details of the crime:
  - A description of the incident
  - A physical description of the suspect, including gender and race
  - A composite drawing of the suspect, if available.
  - Apparent connection to previous incidents, if applicable.
  - Race of the victim, but only if there was an apparent bias motive.
  - Sex of the victim, if relevant.
  - Injury sustained by the victim.
  - Date and time the 'Campus Alert' was released.
- h. The warnings are normally created by the on-call Campus Safety administrator in conjunction with the Communications Office and/or the Dean of the College Office.
- i. The warnings may be sent by Campus Safety or the Communications Office.

Numerous efforts are made to advise members of the campus community on a timely basis about campus crime and crime-related problems. These efforts include:

- Annual Report: A comprehensive annual report of crime-related information is compiled, published and widely distributed. This report is also available at the Campus Safety Department Office, Human Resources Office and the Admissions Office.
- Student Newspaper: The student newspaper, The Colgate Maroon-News, is communicated with on a regular basis, and articles are published to inform the campus of specific Campus Safety concerns. The Colgate-Maroon News also publishes the Campus Safety Blotter, a weekly summary of the incidents reported to Campus Safety.
- Campus Safety Alerts: When circumstances warrant, Campus Safety Alerts are prepared and distributed throughout the campus using the 'Campus Alert' email distribution. If the email system is not operational, flyers are posed on all residential buildings by Residence Life staff and on all other buildings by Campus Safety staff.

## **Emergency Preparedness**

Colgate University has long recognized the need to be prepared for critical incidents. Under the guidance of the Emergency Management Team (EMT), personnel from various departments and offices work together to ensure the University is doing all it can to prepare for, prevent, respond to, and recover from emergency situations. In conjunction with local first responders, such as the Hamilton Police, Madison County Sheriff, and New York State Police, the Hamilton Fire Department and SOMAC Ambulance, the University is prepared to respond to a full range of critical incidents.

The Campus Safety Department and Environmental Health and Safety and members of the Emergency Management Team work together to ensure our emergency protocols and campus emergency plan are updated as needed, and are applicable as new risks are identified.

Upon receiving notification of an emergency situation, Campus Safety will dispatch appropriate staff to the reported location to determine and confirm that an emergency exists. Once a significant emergency or dangerous situation involving an immediate threat to the health or safety of university community members is confirmed, the university's main method for communicating to the entire campus community is through 'Colgate Alert', a mass notification system product from Rave Wireless capable of messaging via text, email, voicemail, Facebook, Twitter, and RSS feed. The university will, without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate the 'Colgate Alert' system, unless the notification will, in the professional judgment of responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Per Campus Safety operating procedures, Campus Safety administration is notified, determines the content of notification, and initiates the 'Colgate Alert' system. Once the initial alert notification is sent to the campus community by Campus Safety, the Office of Communications handles any subsequent non-life safety communications to the campus community and greater Hamilton community. In concert, the Campus Safety Department, Environmental Health and Safety and the Emergency Operations Center will be responsible for sending any subsequent life safety messaging for the campus.

The 'Colgate Alert' system is capable of delivering messages to your Colgate email address, as well as personal email addresses, your land line and cell phone, if you have provided that information in your individual account. As a student, faculty or staff member, you have been automatically enrolled in the 'Colgate Alert' system. Campus community members are encouraged to login to the 'Colgate Alert' (Rave Wireless) site via the link on the Colgate portal to confirm their contact information and choose their notification preferences. Campus community members can enter up to 3 email addresses, 3 mobile phone numbers, and 3 voice only telephone numbers.

The University provides this emergency alerting service free of charge to all members of the Colgate community; however, please note that your cellular phone provider may charge a per-text message fee for the delivery of emergency notifications to your phone. To manage your 'Colgate Alert' account, login to the portal: <http://portal.colgate.edu> using your Colgate username and password. Select the 'Colgate Alert' link found under 'Campus Links' on the portal home page. This link will take you into the 'Colgate Alert' system. If you have any questions or concerns, please contact Campus Safety at 315-228-7333 or the helpdesk @315-228-7111.

Other available campus warning systems may be used alone or in conjunction with the "Colgate Alert" system as appropriate. The Cooper outdoor warning system is a series of high powered speaker arrays located in several locations on the main campus. The Informacast system is available to send pre-designated message templates via the campus IP phone system.

All of the University emergency alert systems are tested on a quarterly schedule to ensure all are in current operating status.

## **Evacuation**

In the event an evacuation is needed due to a fire or other emergency, please remain calm. Evacuate the building at the nearest exit. Do not run or use elevators! Once evacuated, please get at least 600 feet away from the building and stay together so that an accurate count of building occupants can be made. If someone needs assistance leaving the building and it can be done SAFELY, please assist this person out of the building and to an area at least 600 feet away from the building. Please stay in this general area until further instructions are received from the emergency alert system(s), Campus Safety and/or other authorized emergency services personnel. Evacuation diagrams and/or maps are posted in all Colgate buildings. If an emergency alert system message advises a different course of action other than using the 600 feet standard, immediately comply and initiate that course of action.

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

Procedures for emergency response and evacuation are tested at least once per calendar year, including publicizing the procedures in conjunction with the annual test and documenting a description of the exercise as well as the date and time of the exercise and whether it was announced or unannounced. Tests may consist of but are not limited to; regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

## **Monitoring and Recording Criminal Activity at Reportable Non-campus and Public Property Locations Through Local Police Agencies**

The Campus Safety Department is notified of crimes occurring at non-campus locations through local law enforcement agencies when those agencies request assistance or when they routinely pass along information that may be of mutual interest. Annually, the Campus Safety Department requests a summary of criminal activity from local law enforcement agencies for:

- On-Campus buildings or property owned or controlled by the University
- Non-Campus buildings or property owned or controlled by student organizations that are recognized by the University
- Non-Campus buildings or property owned or controlled by the University that are used in direct support of, or in relation to, the University's educational purposes; are frequently used by students; and are not in the same reasonably contiguous geographic area of the University.
- Public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus.

The jurisdiction of the Campus Safety Department does not extend to buildings or property owned or controlled by student organizations or public property; therefore, the Campus Safety Department's role is limited to sharing information with, coordinating and assisting other law enforcement agencies investigations of criminal activity at these locations.

## **Security of and Access to Campus Facilities**

Campus buildings and facilities are accessible to members of the university community and to guests and visitors during normal business hours, Monday through Friday, and for designated hours on weekends.

Many, but not all campus facilities are equipped with a 'Card Access' system. Depending on the building the system may be on a set schedule that regulates the open and closed times of the building. Access authorization for students, faculty, and staff are according to each individual's card settings. The Campus Safety Department manages the 'Card Access' system and sets the security authorizations for the campus. Also each evening, the Campus Safety Department secures all non-residential facilities buildings that have manual locks.

## **Residential Facilities and Policies**

Colgate University houses approximately 2,400 students in varied accommodations, including residence halls, community centered houses, apartment and townhouse style complexes, and Greek theme houses. Services and programs intended to enhance the quality of life and the safety and security of our students are a major priority of the Campus Safety Department. Safety and security policies and procedures, especially regarding locking individual residence rooms and related precautions, are discussed with residents in crime prevention seminars, in routine meetings conducted by the Residential Life staff and in printed materials which are distributed by the staff. Residence halls are locked 24 hours a day with approximately 84% controlled by card access.

Security of residential facilities is a very important issue and it requires the efforts of not only the Campus Safety Department who patrol university- owned, on-campus student housing but also the partnership of students and staff. Students can do their part by closing and locking their doors when leaving their rooms and by not propping open doors or not letting those they don't know into the facilities.

## **Maintenance of Campus Facilities**

The Facilities Department (Building and Grounds) maintains university buildings and grounds with a concern for safety and security. Facilities maintains a work order system that allows students, faculty, and staff to electronically submit any maintenance or repair issues to the department so that it can be addressed in a timely manner.

Building outdoor lighting and street lighting on the campus is surveyed twice per year; April and September, by facilities staff to ensure all are in proper working order, and to assess the adequacy of existing lighting.

Charged with assessing and responding to safety concerns on campus, the Safety Advisory Committee, which consists of students, faculty, staff and administrators, meets regularly.

## **Crime Prevention and Security Awareness Programs**

The Colgate University Campus Safety Department takes a proactive approach in delivering a variety of Campus Safety services and programming. As part of the institution's educational mission, the Campus Safety Department offers advice to members of the university community on how best to reduce chances of becoming a crime victim. The university's crime prevention philosophy is one of eliminating or minimizing crime hazards and risks whenever possible, and encouraging students and employees to be responsible for their own safety and security, as well as the safety and security of others. The Campus Safety Department does provide crime prevention and fire safety educational programs and literature to those students or organizations who reside in non-campus properties.

### **Student Responsibility**

The cooperation, involvement and support of students in campus safety crime prevention and security awareness programs are crucial to its success. Students must assume responsibility for their own personal safety and security of their personal belongings by taking simple, common sense precautions. Precautions include always locking residence room doors, engraving valuables and recording the identification numbers, always locking motor vehicles and placing any valuables out of sight, locking bicycles with sturdy locks, utilizing the campus escort service and reporting any suspicious individuals or situations immediately to the Campus Safety Department.

Programs provided by Campus Safety include but are not limited to the following:

- **Adopt-A-Hall:** An interactive program between Campus Safety Officers and residential students designed to promote a greater understanding of each other. One or more Campus Safety Officers are assigned to a residential unit and spend extra time in this area getting to know the residents and staff residing there. The main objective of the program is to make it easier for both parties to approach each other with any questions or concerns they may have while continuing to expand upon the out of classroom learning experiences.
- **Operation Lock Down:** An interactive program provided throughout the year designed to make the Colgate community more aware of the possibilities of theft within all University owned buildings as a result of unlocked and unattended rooms or offices.
- **Operation Identification:** A program designed to create a greater sense of understanding of safety and security issues and to foster good community relations. Campus Safety officers schedule visitations to residence halls, encouraging students to engrave an identification number on personal property (i.e. stereos, computers, televisions, etc.). A record of the property and identification number is stored at the Campus Safety Department. By participating in this program, community members increase their chances of recovering stolen property and aid the criminal justice system in successfully prosecuting criminals. This program is highly recommended and made available campus-wide throughout the year.
- **CUBIT:** Colgate University Bicycle Identification Tag program allows Colgate community members to register their bicycle with Campus Safety. The make model, color, serial number, speeds, extra equipment, is recorded and then a CUBIT sticker is placed on the bicycle. In the event the bicycle is lost or stolen, the Campus Safety Department as well as other law enforcement agencies will be able to return the bicycle to the rightful owner. Campus Safety Officers also hang a tag on all bicycles found unlocked reminding everyone of the importance to secure their bicycle and/or register it with Campus Safety. This program is highly recommended and made available campus-wide throughout the year.
- **Park Smart:** Is a crime prevention program that is designed to heighten the awareness of a motor vehicle operator



while they are in parking areas. The program provides personal safety tips and recommends all valuables be placed out of sight and vehicles locked. Officers check vehicles and note if valuables are left in plain sight or if a vehicle is left unlocked. The vehicle's owner is then contacted and reminded of the importance of parking lot safety. This program is conducted throughout the year.

- **Fatal Vision:** An alcohol and drug prevention program, through the use of specially designed goggles, simulates the visual impairment caused by alcohol or other drugs. The main objective of the program is to demonstrate, first hand, how quickly impairment can turn fun into devastating consequences. This program is conducted throughout the year.
- **Active Drug Awareness & Interdiction:** Drug awareness presentations are offered to all campus constituents, including resident students, fraternities and sororities, faculty and staff, student government and recognized student organizations.
- **Community Leader Training:** Campus Safety Officers throughout the year assist the Residential Life office with community leader training, from alcohol and drug awareness, to personal safety and security.

Crime Prevention Services offered are:

- **Personal Safety Escorts:** From dusk to dawn, escorts from and to any on-campus locations are provided to members of the campus throughout the year.
- **Residence Hall Security:** Crime prevention presentations, accompanied by brochures, are offered to all resident students throughout the year. All residence halls have door code locks or proximity card access locks installed. For the safety and security of all residents, do not give the door code or loan your ID/access cards to anyone.
- **Enhanced Telephone System:** All calls received by the Campus Safety Department from a university phone, Blue Light phone, or Emergency phone are immediately identified by the telephone extension and/or location.
- **Blue Light Emergency Telephones:** These emergency telephones are distinguished by the overhead blue light, are strategically located throughout the campus and are linked directly to the Campus Safety dispatcher.
- **Emergency Telephones:** Interior emergency telephones are linked directly to the Campus Safety dispatcher and are located throughout campus.
- **Crime Prevention Presentations:** Crime prevention presentations are offered to all campus constituents, including resident students, fraternities and sororities, faculty and staff, student government and recognized student organizations.
- **Printed Crime Prevention Materials:** Crime prevention publications are distributed during safety fair type events. They are also available at the Campus Safety Department Office.
- **Security Surveys:** Security surveys are conducted of exterior lighting, perimeter security, doors, locks and grounds.
- **Fire and Security Alarm Systems:** A sophisticated computer enhanced alarm system that monitors a campus wide network of fire, intrusion and duress alarms exists and is monitored 24 hours a day by Campus Safety dispatchers.
- **Architectural Design:** The Campus Safety Department works closely with design engineers regarding physical security systems and fire safety equipment when new construction or major renovations are planned on campus.

### **Alcohol and Drug Policy**

Colgate University complies with federal, state and local laws including those which regulate the possession, use and sale of alcoholic beverages and controlled substances. All Colgate University students and employees are subject to New York State law, local statutes and ordinances, and Colgate's alcohol and drug policy. Students and employees who violate state or local laws or University policies will be subject to University disciplinary and/or criminal action. Ignorance of the law and Colgate's policy is not an excuse for any violations.

On the university's premises, or at university-sponsored activities, the following are prohibited:

- Distribution, possession or use of any illegal drug or controlled substance.
- Providing alcoholic beverages to individuals less than 21 years of age or possession of alcoholic beverages by individual's less than 21 years of age.
- Illegal possession of an open container of an alcoholic beverage, public intoxication, driving while intoxicated, and drinking alcoholic beverages in an unlicensed public place.

The Student Handbook details a range of sanctions for students found in violation of these prohibitions.

The University's Drug-Free School and Workplace Policy is distributed annually to all institutional employees. Employees should refer to this policy for assistance with drug or alcohol related questions or problems. The University's student alcohol and drug policy is listed in the Colgate Student handbook.

The on-line program for first-year students is Alcohol-Edu for alcohol and Haven for sexual assault. Ongoing programs for alcohol are around \*TIPS. All new member fraternity brothers and for anyone who wants to host a party at which alcohol will be served must be TIPS trained.

