

A photograph of a campus scene featuring a paved road curving through a grassy area with trees showing autumn foliage. A modern building is visible in the background under a blue sky with light clouds.

# Annual Security & Fire Safety Report

*2023 Clery Compliance*

**COLGATE UNIVERSITY**  
Dean of the College

Contains Information for  
2020, 2021, and 2022  
Spring and Fall Semesters



**Dear Community Members:**

The Colgate University Annual Security and Fire Safety Report is carefully produced in accordance with requirements set forth by the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, also known as the Clery Act. The purpose of this annual report is to provide Colgate community members with information regarding campus crime and fire-related statistics, policies, reporting procedures, and prevention programs. As required by the Clery Act, this report includes crime and fire statistics for the previous three calendar years (2020–2022). Colgate is committed to providing accurate crime and fire-related statistics as well as continuously evaluating and improving the University’s safety and security programs. This commitment is perhaps best illustrated by the extensive annual training campus safety employees receive and the weekly review of crime reports by our Clery Review Committee led by the University’s Clery Compliance Officer.

Our University’s Clery Compliance Officer is responsible for safety and security programs’ review and reporting. In addition to reviewing crime reports, the Clery Review Committee makes annual recommendations on crime prevention program improvements, as does the Advisery Committee on Campus Security, and the University’s Safety and Security Committee.

Our safety team is committed to promoting campuswide safety in a participatory manner that advances community cooperation and support. Students, faculty, and staff also share a responsibility for maintaining a safe and secure campus, and we want to take this opportunity to thank them for their contributions toward this important goal. Together, in fervent partnership with the community we serve, we strive to make our campus a safe and secure environment for all to enjoy. With your personal safety and the safety of those around you in mind, campus community members are encouraged to review this report’s data to inform their decision-making and behaviors.

Printed copies of this report may be obtained upon request from the Department of Campus Safety located at 88 Hamilton Street, Hamilton, NY 13346. If you have any questions or suggestions about safety and security at Colgate University, you may always contact us at 315-228-7333 or [cusafety@colgate.edu](mailto:cusafety@colgate.edu).

On behalf of our safety team, we look forward to serving you and working alongside you toward making a difference.

Sincerely,

Joseph P. Hernon  
*Associate Vice President for Emergency Management, Campus Safety, and Environmental Health and Safety*  
Colgate University

Terri Stewart  
*Director of Campus Safety*  
Colgate University

# Table of Contents

<b>Annual Security and Fire Safety Report Overview</b> .....	<b>4</b>
Compiling the ASFSR .....	4
<b>Safety on Campus</b> .....	<b>4</b>
Campus Safety Department .....	4
Daily Crime and Fire Log .....	4
Enforcement Status and Authority .....	5
Reporting of Crimes or Other Emergencies Occurring on Campus .....	5
Confidential Reporting .....	6
Campus Alerts (Timely Warnings) .....	6
Emergency Preparedness .....	7
Evacuation .....	8
Emergency Response and Evacuation Procedures Testing .....	8
Monitoring and Recording Criminal Activity at Reportable Noncampus and Public Property Locations Through Local Police Agencies .....	8
Security of and Access to Campus Facilities .....	8
Residential Facilities and Policies .....	8
Maintenance of Campus Facilities .....	8
Crime Prevention and Security Awareness Programs .....	9
Student Responsibility .....	9
Missing Persons Policy .....	9
Missing Persons Procedure .....	10
Weapons Violation .....	10
Policy on Alcohol and Other Drugs .....	10
<b>University, Law Enforcement, and Campus Safety Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking</b> .....	<b>11</b>
Options for Reporting .....	11
Preserving Evidence .....	12
<b>University Policy and Procedure Information</b> .....	<b>14</b>
Student Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy .....	14
Student Discrimination and Harassment Resources and Response Procedures .....	22
Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures .....	34
University Personnel Non-Discrimination and Anti-Harassment Policy .....	52
University Personnel Non-Discrimination and Anti-Harassment Response Procedure (Faculty) .....	57
University Personnel Non-Discrimination and Anti-Harassment Response Procedure (Staff) .....	59
University Policy Information Online .....	63
Academic, Housing, Transportation, Employment, and Other Supportive Measures .....	63
Supportive Measures .....	63
Visa and Immigration Assistance .....	64
Ongoing Education and Awareness Programs .....	64
Where Can I Get More Help? .....	70
State Laws .....	70
Domestic Violence (Includes Dating Violence) .....	71
<b>Crime Statistics</b> .....	<b>72</b>
Crime Statistics .....	72
Main Campus Map .....	75
Definitions for the Clery Crime Statistics Charts .....	76
<b>Annual Fire Safety Report</b> .....	<b>77</b>
Fire Safety Reports on Student Housing Fire Statistics .....	77
On-Campus Student Housing and Life Safety Systems .....	77
<b>Campus Residential Student Housing Fire Reports</b> .....	<b>79</b>
<b>Telephone Numbers</b> .....	<b>83</b>