Providing resources available to all students, the Colgate University Counseling Center and Student Health Center offer assessment and assistance to students with alcohol and/or drug problems.

\*TIPS (Training for Intervention ProcedureS) is a dynamic, skills-based training program designed to prevent intoxication, drunk driving and underage drinking by enhancing the fundamental "people skills" of servers, sellers and consumers of alcohol. TIPS provide individuals the knowledge and confidence they need to recognize potential alcohol-related problems and intervene to prevent alcohol-related tragedies.

### **Missing Persons Procedures**

All reports of students believed to be missing are to be reported immediately to the Campus Safety Department. In compliance with Article 129-A, of the State of New York Education Law, Campus Safety maintains a policy and Memorandum of Understanding (MOU) on violent felony crimes and missing students.

Upon receipt of a report of a missing student, campus safety will conduct a thorough and timely preliminary investigation to verify the report, determine existing circumstances and attempt to locate the missing student. If the student is verified missing, campus safety will contact and coordinate an investigation with the Hamilton Police Department and provide assistance to them as requested.

A student will be considered missing, if a roommate, classmate, faculty, staff or family member or other campus person has not seen the student in a reasonable amount of time. Reasonable time may vary dependent on the time of day and information available. Students will also be considered missing immediately if their absence has occurred under circumstances that are suspicious or cause concern for their safety. Initial reports made to a staff member of a department, other than campus safety, it is the responsibility of that staff member is to ensure campus safety is contacted immediately.

In compliance with HEA Title IV, Section 485(j), students who reside in on-campus housing are provided the option, through the Colgate portal, to identify an individual to be contacted by Colgate University not later than 24 hours in the event the student was to be officially reported as missing. This contact information is confidential and only accessible by authorized campus officials. The Campus Safety Department is authorized to access this information in the event that a student is reported missing and the information may not be disclosed outside of a missing person investigation.

Students who reside in on-campus housing who are non-emancipated and under 18 years of age are advised that a custodial parent or guardian must be notified within 24 hours after the student is determined missing.

If the Campus Safety Department receives a report of a missing student, and upon investigation determines that a student has been missing for more than 24 hours, within the next 24 hours Campus Safety will:

- a) Notify the individual identified by the student to be contacted in this circumstance; and
- b) If the student is under 18 years of age and not emancipated, a parent or guardian must be notified; or
- c) In cases where the student is over 18 years of age and has not identified a person to be contacted, the appropriate law enforcement agency with jurisdiction will be notified.

In the event (a) or (b) do not apply to a student determined to be a missing person, the appropriate law enforcement agency with jurisdiction will be notified.

In all missing person cases reported to Campus Safety, the Hamilton Police Department will be notified within 24 hours of the determination that the student is missing, unless the Hamilton Police Department was the agency that made the determination

that the student is missing.

In all cases, the University reserves the right to contact the designated missing persons contact and/or emergency contacts as appropriate.

#### “SUZANNE’S LAW” (Missing Persons)

Signed into law by President George W. Bush as part of the national “Amber Alert” bill, this federal law requires law enforcement to notify the National Crime Information Center (NCIC) any time a person under age 21 is reported missing. Previously police were only required to report missing persons under the age of 18. The law is named after Suzanne Lyall, a 19 year old University of New York at Albany student who went missing in March 1998. The law is intended to impel police to initiate prompt investigations of young persons who have gone missing. The Campus Safety Department at Colgate University complies with this law. For further information go to: <http://www.criminaljustice.ny.gov/missing/aware/campus.htm>

### **Weapons Violation**

It is a violation of university regulations to possess on campus or in fraternities or sororities, revolvers, pistols, handguns, chemical weapons (including mace), knives over 6” in length, gas or spring-powered pellet or “BB” guns or slingshot devices, paint ball guns, or any other substance or device designed to harm or incapacitate. Rifles and shotguns are also not permitted on campus or in university buildings and may be safely stored at the Campus Safety Department. The discharging of weapons on the Colgate campus or in the Village of Hamilton is illegal and poses an obvious threat to the lives and safety of residents and will result in severe disciplinary and / or legal action against those responsible.

### **Information on Sexual Assault, Sexual Exploitation, Domestic Violence, Dating Violence, Stalking, Harassment, and Discrimination**

#### **Non-discrimination/ Title IX Policy**

Colgate is proud to be a community comprised of diverse individuals from all backgrounds. Colgate values the social and intellectual vibrancy that occurs when students, faculty and staff with different life experiences, viewpoints, and belief systems come together. This policy prohibits acts of discrimination, harassment, sexual assault and sexual exploitation, as well as domestic violence, dating violence and stalking. Any and all such acts are serious violations of our community values. This policy is a fundamental part of a Colgate community where all members can study, live, and work together in a community characterized by equal opportunity, inclusiveness, safety and mutual respect.

A complaint that this policy has been violated will be addressed through the university’s Equity Grievance Process. The Equity Grievance Process applies regardless of the status of the parties involved, who may be students, student organizations, faculty, administrators, or staff. Complaints made by non-members of the Colgate community against students, student organizations, faculty, administrators, or staff are also subject to the Equity Grievance Process. Conduct that occurs off-campus and not in connection with Colgate programs may violate this policy if the conduct creates a threatening or hostile environment on campus or within a Colgate program, or if the incident causes concern for safety or security of the Colgate’s campus.

The associate provost for equity and diversity serves as Title IX coordinator and oversees implementation of the Equity Grievance Process for responding to complaints of sexual harassment, sexual assault, discrimination, discriminatory harassment and other violations of this policy.

#### **A. Colgate University Equity Grievance Policy**

**This policy is accessible online at: [Equity Grievance Policy](#)**

Colgate fully subscribes to all federal and state civil rights laws banning discrimination in private institutions of higher education. These include but are not limited to Title IX and Title VI of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Rehabilitation Act, the New York State Human Rights Law, and New York State Education Law Article 129-B. Colgate is committed not only to compliance with these laws but with promoting a community that lives out the values these equal opportunity laws envision.

#### **II. Policy Coverage**

This policy sets forth behavioral expectations for all members of the Colgate community: students, faculty and staff. This policy applies to conduct that occurs on Colgate’s campus or property and to all Colgate programs and sponsored activities. Non-community members (guests, alumni, vendors, parents, etc.) visiting our campus or participating in

university programs or events are also expected to abide by the behavioral expectations set forth here. This policy also applies to off-campus conduct under certain circumstances. For example, it applies when students travel off campus as part of a university activity or team, or when employees travel on Colgate business.

Conduct that occurs off campus and not in connection with Colgate programs may violate this policy if the conduct creates a threatening or hostile environment on campus or within a Colgate program, or if the incident causes concern for safety or security of Colgate's campus.

A complaint that this policy has been violated will be addressed through the university's Equity Grievance Process. The Equity Grievance Process applies regardless of the status of the parties involved, who may be students, student organizations, faculty, administrators, or staff. Complaints made by non-members of the Colgate community against students, student organizations, faculty, administrators, or staff are also subject to the Equity Grievance Process.

The associate provost for equity and diversity serves as Title IX Coordinator and oversees implementation of the Equity Grievance Process for responding to complaints of sexual harassment, sexual assault, discrimination, discriminatory harassment and other violations of this policy.

Inquiries may be made to:  
Marilyn ("Lyn") Rugg, Ph.D.  
Associate Provost for Equity and Diversity & Title IX Coordinator  
The Office of Equity and  
Diversity 102 Lathrop Hall  
Colgate  
University 13  
Oak Drive  
Hamilton, NY 13346  
315-228-6161

### III. Definitions

#### A. Discrimination

Colgate University complies with all federal and state civil rights laws banning discrimination in private institutions of higher education. Colgate will not discriminate against any person because of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender identity and expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law.

The term "discrimination" refers to an act that disadvantages a person *and* that occurs because of the affected individual's race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender identity and expression, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other characteristic protected by applicable law. This list is often referred to as "protected characteristics". Examples of discrimination include but are not limited to denying a student a research opportunity because of the student's race, disability, sexual orientation or other protected characteristic; giving a student a lower grade than deserved because of the student's gender, military service, religion, or other protected characteristic; denying an employee a raise because of the employee's age, marital status, or other protected characteristic.

#### B. Harassment

Harassment is unwelcome, offensive conduct that occurs on the basis of race, color, sex, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, sexual orientation, gender identity and expression, veteran or military status (including special disabled

veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law. Sexual harassment is one form of harassment that is characterized by unwelcome conduct that is sexual in nature.

Harassing conduct can occur in various forms, including:

- i. Verbal - such as unwelcome sexually suggestive, demeaning, or graphic comments; using ethnic, racial, religious, or other slurs to refer to a person; or jokes or comments that demean a person on the basis of gender, race, color, religion, ethnicity, national origin, sexual orientation, gender identity or expression, age, or disability.
- ii. Physical - such as unwanted sexual contact; sexual intimidation through physical threats; physical threats toward or intimidation of another on the basis of gender, race, color, religion, ethnicity, national origin, sexual orientation, gender identity or expression, age, or disability.
- iii. Visual - such as exposing another person to unwanted pornographic images; creating or displaying racially, ethnically, religiously offensive pictures, symbols, cartoons, or graffiti.
- iv. Communication-based - such as phone calls, e-mails, text messages, chats, or blogs that offend, demean, or intimidate another on the basis of gender, race, color, religion, ethnicity, national origin, sexual orientation, gender identity or expression, age, or disability.

A determination as to whether harassment occurred depends on the totality of the circumstances, including 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 or severity 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. A “hostile environment” is created when the offensive behavior reaches a level of severity or pervasiveness such that it interferes with an individual’s ability to participate in the university’s programs (i.e., to work and to learn) when judged against a reasonable person standard. However, Colgate encourages individuals experiencing or witnessing offensive behavior to make a report as early as possible so as to have the situation corrected before it reaches the level of a hostile environment. Individuals with a concern need not worry about whether the behavior is sufficiently serious to constitute a hostile environment. The university reserves the right to remedy harassment pursuant to this policy even if the behavior in question does not rise to the level of legally recognized or actionable discrimination or harassment.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this policy. The determination as to whether this policy has been violated takes into account the totality of the circumstances. Colgate 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 or severity 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 community.

In all instances, a key factor is whether the complained-of behavior occurred because of one of the protected characteristics listed here. If it did not, the behavior is not regulated by this policy.

Colgate also prohibits “quid pro quo” sexual harassment, which means “this for that” harassment. It is a violation of this policy for any person to condition any benefit (such as a grade in a class, a research opportunity, a promotion, etc.) on submission to sexual activity. No person should believe that any other person -- no matter their position of authority -- has a right to require sexual activity in exchange for any benefit or advantage; they do not.

Faculty and administrators need to be especially sensitive to the power/authority relation in their interactions with students. Amorous relations between faculty and students, between administrators and students, or between coaches and students, contradict both professional ethics and this policy and are prohibited by Colgate.

### C. Sex Offenses

Sexual activity or contact must be based on mutual and affirmative consent to the specific activity or contact.

Affirmative consent is 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. Whenever the word "consent" is used in this policy, it should be understood to mean affirmative consent as defined here.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to take reasonable steps to ensure that the other has consented before engaging in the activity.

A person cannot consent if that individual is incapacitated. Incapacitation is defined as a state where someone lacks the ability to knowingly choose to participate in a specific activity. Incapacity may be caused by the lack of consciousness, sleep, involuntary restraint, or other factors that prevent voluntary choice. 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. 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. Consent is required regardless of whether the initiator is under the influence of alcohol or other drugs. It is not an excuse that the person initiating the sexual activity was intoxicated or incapacitated due to alcohol or other drugs and, therefore, did not realize the incapacity of the other.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. Further, past consent to engage in sexual activity with any person cannot be presumed to be consent to sexual activity in the future with the same or a different person.

The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. A person can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer want the act to continue. When consent is withdrawn or can no longer be given, the other person must stop immediately.

Consent cannot be given as result of coercion, intimidation, force, or threat of harm. In New York State, a minor (meaning a person under the age of 17 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 17 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.

Sex offenses occur between members of the same sex and the opposite sex. In all cases, the issue is not the gender or sexual preference of the individuals involved but rather the activity and whether the parties to the activity affirmatively consented to engage in it.

- i. Sexual Assault. Consistent with federal law, Colgate defines sexual assault as including:
  - a. Non-Consensual Sexual Intercourse. Sexual assault of this type includes 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, forcibly or without affirmative consent or where the victim is incapable of affirmative consent due to mental or physical incapacity. This type of sexual assault also includes non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.
  - b. Non-Consensual Sexual Contact. This form of sexual assault includes any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person without affirmative consent. This may include non-penetrative acts,

touching directly or with an object, and/or touching the private body parts of another over clothing. This may also include forcing or causing another without affirmative consent to touch one's own private body parts.

- ii. **Sexual Exploitation:** When one takes non-consensual sexual advantage of another. Examples of sexual exploitation include but are not limited to observing or recording others engaged in sexual or private activity (such as undressing or showering) without the consent of all involved; or taking intimate pictures of another but then distributing the pictures to others without the photographed person's consent or in a way that exceeds the bounds of consent; or exposing one's genitals in non-consensual circumstances; or engaging in sexual activity with another while knowingly infected with a sexually transmitted disease (STD) without informing the other person of such infection.

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**New York State only defines Lack of Consent** involving sex offenses in New York State Penal Law section 130.05 as:

*Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim. Lack of consent results from:*

- *Forcible compulsion; or*
- *Incapacity to consent; or*
- *Where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor's conduct.*

*Where the offense charged is rape in the third degree as defined in the New York State Penal Law, subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.*

*A person is deemed incapable of consent when he or she is:*

- *less than seventeen years old;*
- *or mentally disabled; or*
- *mentally incapacitated; or*
- *physically helpless; or*
- *committed to the care and custody or supervision of the state department of corrections and community supervision or a hospital, as such term is defined in subdivision two of section four hundred of the correction law, and the actor is an employee who knows or reasonably should know that such person is committed to the care and custody or supervision of such department or hospital. For purposes of this paragraph, "employee" means (i) an employee of the state department of corrections and community supervision who, as part of his or her employment, performs duties: (A) in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to inmates; or (B) of supervising persons released on community supervision and supervises the victim at the time of the offense or has supervised the victim and the victim is still under community supervision at the time of the offense; or (ii) an employee of the office of mental health who, as part of his or her employment, performs duties in a state correctional facility or hospital, as such term is defined in subdivision two of section four hundred of the correction law in which the inmate is confined at the time of the offense, consisting of providing custody, medical or mental health services, or direct supervision to such inmates; or (iii) a person, including a volunteer, providing direct services to inmates in a state correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the state department of corrections and community supervision or, in the case of a volunteer, a written agreement with such department, provided that the person received written notice concerning the provisions of this paragraph; or*
- *committed to the care and custody of a local correctional facility, as such term is defined in subdivision two of section forty of the correction law, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such facility. For purposes of this paragraph, "employee" means an employee of the local correctional facility where the person is committed who performs professional duties consisting of providing custody, medical or mental health services, counseling services, educational services, or vocational training for inmates. For purposes of this paragraph, "employee" shall also mean a person, including a volunteer or a government employee of the state department of corrections and community supervision or a local health, education or probation agency, providing direct services to inmates in the local correctional facility in which the victim is confined at the time of the offense pursuant to a contractual arrangement with the local correctional department or, in the case of such a volunteer or government employee, a written agreement with such department, provided that such person received written notice concerning the provisions of this paragraph; or*
- *committed to or placed with the office of children and family services and in residential care, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to or placed with such office of children*

and family services and in residential care. For purposes of this paragraph, "employee" means an employee of the office of children and family services or of a residential facility in which such person is committed to or placed at the time of the offense who, as part of his or her employment, performs duties consisting of providing custody, medical or mental health services, counseling services, educational services, vocational training, or direct supervision to persons committed to or placed in a residential facility operated by the office of children and family services; or

- a client or patient and the actor is a health care provider or mental health care provider charged with rape in the third degree as defined in the New York State Penal Law, section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in the New York State Penal Law, section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or a resident or inpatient of a residential facility operated, licensed or certified by (i) the office of mental health; (ii) the office for people with developmental disabilities; or (iii) the office of alcoholism and substance abuse services, and the actor is an employee of the facility not married to such resident or inpatient. For purposes of this paragraph, "employee" means either: an employee of the agency operating the residential facility, who knows or reasonably should know that such person is a resident or inpatient of such facility and who provides direct care services, case management services, medical or other clinical services, rehabilitative services or direct supervision of the residents in the facility in which the resident resides; or an officer or other employee, consultant, contractor or volunteer of the residential facility, who knows or reasonably should know that the person is a resident of such facility and who is in direct contact with residents or inpatients; provided, however, that the provisions of this paragraph shall only apply to a consultant, contractor or volunteer providing services pursuant to a contractual arrangement with the agency operating the residential facility or, in the case of a volunteer, a written agreement with such facility, provided that the person received written notice concerning the provisions of this paragraph; provided further, however, "employee" shall not include a person with a developmental disability who is or was receiving services and is also an employee of a service provider and who has sexual contact with another service recipient who is a consenting adult who has consented to such contact.

#### **New York State Crime Definitions:**

**SEXUAL MISCONDUCT:** When a person (1) engages in sexual intercourse with another person without such person's consent; or (2) engages in oral sexual conduct or anal sexual conduct without such person's consent; or (3) engages in sexual conduct with an animal or a dead human body.

**RAPE IN THE THIRD DEGREE:** When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

**RAPE IN THE SECOND DEGREE:** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the act.

**RAPE IN THE FIRST DEGREE:** When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**CRIMINAL SEXUAL ACT IN THE THIRD DEGREE:** When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old; (3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

**CRIMINAL SEXUAL ACT IN THE SECOND DEGREE:** When a person engages in oral or anal sexual conduct with another person (1) and is 18 years or more and the other person is less than 15 years old; or (2) who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense that the defendant was less than four years older than the victim at the time of the act.

**CRIMINAL SEXUAL ACT IN THE FIRST DEGREE:** When a person engages in oral or anal sexual conduct with another person (1) by forcible compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

**FORCIBLE TOUCHING:** When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire or subjects another person to sexual contact for the purpose of gratifying the actor's sexual desire and with intent to degrade or abuse such other person while such other person is a passenger on a bus, train, or subway car operated by any transit agency, authority or company, public or private, whose operation is authorized by New York state or any of its political subdivisions. For the purposes of this section, forcible touching



*includes squeezing, grabbing or pinching. It includes squeezing, grabbing, or pinching.*

**PERSISTENT SEXUAL ABUSE:** *When a person commits a crime of forcible touching, or second or third degree sexual abuse within the previous ten year period, has been convicted two or more times, in separate criminal transactions for which a sentence was imposed on separate occasions of one of the above mentioned crimes or any offense defined in this article, of which the commission or attempted commissions thereof is a felony.*

**SEXUAL ABUSE IN THE THIRD DEGREE:** *When a person subjects another person to sexual contact without the latter's consent. For any prosecution under this section, it is an affirmative defense that (1) such other person's lack of consent was due solely to incapacity to consent by reason of being less than 17 years old; and (2) such other person was more than 14 years old and (3) the defendant was less than five years older than such other person.*

**SEXUAL ABUSE IN THE SECOND DEGREE:** *When a person subjects another person to sexual contact and when such other person is incapable of consent by reason of some factor other than being less than 17 years old; or less than 14 years old.*

**SEXUAL ABUSE IN THE FIRST DEGREE:** *When a person subjects another person to sexual contact (1) by forcible compulsion or; (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old; or (4) when the other person is less than 13 years old and the actor is 21 years old or older.*

**AGGRAVATED SEXUAL ABUSE:** *For the purposes of this section, conduct performed for a valid medical purpose does not violate the provisions of this section.*

**AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE:** *When a person inserts a (1) foreign object in the vagina, urethra, penis or rectum of another person and the other person is incapable of consent by reason of some factor other than being less than 17 years old; or (2) finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person and such person is incapable of consent by reason of some factor other than being less than 17 years old.*

**AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE:** *When a person inserts a foreign object in the vagina, urethra, penis, rectum or anus of another person (1)(a) by forcible compulsion; (b) when the other person is incapable of consent by reason of being physically helpless; or (c) when the other person is less than 11 years old; or (2) causing physical injury to such person and such person is incapable of consent by reason of being mentally disabled or mentally incapacitated.*

**AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE:** *When a person inserts a finger in the vagina, urethra, penis, rectum or anus of another person causing physical injury to such person by (1) forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than 11 years old.*

**AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE:** *When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old.*

**COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE SECOND DEGREE:**

*When over a period of time, not less than three months, a person: (1) Engages in two or more acts of sexual conduct with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.*

**COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE:**

*When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct or aggravated sexual contact, with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charged offense occurred outside the time period charged under this section.*

**FACILITATING A SEX OFFENSE WITH A CONTROLLED SUBSTANCE:** *A person is guilty of facilitating a sex offense with a controlled substance when he or she: (1) knowingly and unlawfully possesses a controlled substance or any preparation, compound, mixture or substance that requires a prescription to obtain and administers such substance or preparation, compound, mixture or substance that requires a prescription to obtain to another person without such person's consent and with intent to commit against such person conduct constituting a felony defined in this article; and (2) commits or attempts to commit such conduct constituting a felony defined in this article.*

**SEXUALLY MOTIVATED FELONY:** *A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.*

A “specified offense” is a felony offense defined by any of the following provisions of this chapter: assault in the second degree as defined in section 120.05, assault in the first degree as defined in section 120.10, gang assault in the second degree as defined in section 120.06, gang assault in the first degree as defined in section 120.07, stalking in the first degree as defined in section 120.60, strangulation in the second degree as defined in section 121.12, strangulation in the first degree as defined in section 121.13, manslaughter in the second degree as defined in subdivision one of section 125.15, manslaughter in the first degree as defined in section 125.20, murder in the second degree as defined in section 125.25, aggravated murder as defined in section 125.26, murder in the first degree as defined in section 125.27, kidnapping in the second degree as defined in section 135.20, kidnapping in the first degree as defined in section 135.25, burglary in the third degree as defined in section 140.20, burglary in the second degree as defined in section 140.25, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, arson in the first degree as defined in section 150.20, robbery in the third degree as defined in section 160.05, robbery in the second degree as defined in section 160.10, robbery in the first degree as defined in section 160.15, promoting prostitution in the second degree as defined in section 230.30, promoting prostitution in the first degree as defined in section 230.32, compelling prostitution as defined in section 230.33, disseminating indecent material to minors in the first degree as defined in section 235.22, use of a child in a sexual performance as defined in section 263.05, promoting an obscene sexual performance by a child as defined in section 263.10, promoting a sexual performance by a child as defined in section 263.15, or any felony attempt or conspiracy to commit any of the foregoing offenses.

**PREDATORY SEXUAL ASSAULT:** A person is guilty of predatory sexual assault when he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and when in the course of the commission of the crime or the immediate flight therefrom, he or she:

- (a) Causes serious physical injury to the victim of such crime; or (b) Uses or threatens the immediate use of a dangerous instrument; or
2. He or she has engaged in conduct constituting the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or 3. He or she has previously been subjected to a conviction for a felony defined in this article, incest as defined in section 255.25 of this chapter or use of a child in a sexual performance as defined in section 263.05 of this chapter.

**PREDATORY SEXUAL ASSAULT AGAINST A CHILD:** A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.

**INCEST IN THE THIRD DEGREE:** A person is guilty of incest in the third degree when he or she marries or engages in sexual intercourse, oral sexual conduct or anal sexual conduct with a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

**INCEST IN THE SECOND DEGREE:** A person is guilty of incest in the second degree when he or she commits the crime of rape in the second degree, or criminal sexual act in the second degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

**INCEST IN THE FIRST DEGREE:** A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

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iii. Dating Violence\*

Dating violence refers to violent behavior (including, but not limited to, sexual or physical abuse or the threat of such abuse) that is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. This can include behavior such as coercion, isolation or other forms of emotional, verbal or economic abuse if it reflects a threat of sexual or physical abuse as described above.

\*New York State Law includes incidents of dating violence within its domestic violence laws. They are not categorized separately under New York State Law.

iv. Domestic Violence

Domestic violence refers to violent behavior (including, but not limited to, sexual or physical abuse or the threat of such abuse) between spouses, former spouses or intimate partners, cohabitating romantic partners or individuals who were formerly cohabitating romantic

partners, individuals who share a child in common, 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 act of violence occurs.

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**Domestic Violence** is defined in New York State Social Services Law as:

1. "Victim of domestic violence" means any person over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation; and (i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and (ii) such act or acts are or are alleged to have been committed by a family or household member.

2. "Family or household members" mean the following individuals:

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

3. "Parent" means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

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v. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress. Stalking behavior may include but is not limited to repeated, intentional following, observing or lying in wait for another; or using "spyware" or other electronic means to gain impermissible access to a person's private information; repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual's relatives, friends, or pets; damaging or threatening to damage the property of the targeted individual.

Acts of sexual harassment, sex offenses, dating violence, domestic violence and stalking may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. The issue in any case is not the gender or gender identity of the persons involved but the acts.

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**Stalking** is defined in the New York State Penal Law as:

**Stalking in the fourth degree**

A person is guilty of stalking in the fourth degree when he or she intentionally, and for no legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct:

- is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such

- *person's immediate family or a third party with whom such person is acquainted; or*
- *causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or*
- *is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of employment or business, and the actor was previously clearly informed to cease that conduct. Stalking in the fourth degree is a class B misdemeanor.*

### ***Stalking in the third degree***

*A person is guilty of stalking in the third degree when he or she:*

- *commits the crime of stalking in the fourth degree in violation of the New York State Penal Law, section 120.45 of this article against three or more persons, in three or more separate transactions, for which the actor has not been previously convicted; or*
- *commits the crime of stalking in the fourth degree in violation of the New York State Penal Law, section 120.45 of this article against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime, as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or*
- *with intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person's immediate family; or*
- *commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree. Stalking in the third degree is a class A misdemeanor.*

### ***Stalking in the second degree***

*A person is guilty of stalking in the second degree when he or she:*

- *commits the crime of stalking in the third degree as defined in the New York State Penal Law, subdivision three of section 120.50 of this article and in the course of and in furtherance of the commission of such offense: (i) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, shotgun, machine gun, electronic dart gun, electronic stun gun, cane sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, "Kung Fu Star", dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapon; or (ii) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or*
- *commits the crime of stalking in the third degree in the New York State Penal Law, violation of subdivision three of section 120.50 of this article against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime as defined in subdivision five of section 120.40 of this article, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or*
- *commits the crime of stalking in the fourth degree and has previously been convicted of stalking in the third degree as defined in the New York State Penal Law, subdivision four of section 120.50 of this article against any person; or*
- *being twenty-one years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or*
- *commits the crime of stalking in the third degree, as defined in the New York State Penal Law, subdivision three of section 120.50 of this article, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted. Stalking in the second degree is a class E felony.*

### ***Stalking in the first degree***

*A person is guilty of stalking in the first degree when he or she commits the crime of stalking in the third degree as defined in the New York State Penal Law, subdivision three of section 120.50 or stalking in the second degree as defined in section 120.55 of this article and, in the course and furtherance thereof, he or she:*

- *intentionally or recklessly causes physical injury to the victim of such crime; or*
  - *commits a class A misdemeanor defined in the New York State Penal Law, article one hundred thirty or a class E felony defined in the New York State Penal Law, section 130.25, 130.40 or 130.85, or a class D felony defined in section 130.30 or 130.45 of the New York State Penal Law,. Stalking in the first degree is a class D felony.*
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*The following information on Education and Prevention Programs is not part of the official Equity Grievance Policy but is provided here in relation to the above definitions.*

Education and Prevention Programs

Colgate University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns that are intended to end dating violence, domestic violence, sexual assault and stalking, and that:

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

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

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines, using definitions provided both by the United States Department of Education as well as state law, what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity in the State of New York and/or using the definition of consent found in the University Equity Grievance policy if state law does not define consent;
- d. Provides a description of options for bystander intervention. Bystander intervention means safe and positive actions that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; and participating in and presenting information and materials during new employee orientation.