# Annual Security and Fire Safety Report Overview

This Annual Security and Fire Safety Report (ASFSR) is published by the Dean of the College Division (DoC) as a safety and security resource for Colgate students, staff, faculty, visitors, and prospective students. The report provides useful information and references relating to campus safety and fire safety. It is organized into the following major sections:

- The Safety on Campus section details information about the Campus Safety Department; campus safety officer enforcement status and authority; how to report crimes or other emergencies occurring on campus, including confidential reporting, campus alerts, evacuation, and emergency response; crime prevention and security awareness programs; security of and access to campus facilities; and missing persons procedures.
- The University, Law Enforcement, and Campus Safety Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking section provides details of Colgate University policies, New York State (NYS) regulations, and federal laws regarding issues such as sexual assault, harassment, stalking, and intimate partner violence. It also addresses how to report these types of incidents to the University, to campus safety, and/or to law enforcement. Information about resources, support, and protective measures is provided in this section.
- The Crime Statistics section lists statistics of crimes reported on and near campus in the past three years, followed by definitions for the Clery statistics charts.
- The Annual Fire Safety Report section includes fire statistics for on-campus student housing facilities and a description of fire safety systems in each housing facility, as well as additional fire safety and training information.

## COMPILING THE ASFSR

This report is part of the University's commitment to keeping campus community members informed on safety- and security-related policies and procedures, crime prevention programs, crime statistics, victim support services, and student housing fire safety systems and statistics. This report is prepared — in cooperation with key University stakeholders and local law enforcement agencies — by the campus safety compliance manager and the associate vice president of the Campus Safety Department, Office of Environmental Health and Safety, and Office of Emergency Management. This report is produced in compliance with the Higher Education Act and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Crime statistics included in this report are the product of a Clery compliance review team that meets on a weekly basis to review and properly classify crime reports and, based on case study and statistical analysis, make recommendations on crime prevention program improvements.

This report is sent annually via email to all enrolled students, faculty, and staff. Physical copies of this report may also be obtained at the Campus Safety Department at 88 Hamilton Street

or by calling 315-228-7333. During the application process, all prospective students and employees are also made aware of the report and provided with a website address where they can access the report: [Annual Security and Fire Safety Report](#).

## Safety on Campus

### 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 main office is open Monday through Friday from 8 a.m. to 4 p.m. For general information and routine requests, the Campus Safety Department can be reached 24 hours a day by dialing 315-228-7333. To report a crime or emergency occurring on Colgate University property to the Campus Safety Department, dial 911 from a University network phone or 315-228-7911 from a non–University network phone or cell phone.

In addition to the emergency telephone numbers, the University maintains emergency “blue light” phones throughout the campus, which provide direct two-way communication with the campus safety dispatcher. These emergency 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 emergency and nonemergency response on campus. Services provided by the Campus Safety Department include, but are not limited to:

- Facility security patrols
- Initial response to fire alarms
- Medical emergency responses
- Crime investigations
- On-campus, nonemergency medical transports
- Vehicle and traffic enforcement
- Campus parking registration and enforcement
- On-campus motorists' battery jump-starts and vehicle unlocks
- Campus card access management
- Lost and found program management
- New York State–required fire drills support
- University driver authorization program management
- University photo identification card issue/replacement