The University offered the following primary prevention and awareness programs for all incoming students in 2016:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Mandatory First-Year Student Orientation Program on Equity Grievance policy and process.	August 2016	Colgate Chapel	DoV, DaV, SA & S*
Mandatory online primary prevention and awareness training for all incoming students	August 2016	Online program	DoV, DaV, SA & S*

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking

The University offered the following primary prevention and awareness programs for all new employees in 2016:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
New Faculty Orientation Program on Equity Grievance policy and process	August 2016	Case Geyer 560 – Title IX Coordinator and Director for EEO/AA	Sexual harassment, DoV, DaV, SA & S*
Equity Grievance Policy Training for Foreign Language Interns and Program Assistants	September 2016	305 Lawrence Hall	Sexual harassment, DoV, DaV, SA & S*
New Hire Orientation Program (staff) on Equity Grievance Policy and reporting obligations	April and October 2016	Case Geyer 560—Title IX Coordinator and Director for EEO/AA	Sexual harassment, DoV, DaV, SA, & S*
New staff training: Sexual Harassment, Title IX/sexual misconduct	All year (required at time of hire)	Online training (Human Resources)	Sexual harassment, DoV, DaV, SA, & S*
New Residential Life Assistant Directors	July 2016	202 Lathrop Hall—Title IX Coordinator and Dean for Conduct	Sexual harassment, DoV, DaV, SA, & S*

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

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Responding to Sexual Assault/ Title IX training for Community Leaders	January 2016	ALANA Cultural Center—Title IX Coordinator and Dean for Conduct	Sexual harassment, DoV, DaV, SA, & S*
Harassment and Sexual Assault Training for Community Leaders and Student Links to First- Year Seminars	August 2016	Persson Auditorium –Title IX Coordinator, Dean for Conduct, and Counseling Center Staff	Sexual harassment, DoV, DaV, SA & S*
EGP/Title IX training for Admission Tour Guides and Senior Fellows	August 2016	207 Lathrop—Title IX Coordinator	Sexual harassment, DoV, DaV, SA& S*

Mandatory Sexual Assault Prevention Training for all student athletes	August-September 2016	Various locations—Title IX Coordinator, Assistant Athletic Director of Compliance, Director of Recreation	Sexual harassment, DoV, DaV, SA& S*
Mandatory Online Sexual Assault Prevention Training for all Student Leaders	September-October 2016	Various locations—Title IX Coordinator, Counseling Center Staff	Sexual harassment, DoV, DaV, SA & S*
Yes Means Yes (YMY, positive sexuality)	2016	Various locations—YMY leaders	Yes Means Yes is a six-week positive sexuality seminar led by student and faculty/staff facilitators. Created by a student in 2009, Yes Means Yes gives students the unique opportunity to gather with people from across campus to engage in honest discussion. The seminar covers topics of positive sexuality in an attempt to destigmatize and encourage conversation about sex, pleasure, a healthy sexual climate on campus, combating sexual violence, the way different identities interact with sex and sexuality, and more.
This Is Not a Play About Sex	October 2016	Brehmer Theater	A play by Christina Liu '13 includes frank discussion about sexuality, and has been performed on campus multiple times over the years.
Posters throughout the school year raised awareness regarding the definition of consent, the EGP policy, and Title IX resources.	2016	Throughout Campus	DoV, DaV, SA& S*

The University offered the following primary prevention and awareness programs for employees in 2016:

<u>Name of Program</u>	<u>Date Held</u>	<u>Location Held</u>	<u>Which Prohibited Behavior Covered?</u>
Equity Grievance Panel Member training: Understanding the Impact of Trauma	February 2016	207 Lathrop Hall—Title IX Coordinator	DoV, DaV, SA& S*
Equity Grievance Panel Member training: Intersecting Identities	February 2016	207 Lathrop Hall—Title IX Coordinator	Sexual Harassment DoV, DaV, SA & S*.
Equity Grievance Panel Member training: One Love Escalation Workshop	March 2016	207 Lathrop Hall—Title IX Coordinator and One Love Trainer	DoV, DaV.
Equity Grievance Panel Member training: Case Study—Interpersonal Violence	April 2016	207 Lathrop Hall—Title IX Coordinator	DoV, DaV
Off-Campus Study Group Directors training on Sexual Assault Response	May 2016	101A McGregory Hall—Title IX Coordinator	Sexual Harassment DoV, DaV, SA & S*.
Dean on Call training on Sexual Assault Response	June 2016	101A McGregory Hall—Title IX Coordinator	Sexual Harassment DoV, DaV, SA & S*.
Admission Officers Training on EGP/Title IX	August 2016	560 Case Geyer—Title IX Coordinator	Sexual Harassment DoV, DaV, SA & S*.
Annual Mandatory Training for all EGP members (faculty and staff)	August & September 2016	107 McGregory Hall and 408 and 102 Lathrop Hall—Title IX Coordinator	Sexual Harassment DoV, DaV, SA & S*.
Equity Grievance Panel Member training: Appellate training and Case Study	October 2016	207 Lathrop Hall—Title IX Coordinator	Sexual Harassment DoV, DaV, SA & S*.
Equity Grievance Panel Member training: Alcohol and Incapacitation	November 2016	207 Lathrop Hall—Title IX Coordinator and Assistant Director for Alcohol and Other Drug Services	Sexual Harassment DoV, DaV, SA & S*.

In addition to the programs listed above, the Sexual Violence Resources, Support and Education website: <http://www.colgate.edu/sexual-violence-support-resources> was available. This website provided links to the policy/process, EGP member list, and a link for faculty and staff on how to support a student who shares a concern of sexual violence. This was passive education available to all employees, as well as students, and the website was listed on poster included in the poster campaign across campus. Advertising space was purchased in the student newspaper, providing information on our EGP policy and process and EGP member list.



#### D. Hate Crimes

For the purpose of this policy, a “hate crime” is defined as violence to a person or damage to property (or a threat to do so) or any other criminal act that is motivated entirely or partly by hostility toward or intolerance of another’s race, color, religion, creed, ethnicity, ancestry, national origin, sexual orientation, gender identity or expression, marital status, military or veteran status, age, disability, or any other personal characteristic protected by law.

The following example demonstrates the difference between a crime and a hate crime. A student who selects a car at random in a campus parking lot and smashes the windshield has committed criminal mischief. A student who is biased against Muslims and smashes a windshield because they know that the car belongs to a Muslim student has likewise committed criminal mischief. However, this second incident is also a hate crime because the student was motivated by anti-Muslim bias.

Federal and state laws prohibit hate crimes, and hate crimes often result in enhanced criminal penalties. Students who commit hate crimes are subject to criminal prosecution in addition to discipline pursuant to this policy. The criminal process is separate and distinct from this policy. The fact that a criminal complaint has been filed, prosecuted, or dismissed will not prevent Colgate from pursuing disciplinary action.

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***HATE CRIME*** is defined in the New York State Penal Law as: *A person commits a hate crime when he or she commits a specified offense and either:*

*(a) intentionally selects the person against whom the offense is committed or intended to be committed in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct, or*

*(b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct.*

2. *Proof of race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of the defendant, the victim or of both the defendant and the victim does not, by itself, constitute legally sufficient evidence satisfying the people’s burden under paragraph (a) or (b) of subdivision one of this section.*

3. *A “specified offense” is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 (rape in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); or any attempt or conspiracy to commit any of the foregoing offenses.*

4. *For purposes of this section:*

(a) the term “age” means sixty years old or more;

(b) the term “disability” means a physical or mental impairment that substantially limits a major life activity.

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#### IV. Amnesty

The health and safety of every student at Colgate is of utmost importance. Colgate 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. Colgate strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution 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 Colgate’s officials or law enforcement will not be subject to Colgate’s code of conduct action (including but not limited to action under this policy) 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.

#### V. Responding to Incidents

Any person who has been subjected to a violation of this policy is encouraged to understand their options and to seek out the support they need.

##### A. Confidential Support Resources

Victims are encouraged to seek support for their emotional and physical needs. A person seeking confidential emotional or healthcare may contact the following resources.

##### Students may contact:

- The Counseling Center, Conant House, 315-228-7385 or for an after-hours emergency, call Campus Safety at 315-228-7333 and ask to speak with the counselor on-call.
- Office of the Chaplains, garden level of the Memorial Chapel, 315-228-7682.
- Student Health Services, 150 Broad Street, 315-228-7750.
- Victims of Violence, 24-hour hotline 315-366-5000.

##### Employees may contact:

- Employee Assistance Program, 315-451-2161.
- Victims of Violence, 24-hour hotline 315-366-5000.

A report to a Confidential Resource listed above is not a report to the university and will not result in remedial action or an investigation or disciplinary action. Information shared with the university’s Counseling Center, Student Health Center, and the university’s chaplains will not be shared with the Title IX Coordinator or the EGP Panel, unless the reporting individual requests this. Confidential Resources are there to support emotional, physical and spiritual needs only; any person who desires for the university to take investigatory/disciplinary action must make a report to one of the Responsible Administrators, listed below.

##### B. Responsible Administrators

The following offices and individuals have been trained to receive and respond to allegations of violations of this policy:

- Marilyn “Lyn” Rugg,  
Associate Provost for Equity & Diversity and Title IX Coordinator  
Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7288

[mrugg@colgate.edu](mailto:mrugg@colgate.edu)

- Tamala Flack, Director for EEO/AA  
Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7014  
[tflack@colgate.edu](mailto:tflack@colgate.edu)
  
- Any Equity Grievance Panel member (list of members can be found [here](#))
  
- If a report is made to anyone other than the Responsible Administrators listed above, the complainant risks the possibility that the information will not come to the attention of the proper University officials and may, therefore, not be acted upon.
  - i. What happens after contacting a Responsible Administrator. A Responsible Administrator will discuss with the reporting individual available avenues and options. A reporting individual may be able to take advantage of multiple options simultaneously. Options include contacting local law enforcement (if the incident involves a crime) and/or a disciplinary proceeding against the accused and/or mediation, in appropriate circumstances. (See [Equity Grievance Process](#)). In situations where the reporting individual's well-being requires, other options may include interim changes in class assignments, residence hall assignments, transportation arrangements, or work assignments to assist the reporting individual in not having to interact with the accused, or other measures to enhance the reporting individual's safety, such as escorts or increased monitoring of an area. (See below Section iv. for a fuller explanation of possible interim actions.) The university will review the facts and circumstances of each case, as well the reporting individual's wishes, in deciding whether and what steps are reasonable and appropriate.
  
  - ii. How information is shared within the university. A Responsible Administrator is *not* a confidential resource. However, even Colgate offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX coordinator to investigate and/or seek a resolution and subject to other legal requirements. This is described further below.
  
  - iii. How decisions about taking action are handled. A report to a Responsible Administrator often does, but need not necessarily, lead to an investigation or disciplinary action. The decision about what action(s) to take depends on many factors, including the reporting individual's wishes, particularly in cases of sexual misconduct. A reporting individual may make a report to a Responsible Administrator and request that the university take no investigatory or disciplinary action. The university endeavors to comply with reporting individuals' wishes with respect to whether responsive action is taken. However, that is not always possible, as the university must weigh the reporting individual's wishes against its obligation to provide a safe, non-discriminatory environment for all members of its community and meet other legal obligations.

If a reporting individual requests that no action be taken against the accused (i.e., no investigation or disciplinary action), the Responsible Administrator will consult with the Title IX Coordinator and/or the Director for EE/AA (for cases involving staff), and the appropriate EGP co-chair(s). The university's decision as to responsive action will depend on the seriousness of the offense, whether the accused has a history of violent behavior or is a repeat offender, whether the incident represents escalation in unlawful conduct from previously noted behavior, the risk that the accused will commit additional acts of violence, whether there was a single perpetrator or multiple, whether the accused used a weapon or force, whether the reporting individual is a minor, whether available information reveals a pattern of perpetration at a given location or by a particular group or organization, whether the circumstances otherwise suggest an ongoing or future risk to the campus community or the reporting individual, and similar considerations. A decision will be made and shared with the reporting individual. Ultimately, the university retains the right to act upon any information that comes to its attention.

Similarly, a reporting individual may desire that the university take other investigatory or disciplinary action, or both, but may wish to have their identity as the reporting individual kept confidential. Depending on the circumstances, this may or may not be possible. If any number of people could have reported the incident or if there are other means to obtain evidence (such as security footage), it may be possible for the reporting individual's identity to remain confidential and not shared with the responding individual.<sup>1</sup> However, in other cases, it may not be possible to proceed with investigatory or disciplinary action without revealing the identity of the reporting individual. If a reporting individual requests that their name be kept confidential (or if the reporting individual makes an anonymous complaint), the university's ability to respond to, and ultimately resolve, the complaint may be limited. The appropriate administrators will discuss the situation and the reporting individual's request for confidentiality, and a decision will be made and shared with the reporting individual. Ultimately, the university retains the right to act upon any information that comes to its attention in what it believes is the institution's best interests.

In its annual report of campus crime statistics, the university must also report statistics concerning the occurrence on campus of certain crimes, including certain sex offenses. This statistical report does *not* include any personally identifiable information concerning the victim or the accused. Similarly, if Colgate issues a timely warning pursuant to the Clery Act to warn the campus community about a perceived immediate threat, the warning issued will *not* include any personally identifying information concerning a victim.

Records concerning reports, investigations and disciplinary proceedings pursuant to this policy will be kept in private, secure files and only individuals with a legitimate right to know will be permitted access.

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<sup>1</sup> When used in this process, the term "responding individual" includes an organization alleged to have committed violations that are subject to this process.

- iv. Interim actions may be available. Interim actions may be taken by the university to immediately respond to a situation while an investigation or disciplinary action is pending or ongoing. Interim actions may include but are not limited to:
  1. Offering adjustments to academic deadlines and course schedules for students;
  2. Altering work arrangements for employees;
  3. Referral to counseling and health services or to the Employee Assistance Program;
  4. Providing campus escorts;
  5. Altering the housing situation of one or more of the involved students;
  6. Implementing no-contact orders directing the accused or responding individual to have no contact with the reporting individual;
  7. Imposing temporary suspensions from housing or the entire campus, pending the outcome of a disciplinary proceeding.

There is no time limit for making a report. However, the passage of time may make effective responsive action difficult. Further, if the responding individual is no longer a member of the university community, the university's ability to respond may be limited. Individuals with a concern are encouraged to make a report promptly.

*Please refer to the Equity Grievance Process for detailed information about Colgate's investigatory and disciplinary action. You may also contact the Title IX Coordinator, the Director for EEO/AA, or an EGP Panel member to discuss how the EGP Policy and Equity Grievance Process work. You need not disclose information about a specific incident in order to obtain general information about Colgate's policies and procedures.*

### C. Law Enforcement

*Any person may call 911 or Campus Safety (315-228-7911) for immediate safety assistance. If you or someone else needs help, call for immediate assistance. Campus Safety can also assist the individual in making a report of a crime to local law enforcement and/or contacting a Responsible Administrator to initiate the university's internal response mechanisms.*

A victim of a crime is encouraged to, but is not required to, report the incident to local law enforcement and pursue criminal charges. The criminal process and the university's disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint or university complaint or both. The fact that there is a criminal complaint filed will not prevent the university from taking its own internal investigatory and disciplinary action. However, in some cases, the university may delay temporarily the initiation of its internal processes while a law enforcement investigation is ongoing. Such delays will not last more than ten calendar days except when law enforcement authorities specifically request and justify a longer delay.

In criminal cases, the preservation of evidence is critical and must be done properly and promptly. For example, in cases of rape or other forms of sexual assault, it is important not to shower, change clothes and even brush your hair, as physical evidence may be lost. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs. Campus Safety or the Hamilton Police Department (315-824-3311, or 911 in an emergency) can assist in filing a criminal complaint and in securing appropriate physical examination, including by a Sexual Assault Nurse Examiner.

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by another person. Colgate will reasonably assist such individuals in obtaining available legal protections, provide a copy of any order of protection or similar document it receives to the parties affected by it, explain the order of protection or similar document and the consequences for violating it, call upon and assist local law enforcement in effecting an arrest for violation of the order of protection or similar document, and abide by all legally issued orders of protection or similar documents, including denying the restricted person access to Colgate's property, if necessary.

#### D. Public Awareness/Advocacy Events

If a member of the Colgate community discloses actions believed to constitute a violation of this policy through a public awareness event such as a candlelight vigil, a protest, a student organization or other event or forum, or other public event, Colgate is not obligated to begin an investigation. Colgate may, however, use the information to inform the need for additional education and prevention efforts.

### VI. Retaliation

Retaliation is defined as any adverse action taken against a person for participating in a protected activity. Retaliation against an individual for reporting a complaint or concern about a violation or suspected violation of this policy, supporting a reporting individual, or for assisting in providing information in the context of an investigation or disciplinary proceeding pursuant to this policy is a serious violation of Colgate's policy and will be subject to discipline pursuant to this policy and the EGP Process. Acts of alleged retaliation should be reported immediately to the associate provost for equity and diversity or to a member of the Equity Grievance Panel and will be promptly investigated. Colgate is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

### VII. Disability Accommodations

Colgate University is committed to full compliance with the Americans With Disabilities Act (ADA) and its amendments, Section 504 of the Rehabilitation Act of 1973, and the New York State Human Rights Law, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities.

The director for EEO/AA has been designated as the ADA Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any employee complaint alleging noncompliance. The Equity Grievance Process covers claims of disability-related harassment and discrimination. Disability accommodation requests are handled separately from the Equity Grievance process.

Procedures for requesting accommodations are described elsewhere in the Faculty, Staff, and Student Handbooks. Employee requests for disability-related accommodations should be made to the employee's supervisor and/or the director for EEO/AA. Student requests for accommodations should be directed to the director of academic support and disability services.

## VIII. Role of Academic Freedom

Colgate is a vibrant academic environment that encourages discussion of competing ideas both inside and outside the classroom and in both formal and informal settings. Consistent with the university's policy on academic freedom (Section III.B of the *Faculty Handbook*), Colgate's harassment policy is not meant to inhibit or prohibit germane educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters. Ideas offered in the course of respectful, responsible teaching, learning, working and academic debate are not violations of this policy.

## IX. Conflict of Interest

In the event that any person assigned a role pursuant to this policy is aware of any relationship, fact, circumstance or occurrence that he or she reasonably believes creates or constitutes a conflict of interest that would render him or her incapable of performing the role in an impartial manner, that person shall identify the conflict of interest to the associate provost for equity and diversity at the earliest practicable time. Similarly, any reporting individual or responding individual who objects to the participation of any person assigned a role pursuant to this policy based upon such a conflict of interest shall identify the conflict of interest to the associate provost for equity and diversity at the earliest practicable time. Any objection to the participation of any person based on a claimed conflict of interest that is not timely identified in accordance with this paragraph shall be deemed waived for all purposes.

## X. Designation of Authority

Any person assigned a role pursuant to this policy may designate their authority, or the associate provost for equity and diversity may require reassignment of such authority, to another appropriate person to avoid conflicts of interest or in other circumstances, as deemed necessary.

## XI. Policy Enforcement

The person responsible for the implementation of this policy internally is:

Marilyn "Lyn" Rugg, Ph.D.  
Associate Provost for Equity and Diversity & Title IX Coordinator  
The Office of Equity and Diversity  
102 Lathrop Hall Colgate University 13 Oak Drive  
Hamilton, NY 13346  
315-228-6161

Inquiries and complaints may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-1100  
Customer Service Hotline #: 800-421-3481 Facsimile: 202-453-6012 TDD#: 877-521-2172  
E-mail: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

## C. Equity Grievance Process for Resolving Complaints of Harassment and Discrimination

This procedure is accessible online at: <http://www.colgate.edu/egprocess>

### I. Introduction

This policy provides procedures for the investigation and adjudication of violations of the Equity Grievance Policy. Complaints of discrimination, harassment, sexual harassment, sexual exploitation, sexual assault, domestic violence, dating violence, and stalking will be handled internally through the Equity Grievance Process outlined below.

## II. Equity Grievance Panel (EGP)

Members of the Equity Grievance Panel (EGP) are announced in an annual distribution to campus. The list of members and a description of the panel can be found [here](#). Members of the EGP are trained in all aspects of the grievance process:

- To provide sensitive intake and initial counseling of complaints,
- To serve in a mediation role in conflict resolution,
- To investigate complaints,
- To act as advisers to those involved in complaints,
- To serve on hearing panels for complaints, and
- To serve on appellate panels.

EGP members also recommend proactive policies, and serve in an educative role for the community. The president in consultation with the associate provost for equity and diversity appoints the panel, which reports to the associate provost for equity and diversity. In selecting panel members, the president will consider their integrity, respect from the community, and approachability by various campus populations. EGP members receive annual training organized by the associate provost for equity and diversity, including a review of Colgate policies and procedures so that they are able to provide accurate information to members of the community. All EGP members are required to attend this annual training, which includes issues related to sexual assault, dating violence, domestic violence, and stalking, the effects of trauma, impartiality and the rights of the reporting and responding individuals<sup>2</sup> (including the right to a presumption that the responding individual is “not responsible” until a finding of responsibility is made pursuant to the applicable provisions of this Equity Grievance Process), as well as how to conduct an investigation and a hearing process that protect the safety of all parties and promote accountability. All administrative advisers and on-call staff also undergo training with the panel regardless of whether they are formally appointed to the panel. Additional advanced training in investigation protocol and the appellate process is provided annually to subsets of the EGP members who serve as investigators or appellate panel members for complaints covered by the Equity Grievance Policy.

The panel includes:

- Three co-chairs: one a member of the faculty, the second an administrator, and the third the disciplinary officer who serves as co-chair for cases involving student respondents
- At least five members of the faculty, including at least four who are tenured
- At least three members of the administrative staff
- At least three members of the support/technical staffs
- At least two representatives from the Office of Campus Safety

Panel members are usually appointed to three-year terms.

Individuals who are interested in serving on the panel are encouraged to contact the associate provost for equity and diversity.

## III. Filing a Complaint

Any member of the community, guest, or visitor who believes that the Equity Grievance Policy has been violated should contact:

- A member of the EGP (list available [here](#))
- Tamala Flack, director for EEO/AA The Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7014  
[tflack@colgate.edu](mailto:tflack@colgate.edu)
- Marilyn “Lyn” Rugg,  
Associate Provost for Equity and Diversity & Title IX Coordinator  
The Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7288  
[mrugg@colgate.edu](mailto:mrugg@colgate.edu).

These individuals are considered Responsible Administrators, meaning that they have a responsibility to respond to reports of violations of the Equity Grievance Policy. It is also possible for employees to notify a supervisor, or for students to notify an administrative adviser, or any member of the community may contact Campus Safety. Any individual who reports a case of sexual assault, dating violence, domestic violence, or stalking, whether the offense occurred on or off campus, will be provided with a written explanation of their rights and options under the university's Equity Grievance Policy.

The Colgate website also includes an [online form for reporting an incident or concern](#). This form may be submitted anonymously. Although Colgate endeavors to investigate all reports, including anonymous reports, the nature of anonymous reports makes investigation, determination, and responsive action more difficult and, at times, impossible. If a name and contact information are provided, a Colgate administrator may follow up on the report. Faculty and administrators who receive firsthand, or other credible and specific reports of violations are expected to promptly contact an EGP co-chair or the associate provost for equity and diversity.

There is no formal time limitation on the bringing of a complaint, as long as the accused individual is a member of the campus community and/or remains subject to its jurisdiction (as described below), but prompt reporting is very strongly encouraged. The associate provost for equity and diversity may exercise discretion in handling complaints when substantial time has passed since an alleged incident. The university aims to complete all investigations within a 60-calendar-day time period, which can be extended as necessary for appropriate cause by the associate provost for equity and diversity.

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<sup>2</sup> When used in this process, the term "responding individual" includes an organization alleged to have committed violations that are subject to this process.

#### IV. Complaint Intake

Following receipt of notice of a violation or of a complaint, the reporting individual is promptly given the opportunity to select an EGP member or other individual of their choice to serve as their adviser throughout the EGP process, including during all meetings and hearings related to such process. The reporting individual is also provided a document delineating their rights, resources, and options for reporting, including the right to make a report to Campus Safety, to local law enforcement, to the state police, or a combination thereof, or to choose not to report, to be protected from retaliation for reporting an incident, and to receive support and resources through Colgate or other community organizations.

An initial determination is made by the associate provost for equity and diversity as to whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the complaint does not appear to allege a policy violation or if conflict resolution is agreed to by the involved parties and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation. In making a decision as to whether to proceed to investigation, the associate provost for equity and diversity also considers the wishes of the reporting individual. A full investigation will be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members.

#### V. Investigation

In cases where the associate provost for equity and diversity determines that a complaint appears to allege a policy violation, and the reporting individual wishes to pursue a formal complaint or the associate provost for equity and diversity decides that the university, based on the alleged policy violation, wishes to pursue a formal complaint, then the associate provost for equity and diversity appoints EGP member(s) who do not have a conflict of interest to conduct the investigation. The university reserves the right to consult with legal counsel throughout the complaint resolution process and, in exceptional cases, to utilize external investigators. Investigation of complaints brought directly by those alleging harm will be completed as expeditiously as possible. Investigation may take longer when (among other things) initial complaints fail to provide direct firsthand information or when the university is not in session. The university may, but shall not be obligated to, delay the institution of its processes when criminal charges on the basis of the same behaviors that invoke this process are being investigated. Such delays will not last more than ten calendar days except when law enforcement authorities specifically request and justify a longer delay. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

The responding individual will receive notice, in advance of any interview or other meeting they are required or entitled to attend, of the EGP investigation including the date, time, location and factual allegations concerning the violation, the specific policy provisions alleged to have been violated, and the possible sanctions. The responding individual will also be notified of their right to select an EGP member or other individual of their choice to serve as their adviser throughout the EGP process, including during all meetings and hearings related to such process.

During the investigation, which is an impartial fact-finding process, the reporting individual and the responding individual will have an equal opportunity to share information and request that witnesses be interviewed. In the absence of their consent, the



reporting individual and responding individual will *not* be interviewed together or be required to meet. The investigator(s) retains discretion to determine how to conduct the investigation and what information is necessary and relevant.

The university may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending.

## VI. Interim Remedies

Initial or interim remedies may be taken, in appropriate circumstances. The appropriate co-chair will determine such remedies as are necessary to protect the safety or well-being of any member(s) of the campus community. Initial or interim remedies are intended to address the immediate and ongoing effects of harassment, discrimination, sexual assault, sexual exploitation, domestic violence, dating violence, stalking, retaliation, or to prevent further harm to the alleged victim and to prevent further violations. These remedies may include referral to counseling and health services or to the Employee Assistance Program, education to the community, altering the housing situation of one or more of the involved students, altering work arrangements for employees, providing campus escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc. In circumstances where the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the accused individual or the ongoing activity of a student organization whose behavior is in question, the university may, for the interim, suspend a student, employee (with or without pay), or organization pending completion of the EGP investigation and procedures.

Both parties will, upon request, be afforded the opportunity for a prompt review of the need for interim or accommodative measures, including the potential modification of these measures. The request for review of interim or accommodative measures should be made to the associate provost for equity and diversity and may be made at any time. The parties will each be allowed to submit evidence in support of, or in opposition to, the request. The associate provost for equity and diversity will determine if the requested modifications are appropriate, and will advise the parties accordingly. This determination is not subject to further review absent changed circumstances.

## VII. Complaint Resolution

Once an investigation is completed, the investigator(s) will meet with the associate provost for equity and diversity and the appropriate EGP co-chair. Based on that meeting, the associate provost for equity and diversity will make a decision as to whether the results of the investigation warrant proceeding with the complaint process. If the associate provost for equity and diversity determines that the alleged incident is more properly handled pursuant to another university policy or procedure, the associate provost will direct the matter to the appropriate procedure or personnel.

The EGP process is not meant to serve as substitute judgment of competency or performance; the function of the EGP process is to determine whether processes and criteria used in arriving at judgments of competency or performance were consistent with the university's policies regarding harassment and nondiscrimination. In particular, the EGP process does not substitute for appeals processes specified under other university policies (such as appeals of personnel decisions or student requests for grade reviews), but going through a review or appeal under another policy does not preclude access to the EGP process for claims of discrimination or harassment.

If the associate provost for equity and diversity determines that the allegations and available information warrant a continuation of the process, then the associate provost may recommend conflict resolution, or may direct the complaint for a resolution without a hearing, or a formal hearing, based on the below criteria. If the associate provost for equity and diversity determines that continuing with the complaint process is not warranted, the process will end, and the reporting individual and responding individual will be so informed. This notice will include findings of fact and the rationale for the determination.

In cases involving allegations of sexual assault, dating violence, domestic violence or stalking, a party may appeal a determination to end the process at this juncture within ten calendar days of the delivery of this notification. The appeal will be considered by an appellate panel comprised of (a) the provost and an EGP member designated by the Title IX Coordinator in cases in which the responding individual is a member of the faculty or staff, or (b) the Dean of the College and an EGP member designated by the Title IX Coordinator in cases in which the responding individual is a student. The appellate panel's discretion shall be limited to determining whether, based on the results of the investigation, the process should end or be continued as described above. In the event that the appellate panel determines that the process should end, the parties shall be so notified. In the event that the appellate panel determines that the process should continue, the matter will be referred back to the associate provost for equity and diversity for further action.

**Conflict Resolution:** Conflict resolution is often used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the formal process to resolve conflicts. The associate provost for equity and diversity will determine if conflict

resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution. In a conflict resolution meeting, an EGP member will facilitate a dialogue with the parties to an effective resolution, if possible. Sanctions are not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies, in which case the complaint is resolved. The associate provost for equity and diversity will keep records of any resolution that is reached, and failure to abide by the accord can result in appropriate responsive actions. Conflict resolution will not be used to address complaints of sexual assault or violent behavior of any kind or in other cases of serious violations of policy. It is not necessary to pursue conflict resolution first in order to make a formal EGP complaint, and anyone participating in conflict resolution can stop that process at any time and request a formal process.

Resolution without a Hearing: In cases where the alleged violations, and therefore the range of possible sanctions, are minor (such as probation for students or a written warning for an employee) the appropriate co-chair may make a decision as to responsibility using a preponderance of the evidence standard and may implement a sanction, with a statement of the findings of fact and rationale for the sanction. In cases involving allegations of sexual assault, dating violence, domestic violence or stalking, a reporting individual or responding individual may appeal the finding, sanction, or both, using the appeal process described in the Formal EGP Procedure (below). In other cases, a reporting individual or responding individual dissatisfied with the sanction may request reconsideration of the sanction (but not the finding of responsibility) in writing within five calendar days of notification of the sanction to the associate provost for equity and diversity, who will determine whether to uphold or modify the sanction.