### DAILY CRIME AND FIRE LOG

The Daily Crime and Fire Log (DCFL) is located within the Campus Safety Department building. The DCFL contains information entered by Campus Safety Department staff into the computer-aided dispatch system following receipt of contact to campus safety for service, and includes: the date the information was reported, the date and time the incident occurred, the nature of the incident, the general location where the incident occurred, and the disposition of the complaint, if known. Limited information

may be temporarily withheld from the Daily Crime and Fire Log if, in consultation with University officials, campus safety personnel determine that the release of the information would jeopardize an ongoing investigation or safety of an individual; would cause a suspect to flee or evade detection; or would result in the destruction of evidence. The only exceptions to this rule are if the disclosure is prohibited by law, or if the disclosure would jeopardize the confidentiality of the victim. The University's Annual Security & Fire Safety Report is different from the Daily Crime and Fire Log in that the Annual Security & Fire Safety Report reflects crime statistics concerning Clery Act crimes which occurred on defined Clery geography, throughout the calendar year. The Daily Crime and Fire Log reflects all incidents, which occurred on campus, in or on noncampus buildings or property, on public property within the campus or immediately adjacent to and accessible from the campus, or within the patrol jurisdiction of the Campus Safety Department staff that are reported to campus safety within the 60-day period immediately preceding the date on which the DCFL is published.

The Daily Crime and Fire Log is updated by campus safety staff each day with information concerning reports of crime or fires made the prior day. Portions of the Daily Crime and Fire Log older than 60 days will be made available to the public within two business days of a request.

### ENFORCEMENT STATUS AND AUTHORITY

The Colgate University Campus Safety Department officers are all NYS-licensed security guards who have received advanced security training by Department of Criminal Justice Services–certified trainers. Officers are trained and certified in numerous other safety-related subject areas such as armed intruder/active shooter response, basic first aid, emergency medical care (e.g., cardiopulmonary resuscitation, automatic external defibrillators, narcan), trauma-informed care, crisis intervention, intoxication assessments, drug trends, suicide prevention, hazing prevention, investigation techniques, and recognizing and responding to stalking, dating/domestic violence, and sexual assault.

Campus safety officers are non-sworn and, therefore, do not possess any law enforcement arrest powers. Campus safety officers do not carry sidearms or any other protective arms. Campus safety 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 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 Colgate University–owned and –controlled property. Campus safety 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 to an incident off of Colgate University property at the request of law enforcement or emergency response agencies to provide assistance and mutual aid.

The Campus Safety Department works in close partnership with area law enforcement and emergency response agencies, including the Hamilton Police Department, Madison County Sheriff's Department, NYS Police, Hamilton Fire Department, Southern Madison County Ambulance Corps, and Madison County Office of Emergency Management. Campus safety has the ability to utilize the same two-way radio frequencies as all of the aforementioned agencies in the event of an emergency and during major University events requiring interagency coordination. The Campus Safety Department head is part of the Madison County Police Chiefs Association, which meets on a monthly basis. The Campus Safety Department has a written Memorandum of Understanding with the Hamilton Police Department covering missing persons and violent felony offenses. The Campus Safety Department advises all crime victims about their 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

To report a crime or emergency occurring on Colgate University property to the Campus Safety Department, dial 911 from a University network phone or 315-228-7911 from a non–University network phone or cell phone. The Campus Safety Department urges University students, faculty, and staff to report criminal offenses described in the law, as detailed in this report, which 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 or emergency response agency with jurisdiction can 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 the Hamilton area, the dispatcher will send campus safety staff to investigate while simultaneously notifying non-University emergency response resources as appropriate with information about the incident and location. For reports of crimes or other emergencies 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/or emergency response resources can be deployed.

## CONFIDENTIAL REPORTING

It is important to note that some victims may not want to report crimes to the Campus Safety Department or local law enforcement agencies and instead prefer to report crimes via confidential or anonymous methods. In either case, all of the reported crimes that fall under the Clery Act are included in this annual crime statistics report.

To make a confidential report about a crime or possible crime and/or University policy violation, contact the Campus Safety Department 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 make an anonymous report about a crime or possible crime and/or University policy violation, reporting parties can use the anonymous reporting/tip form available on the campus safety website at **campus safety: report/tip form**. The contents of this form are emailed directly to the Campus Safety Department and the sender appears as "Campus Safety Web Page." Anonymity is ensured if a person chooses not to 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:

- Reported to campus security authorities (CSA) or local police agencies; and
- 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.

Using the subject header *Campus Alert*, Colgate utilizes the University's email system to issue a timely warning to students, faculty, and staff. All University students and employees are provided with an email account. In order to provide Campus Alert information to guests and visitors, and in the event the email system is not operational, campus safety staff will post Campus Alert flyers in the lobby of all residence halls as well as other key buildings on campus.

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 Security and Fire Safety Report and have been reported to campus security authority 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:

- The nature of the crime
- The length of time between occurrence of the crime and the time reported
- Continuing danger to the campus community
- 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:

- 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.
- Whenever a Clery Act crime is committed within the Colgate University Clery geography, and is reported to a CSA or local law enforcement and is determined by the Campus Safety Department head or designee to represent a serious or ongoing threat to the safety of students and employees, the institution, via the Campus Safety Department, must issue a warning as soon as pertinent information is available.
- 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, if one occurred.
  - Date and time the "Campus Alert" was released.

- The warnings are normally created by the on-call campus safety duty chief and, provided it will not prevent timely release of the warning, reviewed by the Office of Communications and/or the Office of the Dean of the College.
- 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, Human Resources Department, and the Office of Admission.
- 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 Department 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 posted on all residential buildings by Residence Life staff and on all other buildings by campus safety staff.

## EMERGENCY PREPAREDNESS

The Colgate University Office of Emergency Management provides leadership, strategic direction, and professional expertise for the University's emergency management program. The emergency management program is made up of subject matter experts from departments across the University as well as outside agencies, including the Hamilton Fire Department, Hamilton Police Department, Southern Madison County Ambulance Corps, Community Memorial Hospital, and the Madison County Department of Emergency Management. Colgate University uses the Incident Command System (ICS) for incident management. ICS is a standardized, scalable, flexible, all-hazard approach to incident management. Colgate University is committed to continuously evaluating and improving its emergency management program through training and exercises using the emergency response preparedness cycle.

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 suite of mass notification system products capable of messaging via text, email, voicemail, Facebook, Twitter, and RSS feeds. 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 efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Initial campuswide emergency alerts are sent by a senior staff member from one of the three safety departments (campus safety, environmental health and safety, or emergency management), who has received advanced training in the University's mass notification system (Colgate Alert). A member of the Emergency Operations Center (EOC) who is assigned as the Colgate Alert officer sends subsequent life safety messages. Non-life safety communications related to the emergency are sent by members of the EOC Operations Section (typically from the University's communications staff).

The Colgate Alert system is capable of delivering messages to your Colgate email address as well as personal email addresses, your landline, 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 log in to the Colgate Alert 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 three email addresses, three mobile phone numbers, and three voice-only telephone numbers.

The University provides this emergency alerting service free of charge to all members of the Colgate community; however, 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, University community members can log in to the portal ([portal.colgate.edu](http://portal.colgate.edu)) using your Colgate username and password. The "Colgate Alert" link is found under "Campus Links" on the portal home page. This link provides access to the Colgate Alert system. If you have any questions or concerns, please contact campus safety at 315-228-7333 or the helpdesk at 315-228-7111.

Other campuswide warning systems that can be used alone or in conjunction with Colgate Alert include the outdoor warning system and the University network phone alert system. The outdoor warning system is a series of high-powered speaker array's located in several locations across campus. The University network phone alert system sends prescribed emergency messages via the campus IP phone system.

The Colgate University mass notification systems are tested twice a year to ensure operational readiness. These tests occur at the beginning of each semester.

## 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, get at least 300 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, assist this person out of the building and to an area at least 300 feet away from the building. 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 300-foot 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 NONCAMPUS AND PUBLIC PROPERTY LOCATIONS THROUGH LOCAL POLICE AGENCIES

The Campus Safety Department is notified of crimes occurring at noncampus 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
- Noncampus buildings or property owned or controlled by student organizations that are recognized by the University
- Noncampus buildings or property owned or controlled by the University that is used in direct support of, or in relation to, the University's educational purposes; is frequently used by students; and is not in the same reasonably contiguous geographic area of the University
- Public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus

The jurisdiction of the Campus Safety Department does not extend to private property; therefore, the Campus Safety Department's role is limited to sharing information with, coordinating, and assisting other law enforcement agency 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 is 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 nonresidential facility buildings that have manual locks.

## RESIDENTIAL FACILITIES AND POLICIES

Colgate University houses approximately 2,600 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 Office of Residential Life and 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 85 percent 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, which patrols University-owned and -leased 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 and not letting those they don't know into the facilities.

## MAINTENANCE OF CAMPUS FACILITIES

The Facilities Department (Buildings 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 all maintenance or repair issues to the department so that it can be addressed in a timely manner.