In cases where the alleged behavior is of a nature that may warrant the imposition of a sanction of suspension, dismissal or termination of employment, or are otherwise not appropriate for direct imposition of sanction as set forth above, the matter will normally proceed to a formal hearing.

Formal Hearing: In any cases that are not appropriate for conflict resolution and are not resolved without a hearing, the associate provost for equity and diversity will initiate a formal hearing. In cases where individuals bring charges against each other arising out of the same incident or set of circumstances, the associate provost for equity and diversity has the discretion, if and to the extent permitted by applicable law (including without limitation the federal Family Educational Rights and Privacy Act), to determine whether the cases will be heard jointly as a single case.

### VIII. Formal EGP Procedure

- a. Hearing Panel Membership: The associate provost for equity and diversity will appoint a non-voting panel chair (either one of the EGP co-chairs or the Disciplinary Officer, depending on whether the responding individual is a faculty member, other employee, or student) and three members of the EGP to the hearing panel who do not have a conflict of interest in the case. EGP members who served as investigators or as advisers to the reporting individual or responding individual may not serve as voting hearing panel members. Hearing panels will include both faculty and non-faculty employees. The panel will meet at times determined by the chair.
- b. Notification of Charges: At least one week prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the designated hearing panel chair will send a letter to the parties stating the following:
  1. A description of the alleged violation(s) (including, to the extent known, the date, time, location and factual allegations, and a reference to the specific Colgate policy provision(s) alleged to have been violated); a description of the applicable procedures; and the sanction or sanctions that could be imposed.
  2. The time, date, and location of the hearing. If any party does not appear at the scheduled hearing, the hearing will be held in absentia. For compelling reasons, the hearing panel chair may reschedule the hearing.
  3. The right to an adviser. The parties may have the assistance of one EGP member, or one other adviser of the party's choice, at the hearing.
  4. A reminder that retaliation against an individual for reporting a complaint, for supporting a reporting individual, or for assisting in providing information in the context of an investigation or disciplinary proceeding is a serious violation of Colgate's policy and will be subject to further disciplinary action.
- c. Hearing Procedures: EGP Hearings will generally be convened, when practicable, within one to two weeks of the completion of the investigation, and will be conducted in private. The hearing panel has the authority to hear all collateral misconduct, meaning that it hears all allegations of discrimination, harassment, and retaliation, but also may hear any allegations of additional conduct or policy violations that are alleged to have occurred as part of the same set of circumstances as the alleged discrimination, harassment, or retaliation, even though those collateral allegations may not otherwise fall within EGP jurisdiction. Accordingly, investigations should be conducted with as wide a scope as necessary. Final determination of whether the EGP hearing will deal with

responsibility/sanctions for collateral misconduct will be made jointly by the associate provost for equity and diversity and the appropriate co-chair.

Participants will include the non-voting chair, the three members of the panel, the investigator(s) who conducted the investigation on the complaint, the reporting individual(s) and responding individual(s) (or up to three organizational representatives in a case where an organization is charged), advisers to the parties, and any called witnesses. Prior to the hearing (or, if prior exchange is not feasible, at commencement of the hearing), the parties will submit to the chair the names of all witnesses the party intends to call and a brief description of the subject(s) about which the party believes the witness has relevant information. The chair will exclude the name of any witness the chair deems unnecessary.

The chair will share with all parties the names of all witnesses whom the chair has approved to be called (and/or from whom a written statement will be accepted), and all relevant and available documentary information. The chair may decide that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. The chair of the hearing is in charge of organizing the presentation of information to be considered by the hearing panel.

If desired, the reporting individual and the responding individual will have a reasonable opportunity to present facts and arguments and to present questions through the chair, or otherwise if determined by the chair, to witnesses appearing before the hearing panel. If alternative appearance mechanisms are desired (screens, Skype, etc.), the parties should request them from the chair at least five calendar days prior to the hearing. Neither party, reporting individual nor responding individual) is required to attend, and, if either or both fail or decline to attend, the hearing will be held in that person(s)' absence. The chair may allow a party to submit a written statement in lieu of attendance and/or the chair and panel may rely on the party's statements as gathered in the investigation and presented at the hearing by the investigator(s).

The reporting individual and responding individual may have present with them during the hearing an adviser of choice. The adviser's role is limited to consulting with their advisee. The adviser may not speak 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 writing only. The adviser may consult with the advisee verbally outside the hearing during breaks, when such breaks are requested and granted by the chair. If the chair determines that an adviser is not adhering to these or other ground rules, the adviser will be expelled from the hearing, and the hearing will continue without opportunity for the party to secure a new adviser.

The chair will explain procedural ground rules at the outset of the proceeding, and the chair may impose additional ground rules as may be reasonably necessary for the orderly and efficient progress of the proceeding. Once the procedures are explained and the participants are introduced, the chair may call the investigator(s) to present the report of the investigation. If asked by the chair or EGP panel to do so, the investigator may offer an assessment to the evidence and credibility, and the investigator(s) may be asked to respond to questions posed by the chair or EGP panel members. The investigator(s) may be present during the entire hearing process. The findings of the investigation and the investigator(s)'s findings, assessments of the evidence, or credibility are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions or as determined necessary by the chair.

Formal rules of evidence will not apply. Any information that the chair and panel believes is relevant and credible may be considered, including hearsay, history and information indicating a pattern of behavior (except as otherwise expressly prohibited by this policy).

The chair will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant or immaterial information. The chair will have discretionary authority to determine all questions of procedure, including but not limited to the method by which questions will be posed to parties, including the method by which a party will be allowed to pose questions to be answered by the other party, the investigator, or any witness. The chair is also empowered to determine whether particular questions, evidence or information will be accepted or considered, including whether a particular witness will or will not be called and, if called, the topic(s) that the witness or the parties will be permitted to address. Anyone appearing at the hearing to provide information will present and respond to questions on their own behalf and not through anyone else.

Unless the chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation unless they show a pattern, or (2) the character of the reporting individual or responding individual. Each party shall have the right to exclude from consideration

during the hearing, for purposes of determining responsibility, the party's sexual history with persons other than the other party, their mental health diagnosis, or mental health treatment. Prior disciplinary violations and character information may be considered for purposes of assessing sanctions (if applicable) as and to the extent provided below.

Where issues of competency or job performance are concerned, the hearing panel will not substitute its judgment of competency or performance for the judgment of appropriate officials; the function of the hearing panel is to determine whether those policies, processes, and criteria used in arriving at judgments of competency or performance were consistent with the university's policies regarding harassment and nondiscrimination.

There will be no observers. The chair may allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the panel or the persons involved.

Hearings are recorded for purposes of review in the event of an appeal. EGP members, the parties, and appropriate administrative officers of the university will be allowed to listen to the recording in a location determined by the associate provost for equity and diversity or designee. No person will be given or be allowed to make a copy of the recording without permission of the associate provost for equity and diversity. Recordings will be preserved and maintained by the university for a minimum of five years.

Hearings are private. Observers, other than the parties' advisors, are not allowed. Hearings involve the discussion of sensitive, private topics. Therefore, any person present for any part of the hearing is encouraged to use discretion in discussing the hearing with uninvolved parties. Panel members are required to treat the hearing as completely confidential.

d. Decisions: The hearing panel will deliberate in closed session to determine whether the responding individual is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the responding individual committed each alleged violation). If a responding individual is found responsible by a majority of the panel, the panel will determine appropriate sanctions.

e. Sanctions: If the hearing panel determines that the responding individual is responsible for the violation(s) in question, it moves to a consideration of sanctions. At that time, written impact statement(s) from the reporting individual(s)/victim(s) and responding individual(s) and up to two character reference letters submitted on behalf of each party will be introduced into consideration, and sanctions will be determined by the hearing panel. Factors considered when determining a sanction may include:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's or organization's previous disciplinary history;
- Previous complaints or allegations involving similar conduct;
- The need for sanctions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the victim and the community;
- The standards in the Student Handbook section on System of University Standards and Student Conduct for an organization to be held collectively responsible for actions of its members; and
- Any other factors deemed relevant by the hearing panel.

#### Student and Student Organization Sanctions

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 a warning that further infractions of any university policy, procedure, or directive will 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 student or organization is found in violation of any university policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, non-contact orders, and/or other measures deemed appropriate.
- **Suspension**: Termination of student or organizational status for a definite period of time and/or until

specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at Colgate.

- Expulsion: Permanent termination of student status or indefinite revocation of university recognition of organizational status.
- Withholding Diploma: The university may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.
- Revocation of Degree: The university reserves the right to revoke a degree awarded from the university for fraud, misrepresentation, or other violation of university policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- 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:
  - a. Mandated counseling so a student has the opportunity to gain more insight into his/her behavior.
  - b. "No contact" directive (including but not limited to continuation of a no contact directive imposed as an interim measure): a prohibition against having contact with one or more identified persons, in person or through telephonic, electronic, written or other means. A no contact directive may include additional restrictions and terms.
  - c. Apology: Requiring the student or organization to write a letter of apology to those involved.
  - d. Campus or Community Service: Requiring unpaid service to the university or area community stated in terms of type and hours of service.
  - e. Restitution: Reimbursement for damage to or misappropriation of property, or for personal injury, and other related costs.
  - f. Housing related sanctions:
  - g. Loss, revocation or restriction of privilege (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system) to live in university housing.
  - h. Loss, revocation or restriction of off-campus living privileges.
  - i. Monetary Fines.

For those crimes of violence that the university is required by federal law to include in its Annual Security Report, the transcripts of suspended or expelled students found responsible after a hearing and appeal, if any, shall include the notation "Suspended after a finding of responsibility for a code of conduct violation" or "Expelled after a finding of responsibility for a code of conduct violation". Transcript notations for suspensions may be removed at the discretion of the registrar in consultation with the associate provost for equity and diversity, but no earlier than one year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

#### Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include warning, required counseling as a condition of continued employment or return to employment, demotion, suspension with pay, suspension without pay, and termination.

#### Other Remedial Actions

In appropriate cases, the university may take other steps as may be necessary to correct the effects of or prevent further discrimination or harassment (e.g., banning an individual from campus, changing housing assignments, arranging for the retaking of an exam, removal or reversal of a discriminatory performance evaluation, etc.).

f. Notification of Outcome: The parties will receive simultaneous written notification of the outcome of the hearing without a commitment to protect the confidentiality of the outcome. It shall be the decision of each party whether that party will disclose or discuss the outcome of any hearing or appeal. The notification will include written notice of the findings of fact, the decision and (if applicable) the sanction, as well as a rationale for the decision and (if applicable) the sanction and information with respect to appeal procedures.

g. Withdrawal or Resignation While Charges Pending

Students: The university reserves the right to not permit a student to withdraw, and to place a hold on the release of a student's transcript, if that student has an investigation or charges against them pending for violation of the Equity Grievance Policy or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the university may opt to proceed in absentia to a

reasonable resolution and that student will not be permitted to return to Colgate unless all sanctions have been satisfied. If a student withdraws while subject to a complaint, investigation or charges based upon alleged conduct constituting a crime of violence that the university is required by federal law to include in its Annual Security Report, the transcript of the student shall include the notation "Withdrawn with conduct charges pending."

Employees: Should an employee resign while charges are pending, the personnel records of that employee will reflect that status. As may be necessary and appropriate, the associate provost for equity and diversity will act promptly and effectively to remedy the effects of the conduct upon the victim and the community.

h. Appeal: A reporting individual or responding individual may appeal the result of any formal hearing, or a resolution without a hearing in cases involving allegations of sexual assault, dating violence, domestic violence or stalking, as described in this section. All such appeals must be submitted in writing within ten calendar days of the delivery of the written findings of the hearing panel or co-chair, as applicable. Appeals in cases in which the responding individual is a member of the faculty or staff shall be submitted to an appellate panel comprised of the provost and an EGP member designated by the Title IX Coordinator. Appeals in cases in which the responding individual is a student shall be submitted to an appellate panel comprised of the Dean of the College and an EGP member designated by the Title IX Coordinator. Any party may appeal a decision, but only on the basis of one or more of the following grounds:

- A procedural error or omission occurred during the EGP hearing which, based upon the entire record, is reasonably likely to have changed the outcome of the hearing or resolution without a hearing (e.g., substantiated bias, material deviation from established procedures, etc.); or
- New information, unavailable during the EGP hearing, resolution without a hearing or investigation, has come to the attention of one of the parties or the EGP co-chair which, had it been known at the time of the hearing or resolution without a hearing, and based upon the entire record, is reasonably likely to have changed the outcome of the hearing or resolution without a hearing, or the nature or severity of any sanction that may have been imposed; or
- Any sanction imposed is disproportionate to the nature or severity of the violation or violations.

Any appeal must include a clear statement of the nature of any claimed procedural error or new information, or the basis of any claim of disproportionality. In the case of a claimed procedural error or new information, the appeal must also include a statement of the likely impact of the claimed error or newly discovered information on the proceedings.

In the event of an appeal by any party, all parties and the chair of the EGP hearing panel or appropriate EGP co-chair (in cases involving resolution without a hearing) shall be notified that the appeal has been submitted and shall have a reasonable opportunity to respond to the appeal in a manner determined by the appellate panel. The decision will be sustained if the appeal is not timely or is not made on the basis of one or more of the grounds listed above, or the appellate panel concludes that the grounds for appeal are not supported by the record as a whole. Any decision that is not appealed, or that is sustained on appeal, is final. The appellant shall have the burden of establishing, by a preponderance of the evidence, that one or more of the grounds for appeal are meritorious, and any party may also attempt to show that this burden has not been met.

Additional principles governing appeals are the following:

- Because the appellate panel has not heard the evidence directly, deference must be given to the EGP hearing panel or appropriate co-chair, as applicable, on evidentiary matters and the appellate panel must sustain the decision unless one of the three grounds for appeal listed above has been established.
- In the event that the appellate panel determines that the appellant has met the burden of establishing that one or more grounds for appeal have merit, the appellate panel has discretion to take action consistent with that determination. That may include, without limitation, in the case of procedural error or new information, remanding the case in whole or in part to the original hearing panel or (in cases involving resolution without a hearing) the co-chair, remanding the case in whole or in part to a new hearing panel and, in the case of disproportionality of a sanction, modifying that sanction as appropriate.
- Once an appeal of a case is concluded no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the appellate panel on remand. Sanctions imposed are implemented immediately unless the appellate panel stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

- i. Records: In implementing this policy, records of all complaints, resolutions, and hearings will be kept by the associate provost for equity and diversity. Others will have access to the records only on a need-to-know basis. Except as required by law, no public release of such records may be made until a final determination is made (i.e., when no appeal of the decision of the hearing is sought, or in the event of an appeal, when the decision of the appellate panel is communicated to the parties). Any such release shall be made in accordance with any applicable Colgate policy and federal and state laws.

**IX.** Statement of Rights All students have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by Colgate.
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 reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by Colgate, any student, the accused and/or the responding individual, and/or their friends, family and acquaintances within the jurisdiction of the university.
9. Access to at least one level of appeal of a determination.
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or responding individual throughout the judicial or conduct process including during all meetings and hearings related to such process.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of Colgate.

In addition:

A reporting individual has the right:

- To be treated with respect by university officials.
- To experience a safe living, educational, and work environment.
- To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplains, and University Health Services for students, or EAP services for employees), and to receive courteous, fair and respectful treatment.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To receive amnesty for minor student misconduct (such as minor alcohol violations) that is ancillary to the incident.
- To attend in person or via speakerphone or videoconference any hearing in which the reporting individual is bringing the charge and to be shielded, to the extent practicable, from the responding individual during the hearing if so desired.
- To receive written notification of the outcome/resolution of the complaint, including a statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.
- To have complaints heard in substantial accordance with these procedures.

A responding individual has the right:

- To be treated with respect by university officials.
- To experience a safe living, educational, and work environment.
- To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplains, and University Health Services for students, or EAP services for employees), and to receive courteous, fair and respectful treatment.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To attend in person or via speakerphone or videoconference any hearing in which the responding individual is charged and to be shielded, to the extent practicable, from the reporting individual during the hearing if so desired.
- To receive written notification of the outcome/resolution of the complaint, including a statement detailing the factual findings supporting the determination and the rationale for the sanction imposed.

- To have complaints heard in substantial accordance with these procedures.

## **X.** Application of these Procedures

The procedures described below will apply to all complaints involving students, staff, or faculty members, and any person, including a non-community member, may make a complaint against a student, staff or faculty member pursuant to this policy. However, if a reporting individual is a member of a bargaining unit whose collective bargaining agreement requires an alternate procedure for the resolution of harassment or discrimination complaints, the complaint will be processed pursuant to the collective bargaining agreement.

A complaint against non-community members will be handled and addressed as the associate provost for equity and diversity deems appropriate. However, in all such cases, the associate provost for equity and diversity will ensure that the matter is appropriately investigated and that appropriate responsive action is taken, up to and including banning the non-community member from Colgate property. If the accused is an accepted but non-matriculated student, the university usually addresses the complaint via the EGP process.

## **XI.** Campus Crime Reporting and Statistics

Colgate University is committed to providing a safe, supportive, and secure environment for the entire university community, including visitors. The university will provide upon request all campus crime statistics as reported to the United States Department of Education. To obtain a copy, contact the associate director of campus safety at 315-228- 7333. You may also view crime statistics for all colleges and universities at the U.S. Department of Education's website: [Campus Safety and Security](#)

In its annual report of campus crime statistics, the university must report statistics concerning the occurrence on campus of certain crimes, including certain sex offenses. This statistical report does *not* include any personally identifiable information concerning the victim or the accused. Similarly, if Colgate issues a timely warning pursuant to the Clery Act to warn the campus community about a perceived immediate threat, the warning issued will *not* include any personally identifying information concerning a victim.

## **XII.** Conflict of Interest

In the event that any person assigned a role pursuant to this policy is aware of any relationship, fact, circumstance or occurrence that he or she reasonably believes creates or constitutes a conflict of interest that would render him or her incapable of performing the role in an impartial manner, that person shall identify the conflict of interest to the associate provost for equity and diversity at the earliest practicable time. Similarly, any reporting individual or responding individual who objects to the participation of any person assigned a role pursuant to this policy based upon such a conflict of interest shall identify the conflict of interest to the associate provost for equity and diversity at the earliest practicable time. Any objection to the participation of any person based on a claimed conflict of interest that is not timely identified in accordance with this paragraph shall be deemed waived for all purposes.

## **XIII.** Designation of Authority

Any person assigned a role pursuant to this policy may designate their authority, or the associate provost for equity and diversity may require reassignment of such authority, to another appropriate person to avoid conflicts of interest or in other circumstances, as deemed necessary.

## **XIV.** Policy Enforcement

The person responsible for the implementation of this policy internally is:

Marilyn ("Lyn") Rugg, Ph.D.  
Associate Provost for Equity and Diversity & Title IX Coordinator  
The Office of Equity and Diversity 102 Lathrop Hall  
Colgate University 13 Oak Drive  
Hamilton, NY 13346  
315-228-6161

Inquiries and complaints may be made externally to:



Office for Civil Rights (OCR)  
 U.S. Department of Education  
 400 Maryland Avenue, SW Washington, DC 20202-1100  
 Customer Service Hotline #: 800-421-3481  
 Facsimile: 202-453-6012 TDD#: 877-521-2172  
 E-mail: [OCR@ed.gov](mailto:OCR@ed.gov)  
 Web: <http://www.ed.gov/ocr>

**Off Campus Resources**

<u>Resource</u>	<u>Address/Location on Campus</u>	<u>Phone Number</u>
Hamilton Police Department	3 Broad St., Hamilton, NY13346	315-824-3311
Community Memorial Hospital	164 Broad St. Hamilton, NY 13346	315-824-6090
Oneida HealthCare Hospital	321 Genesee St., Oneida, NY	315-363-6000
Madison County Courthouse (Legal Assistance, Orders of Protection)	North Court Street Post Office Box 545 Wampsville, NY 13163	315-366-2266

**Where can I get more help?**

**A person in a dangerous emergency situation requiring immediate intervention should call 911 for assistance.**

For additional court information, consult CourtHelp or the Court/HelpCenters.

You can call any of these numbers – day or night. The hotline operators can answer your specific questions and direct you to further resources.

NYS Domestic and Sexual Violence Hotline Numbers: English: 1-800-942-6906

TTY: 1-800-818-0656

Spanish: 1-800-942-6908

TTY: 1-800-780-7660

In NYC: 1-800-621-HOPE (4673) or dial 311 TTY: 1-866-604-5350

For further help and information regarding what to do in a situation of domestic violence:

- go to the Help page of the [NYS Office for the Prevention of Domestic Violence](#)
- [NYS Coalition Against Domestic Violence \(CADV\)](#) (maintains list of available resources by county)
- [National Office on Violence Against Women](#)
- [NYC Anti-Violence Project](#) - 212-714-1141 (24-hour English and Spanish Hotline)
- [Rape, Abuse and Incest National Network](#)
- [Department of Justice](#)
- [Department of Education, Office of Civil Rights](#)

## How to be an Active Bystander

Bystander Intervention is a strategy for the prevention of various types of violence, including sexual harassment, sexual assault, dating violence, domestic violence and stalking. It is based on the fact that people make decisions and continue behaviors based on the reactions they get from others.

Colgate's active bystander intervention program is based on a model from Duke University called PACT: prevent, act, challenge, and teach. In the past year, a Colgate working group of 144 students, faculty and staff have contributed to the current model. More than 128 students are now trained, and there are 14 trained student leaders.

If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual harassment, sexual assault, dating violence, domestic violence or stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## Risk Reduction

The following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don't know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. **Remember that being in this situation is not your fault**. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do only what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

- d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors and windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Sex Offender Registration

The Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), requires institutions of higher education to provide where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

For Colgate University and Madison County, the Madison County Sheriff's Office is the contact agency for questions relating to our local sex offender registry. Community members may also access the New York State Sexual Offender Registry at the following web address: [New York State Sexual Offender Registry](#)

## Crime Statistics

The following statistics for calendar years 2014, 2015 and 2016 were reported to the Campus Safety Department, other Campus Security Authorities, University officials or local law enforcement agencies. The statistics reflect crimes which occur not only on the main campus, but also at any non-campus property, public property as defined below and specifically in campus residential housing facilities.

Every case/investigation report prepared by campus safety staff and included in the daily report summary is reviewed initially by campus safety administrative staff to ensure the case is properly classified for the incident. The cases/investigation reports are reviewed a second time for proper classification and counting of statistical data for any Clery Act crimes and referrals detailed by this federal law for inclusion in this annual report and on the Department of Education's website.

In addition to Campus Safety reports, data is requested and included when received from all local law enforcement agencies having jurisdiction for any campus properties. Data is also collected from the Conduct Office. Both sets of data are cross-checked against the Campus Safety report data to minimize double counting of statistics.

The definitions below for the Clery Act geographic locations of on-campus, non-campus and public property are excerpted from the Federal Register and The Handbook for Campus Safety and Security Reporting.

***On-Campus:*** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

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

***Residential Facilities:*** any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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

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

The definitions for arson, criminal homicide, robbery, aggravated assault, burglary, motor vehicle theft, forcible and non-forcible sex offenses, weapon law violations, drug abuse violations and liquor law violations are excerpted from the *Uniform Crime Reporting Handbook*.

*Arson*

Any 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.

*Murder and Non-negligent Manslaughter*

The willful (non-negligent) killing of one human being by another.

*Manslaughter by Negligence*

The killing of another person through gross negligence.

*Sexual Assault*

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

A. *Rape*

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

B. *Fondling*

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

C. *Incest*

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

D. *Statutory Rape*

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

*Robbery*

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

*Aggravated Assault*

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

*Burglary*

The unlawful entry of a structure to commit a felony or a theft.

*Motor Vehicle Theft*

The theft or attempted theft of a motor vehicle.

*Hate Crime*

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

Race - A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Religion - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs

regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation - A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Gender - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity - A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

Ethnicity - A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

National Origin - A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Disability - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property.

#### *Weapon Law Violations*

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

#### *Drug Law Violations*

Violations of state and local laws about the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives, (morphine, heroin, codeine), marijuana, synthetic narcotics (Demerol, methadone), and dangerous nonnarcotic drugs (barbiturates, Benzedrine).

#### *Liquor Law Violations*

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. (Drunkness and driving under the influence are not included in this definition.)

The Sex Offenses definitions are excerpted from the *Uniform Crime Reporting Handbook, National Incident-Based Reporting System edition*.

#### *Sex Offenses*

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- A. Rape - The penetration, no matter how slight, of the vagina or anus, with any body part or object, or

oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

- B. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- C. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- D. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

*Domestic Violence:*

Is defined as a felony or misdemeanor crime of 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 in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

*Dating Violence:*

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

*Stalking:*

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

**Crime Statistics**

<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>Residential Facilities*</b>	<b>Non-Campus Building or Property</b>	<b>Public Property</b>
Murder and Non-Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Rape	2014	10**	6	0	0
	2015	9	8	0	0
	2016	4	4	0	0
Fondling	2014	4	4	0	0
	2015	1	1	0	0
	2016	2	1	0	0
Incest	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Robbery	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Aggravated Assault	2014	0	0	0	0
	2015	0	0	0	0
	2016	2	2	0	0
Burglary	2014	29	27	1	0
	2015	8	8	0	0
	2016	12	10	1	0
Motor Vehicle Theft	2014	2	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arson	2014	0	0	0	0
	2015	0	0	0	0
	2016	3	0	0	0
Domestic Violence	2014	1	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Dating Violence	2014	0	0	0	0
	2015	0	0	0	0
	2016	1	1	0	0
Stalking	2014	3	2	0	0
	2015	1	0	0	0
	2016	0	0	1	0

\* Crimes reported in the residential facilities are also included in the On Campus category.

\*\*One rape is listed as a Hate Crime.

In calendar year 2014, one (1) additional forcible sex offense was reported to Campus Safety that occurred in 2002. It is not listed above as the location of the offense is unknown. In calendar year 2015, three (3) additional sex offenses were reported to Campus Safety. One (1) occurred in a non-reportable area and two (2), lacked sufficient information to determine the offense or geographical reporting area. In the calendar year 2016, one (1) additional sex offense was reported to campus safety. It is not listed above as the location of the offense occurred in a non-reportable area.

### Judicial Referrals

Offense	Year	On-Campus Property	Residential Facilities*	Non-Campus Building or Property	Public Property
Liquor Law Violations	2014	215	205	0	0
	2015	194	194	0	0
	2016	201	152	0	4
Drug Law Violations	2014	86	86	0	0
	2015	134	128	0	0
	2016	150	150	0	0
Illegal Weapons Possession	2014	1	1	0	0
	2015	2	2	0	0
	2016	1	1	0	0

### Arrests

Offense	Year	On-Campus Property	Residential Facilities*	Non-Campus Building or Property	Public Property
Liquor Law	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	20
Drug Law	2014	2	2	0	0
	2015	2	1	0	0
	2016	1	1	0	0
Illegal Weapons Possession	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Driving While Intoxicated (DWI) is not a federal reporting category and offenses are not included in the liquor law violations. There was one (1) DWI case that occurred on campus during 2015.

### Hate Crimes

There were no hate crimes reported in 2016.



## **Annual Fire Safety Reports on Student Housing Fire statistics**

Colgate University reports four (4) fires with no injuries for 2014, zero (0) fires for 2015 and 2016. For all three (3) calendar years there were no fatalities, and minimum property damage due to the fires.

## **On-Campus Student Housing and Life Safety Systems**

Colgate University has a total of 32 on-campus student housing facilities. Each facility is equipped with addressable fire detection systems, including smoke and heat detectors, and pull-box stations. Each facility is fully outfitted with a fire suppression (sprinkler) system. All fire life safety systems report to Campus Safety's Communication Center.

### *Fire Doors*

Stairwell fire doors must be kept closed at all times.

### *Fire Extinguishers and Other Fire-Safety Devices*

Every residence facility is equipped with fire extinguishers and smoke detectors. Tampering with any fire safety equipment (including but not limited to fire extinguishers, covering smoke detectors or fire sprinklers) or obstructing other fire-safety devices is considered a serious offense that may lead to disciplinary action and fines.

## **Mandatory Supervised Fire Drills**

Colgate University's Campus Safety Department conducts three mandatory fire evacuation drills per calendar year. The fire evacuation drills are supervised by Campus Safety officers. The fire evacuation drills are conducted by activating each individual fire alarm system in each on-campus student housing facility. Two of the fire evacuation drills are conducted during the daytime hours and one fire evacuation drill is conducted after dusk.

### *Fire Alarms & Drills*

Fire drills in each residential area are scheduled regularly and are conducted by Campus Safety in accordance with state and local fire codes. Fire drills are intended to orient the residents of the building with fire evacuation procedures and emergency exit locations. Students must comply with fire alarms and evacuate when the alarm sounds. Failure to do so may result in disciplinary action.

## **Fire Safety Policies and Rules**

Fire safety procedures are located in the [Fire Safety](#) section in the student handbook. Please read and follow instructions closely. All university fire alarms are directly connected to the Campus Safety Department. Remember: evacuate a building whenever a fire alarm is sounded; failure to do so could result in the loss of life. A room-by-room evacuation check is conducted during every fire alarm. Individuals who fail to evacuate a university building during a fire alarm will be subject to university discipline. The sending of a false alarm undermines fire safety, is illegal and is a hazard to firefighters and to occupants. Individuals sending such alarms are subject to state criminal penalties and will also be subject to university discipline.

Intentionally setting a fire in or on university property or causing a fire through gross negligence is strictly forbidden, and students responsible will be subject to arrest and/or university discipline.

Fire safety is a matter of urgent concern for all members of the community, a fact observed in the university's scheduling of fire drills and fire safety checks in all residential areas. Fire alarms and firefighting equipment are in university buildings for the community protection of life safety. Any tampering with or misuse of such equipment is a violation of New York State criminal law and may result in university disciplinary action, a fine, and/or criminal prosecution. A fine (per person, per incident) may be assessed for tampering with fire safety equipment. This fine may be assessed in addition to the cost of other restorative measures (repairing or replacing damaged or stolen equipment, resetting alarms, recharging fire extinguishers, etc.). For university residences, where no individual or individuals accept responsibility, the Office of Residential Life, at their discretion, may assess a fine to a floor or building on a *pro-rata* basis.

Fireworks are illegal in New York State, and possession or detonation of fireworks is strictly forbidden. Students who possess or detonate fireworks will be subject to disciplinary action, a fine, and/or criminal prosecution.

Colgate University's fire safety regulations are intended to prevent injuries to members of the University community and physical damage to facilities. Rooms are inspected periodically, at random times, to assure compliance with University regulations. Because of the seriousness of the regulations that cover fire safety, Colgate University takes disciplinary action on the first offense. Such action may include the imposition of a fine by the University's Disciplinary Officer. The University has the right, moreover, to require students who violate these safety rules to vacate their accommodations with no financial credit for the remainder of the semester.

Colgate University has prohibitions on smoking and for items including candles (even for decoration and unlit), incense, potpourri burners, halogen lamps, neon signs, extension cords, and halogen lights.

Flammable liquids (including but not limited to turpentine, paint, gasoline, propane, kerosene, charcoal lighter fluid, and ether) and equipment that uses combustible fuel (e.g. motorcycles, mopeds) cannot be stored in a residential building. Gas or charcoal grills are not permitted in the residence halls. Gas and charcoal grills are prohibited from use or storage on the decks and porches of apartments, houses and townhouses at all times.

Natural holiday trees are prohibited in all residential facilities. UL approved lights may be used seasonally, for short term use, on artificial trees or for decorative purposes. Trees cannot be located at the bottom of a stairwell, in an egress, or within 25 feet of an exit. Holiday Lights are cited violations by the New York State Office of Fire Prevention and Control. All holiday decorations must be removed prior to semester breaks.

### **Fire Inspections for On-Campus Student Housing**

Fire inspections start every fall and there are two inspections for every residence facility per year.

### **Training**

Fire safety presentations are provided to all Community Leaders prior to the start of the academic year, and to all fraternity and sorority residents as well. Fire safety programs address; evacuation and emergency preparedness, organizational mandates, fire inspection program, fire extinguisher use, life safety systems, and fire safety rules and regulations.

The Campus Safety department provides fire safety training to the entire campus by conducting a mock student room fire demonstration in the student housing quad, hands on fire extinguisher training, and an education presentation which coincides with the mock fire. The Campus Safety Department also conducts fire drills in all university buildings as part of this program. All campus buildings are inspected annually according to regulation set forth by the New York State Education Department and local codes set forth by the New York State Fire Prevention and Construction Code.

Colgate University conducts fire safety training for Residential Life Community Leaders, Community Managers and Advisors. Fire safety information is also provided during first year student orientation.

Institutions with student residential facilities will need to publish an annual fire safety report on campus fire safety practices and standards. The report must detail:

- for each on-campus student housing facility, statistics for the most recent years on:
  - number and cause of any fires
  - number of injuries requiring medical care
  - number of deaths
  - the value of property damaged
  - a description of each housing facilities fire safety system, including sprinklers
  - the number of regular mandatory fire drills
  - the institution's policies and rules on portable electrical appliances, smoking, and open flames, evacuation procedures, and fire safety education and training
  - plan for improving fire safety, if determined necessary

In addition, campuses must keep a log to record all fires in student housing facilities including nature, date, time, and general location of each fire.

<b>Campus Residential Student Housing Fire Report 2014</b>					
<b>Student Housing Facility</b>	<b>Fires</b>	<b>Fire Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Property Damage</b>
Andrews Hall (15 Alumni Hall)	0	0	0	0	\$0.00
Bryan Complex (31 Bryan Roadway)	0	0	0	0	\$0.00
Curtis Hall (27 Conant Road)	0	0	0	0	\$0.00
Cutten Complex (40 Bryan Roadway)	0	0	0	0	\$0.00
Drake Hall (28 Conant Road)	0	0	0	0	\$0.00
East Hall (19 Alumni Road)	0	0	0	0	\$0.00
Gate House (10 Oak Drive)	0	0	0	0	\$0.00
La Casa Pan-Latina Americana House (3 Oak Drive)	0	0	0	0	\$0.00
Newell Apartments (58 Newell Drive)	0	0	0	0	\$0.00
Parker Apartments (59 University Court)	0	0	0	0	\$0.00
Stillman Hall	0	0	0	0	\$0.00
University Court Apartments (60 University Court)	0	0	0	0	\$0.00
West Hall (18 Alumni Drive)	1	Burnt paper	0	0	\$0.00
Kappa Kappa Gamma (40 Broad St.)	0	0	0	0	\$0.00
Class of '34 House (49 Broad St)	0	0	0	0	\$0.00
Theta Chi (52 Broad St)	0	0	0	0	\$0.00
Delta Upsilon (66 Broad St)	0	0	0	0	\$0.00
Loj Outdoor & Environ. House (70 Broad St)	0	0	0	0	\$0.00
Gamma Phi Beta (72 Broad St)	0	0	0	0	\$0.00
Bunch & International House (80 Broad St)	0	0	0	0	\$0.00
Delta Delta Delta (84 Broad St)	0	0	0	0	\$0.00
Beta Theta Phi (88 Broad St)	0	0	0	0	\$0.00
Phi Tau (92 Broad St)	0	0	0	0	\$0.00
94 Broad St.	1	Burnt Styrofoam and cardboard	0	0	\$0.00
Creative Arts House (100 Broad St)	0	0	0	0	\$0.00
Cushman House (102 Broad St)	0	0	0	0	\$0.00
Interfaith House (104 Broad St)	0	0	0	0	\$0.00
Philanthropy House (110 Broad St)	0	0	0	0	\$0.00
Phi Delta Theta (114 Broad St)	0	0	0	0	\$0.00
Asia Interest House (118 Broad St)	0	0	0	0	\$0.00
Townhouse Apartments (180 Broad St)	1	Cardboard box placed on hot burner of stove	0	0	\$0.00
Sigma Chi (100 Hamilton St)	1	Burnt wood; burn marks on carpet	0	0	\$0.00

<b>Campus Residential Student Housing Fire Report 2015</b>					
<b>Student Housing Facility</b>	<b>Fires</b>	<b>Fire Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Property Damage</b>
Andrews Hall	0	0	0	0	\$0.00
Bryan Complex	0	0	0	0	\$0.00
Curtis Hall	0	0	0	0	\$0.00
Cutten Complex	0	0	0	0	\$0.00
Drake Hall	0	0	0	0	\$0.00
East Hall	0	0	0	0	\$0.00
Gate House	0	0	0	0	\$0.00
La Casa Pan-Latina Americana House	0	0	0	0	\$0.00
Newell Apartments	0	0	0	0	\$0.00
Parker Apartments	0	0	0	0	\$0.00
Stillman Hall	0	0	0	0	\$0.00
University Court Apartments	0	0	0	0	\$0.00
West Hall	0	0	0	0	\$0.00
40 Broad St.	0	0	0	0	\$0.00
49 Broad St.	0	0	0	0	\$0.00
52 Broad St.	0	0	0	0	\$0.00
66 Broad St.	0	0	0	0	\$0.00
70 Broad St.	0	0	0	0	\$0.00
72 Broad St.	0	0	0	0	\$0.00
80 Broad St.	0	0	0	0	\$0.00
84 Broad St.	0	0	0	0	\$0.00
88 Broad St.	0	0	0	0	\$0.00
92 Broad St.	0	0	0	0	\$0.00
94 Broad St.	0	0	0	0	\$0.00
100 Broad St.	0	0	0	0	\$0.00
102 Broad St.	0	0	0	0	\$0.00
104 Broad St.	0	0	0	0	\$0.00
110 Broad St.	0	0	0	0	\$0.00
114 Broad St.	0	0	0	0	\$0.00
118 Broad St.	0	0	0	0	\$0.00
180 Broad St.	0	0	0	0	\$0.00
100 Hamilton St.	0	0	0	0	\$0.00

<b>Campus Residential Student Housing Fire Report 2016</b>					
<b>Student Housing Facility</b>	<b>Fires</b>	<b>Fire Cause</b>	<b>Injuries</b>	<b>Deaths</b>	<b>Property Damage</b>
Andrews Hall	0	0	0	0	\$0.00
Bryan Complex	0	0	0	0	\$0.00
Curtis Hall	0	0	0	0	\$0.00
Cutten Complex	0	0	0	0	\$0.00
Drake Hall	0	0	0	0	\$0.00
East Hall	0	0	0	0	\$0.00
Gate House	0	0	0	0	\$0.00
La Casa Pan-Latina Americana House	0	0	0	0	\$0.00
Newell Apartments	0	0	0	0	\$0.00
Parker Apartments	0	0	0	0	\$0.00
Stillman Hall	0	0	0	0	\$0.00
University Court Apartments	0	0	0	0	\$0.00
West Hall	0	0	0	0	\$0.00
40 Broad St.	0	0	0	0	\$0.00
49 Broad St.	0	0	0	0	\$0.00
52 Broad St.	0	0	0	0	\$0.00
66 Broad St.	0	0	0	0	\$0.00
70 Broad St.	0	0	0	0	\$0.00
72 Broad St.	0	0	0	0	\$0.00
76 Broad St.	0	0	0	0	\$0.00
80 Broad St.	0	0	0	0	\$0.00
84 Broad St.	0	0	0	0	\$0.00
88 Broad St.	0	0	0	0	\$0.00
92 Broad St.	0	0	0	0	\$0.00
94 Broad St.	0	0	0	0	\$0.00
100 Broad St.	0	0	0	0	\$0.00
102 Broad St.	0	0	0	0	\$0.00
104 Broad St.	0	0	0	0	\$0.00
110 Broad St.	0	0	0	0	\$0.00
114 Broad St.	0	0	0	0	\$0.00
118 Broad St.	0	0	0	0	\$0.00
180 Broad St.	0	0	0	0	\$0.00
100 Hamilton St.	0	0	0	0	\$0.00
22 Utica St.	0	0	0	0	\$0.00

<b>Campus Residential Student Housing Fire Safety Systems</b>		
<b>Residence Facility</b>	<b>Fully Sprinklered</b>	<b>Fire Detection</b>
Andrews Hall (15 Alumni Drive)	Yes (Wet System)	Yes
Bryan Complex (31 Bryan Roadway)	Yes (Wet System)	Yes
Curtis Hall (27 Conant Road)	Yes (Wet System)	Yes
Cutten Complex (40 Bryan Roadway)	Yes (Wet System)	Yes
Drake Hall (29 Conant Road)	Yes (Wet System)	Yes
East Hall (19 Alumni Road)	Yes (Wet System)	Yes
Gate House (10 Oak Drive)	Yes (Wet System)	Yes
La Casa Pan-Latina Americana House (3 Oak Dr.)	Yes (Wet System)	Yes
Newell Apartments (58 Newell Drive)	Yes (Wet System)	Yes
Parker Apartments (59 University Court)	Yes (Wet System)	Yes
Stillman Hall (16 Alumni Drive)	Yes (Wet System)	Yes
University Court Apartments (60 University Court)	Yes (Wet System)	Yes
West Hall (18 Alumni Drive)	Yes (Wet System)	Yes
Kappa Kappa Gamma (40 Broad St)	Yes (Wet System)	Yes
Class of '34 House (49 Broad St)	Yes (Wet System)	Yes
Theta Chi (52 Broad St)	Yes (Wet System)	Yes
Delta Upsilon (66 Broad St)	Yes (Wet System)	Yes
Loj Outdoor & Environmental House (70 BroadSt.)	Yes (Wet System)	Yes
Gamma Phi Beta (72 Broad St)	Yes (Wet System)	Yes
76 Broad St.	Yes (Wet System)	Yes
Bunche International House (80 Broad St)	Yes (Wet System)	Yes
Delta Delta Delta (84 Broad St)	Yes (Wet System)	Yes
Beta Theta Phi (88 Broad St)	Yes (Wet System)	Yes
Phi Tau (92 Broad St)	Yes (Wet System)	Yes
94 Broad St.	Yes (Wet System)	Yes
Creative Arts House (100 Broad St)	Yes (Wet System)	Yes
Cushman House (102 Broad St)	Yes (Wet System)	Yes
Interfaith House (104 Broad St)	Yes (Wet System)	Yes
Philanthropy House (110 Broad St)	Yes (Wet System)	Yes
Phi Delta Theta (114 Broad St)	Yes (Wet System)	Yes
Asia Interest House (118 Broad St)	Yes (Wet system with dry pipe in attic)	Yes
Townhouse Apartments (180 Broad St)	Yes (Wet System)	Yes
100 Hamilton St	Yes (Wet System)	Yes
22 Utica St.	No	Yes – Advanced Fire Alarm System

## Telephone Numbers

**Campus Safety Emergency.....911 from on-campus phones or (315) 228-7911 from off-campus or cell phones**

Campus Safety Business .....	7333
Campus Safety TTY .....	6001
Counseling Center and Haven .....	7385
Dean of the College .....	7425
Dean of the Faculty.....	7222
Associate Dean of the Faculty.....	7220
Human Resources .....	7411
Residential Life.....	7372
Student Health Center .....	7750
Hamilton Police.....	315-824-3311
Community Memorial Hospital.....	315-824-1100
Liberty Resources.....	315-366-5000
Vera House.....	315-468-3260

From a non-university telephone, dial 228, then the extension. From a cell phone, dial (315) 228, then the extension.

Colgate University  
Campus Safety Department  
13 Oak Drive, Hamilton, New York 13346  
315-228-7333

Colgate University  
Environmental Health and Safety  
13 Oak Drive, Hamilton, New York 13346  
315-228-7994

This report is made available to all staff, students and prospective employees, in compliance with the *Jeanne Clery Act*.