Building outdoor lighting and street lighting on campus are surveyed twice per year, in the fall and spring, by facilities and 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 faculty, staff, and administrators, meets regularly.

## CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

The Campus Safety Department promotes community safety and security as a shared responsibility. The Campus Safety Department provides crime prevention and fire safety educational programs and literature to on-campus and off-campus student residents.

Programs provided by campus safety include, but are not limited to, the following:

- Alcohol and Other Drug Awareness Training Programs: Alcohol and other drug awareness training programs, such as the Training for Intervention ProcedureS (TIPS) certification program designed to prevent intoxication, underage drinking, and drunk driving, are offered by campus safety at various times throughout the academic year.
- Community Leader Training: Campus safety officers throughout the year assist the Office of Residential Life with community leader training, from alcohol and drug awareness to personal safety and security.
- Building Security Campaign: This crime prevention program involves leaving door hangers, with reminders to lock doors, on residential hall student rooms that are found unlocked and unattended. This program is conducted at the beginning of each new academic year and whenever student residence room thefts occur on campus.
- Park Smart: This crime prevention program 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.

Crime Prevention Services offered are:

- Colgate Guardian App: The Colgate Guardian app provides a direct connection to campus safety contacts, anonymous tips, and a safety timer to keep you safe any time of day.
- Personal Safety Escorts: From dusk to dawn, escorts from and to any on-campus location 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 card 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 campuswide 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.

## STUDENT RESPONSIBILITY

The cooperation, involvement, and support of students in campus safety crime prevention and security awareness programs are crucial to their 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.

## MISSING PERSONS POLICY

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 appropriate law enforcement agency with jurisdiction 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. For initial reports made to a staff member of a department other than campus safety, it is the responsibility of that staff member to ensure the Campus Safety Department 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 persons 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.

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 person's contact and/or emergency contacts as appropriate.

## MISSING PERSONS PROCEDURE

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:

- Notify the individual identified by the student to be contacted in this circumstance; and
- If the student is under 18 years of age and not emancipated, a parent or guardian must be notified; or
- 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.

### “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) anytime 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 at Albany-SUNY student who went missing in March 1998. The law is intended 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:

[criminaljustice.ny.gov/missing/](http://criminaljustice.ny.gov/missing/)

## 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, paintball 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.

## POLICY ON ALCOHOL AND OTHER DRUGS

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 policy on alcohol and other drugs. 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 individuals 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 online program for first-year students is Alcohol-Edu for alcohol and Sexual Assault Prevention for Undergraduates for sexual assault. Ongoing programs for alcohol include TIPS\* training. All new Greek life members and anyone who wishes to host a party at which alcohol will be served must be TIPS trained.

Providing resources available to all students, the Colgate University Office of Counseling and Psychological Services and the 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 provides individuals the knowledge and confidence they need to recognize potential alcohol-related problems and intervene to prevent alcohol-related tragedies.

# University, Law Enforcement, and Campus Safety Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Colgate University is committed to providing a safe learning, working, and living environment, and does not tolerate violence of any type, including crimes of sexual assault, intimate partner violence, and stalking.

You may report violations to the University, to campus safety, to law enforcement, to just one, all, or any combination, or none. We encourage survivors to report what you have experienced to law enforcement and to participate in the University’s internal review process, but you are not obligated to do so. There are resources, support, and protective measures available to you even if you decide not to participate in University or law enforcement processes. 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 Student Non-discrimination, Anti-Harassment, and Sexual Misconduct Policy.

In some cases, if you make an initial report but then decide not to participate further, the University may still need to review and investigate the information provided, and also may be obligated to share the report with law enforcement for possible handling through the criminal justice system. Even in such cases, though, you do not have to participate in the University or law enforcement processes if you do not wish to do so.

## OPTIONS FOR REPORTING

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” under the University’s Student Non-discrimination, Anti-Harassment, and

Sexual Misconduct Policy 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. Sanctions following disciplinary proceedings regarding rape, or forcible or nonforcible sex offenses, with a finding of responsibility for the respondent may include suspension or expulsion. 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 10 calendar days except when law enforcement authorities specifically request and justify a longer delay.

Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by 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.

## REPORTING TO LAW ENFORCEMENT

- If the incident occurred on campus, contact the Campus Safety Department at 315-228-7911. If the incident occurred in Hamilton, contact the Hamilton Police Department or the New York State Police by calling 911.
- If you are uncertain where the incident occurred or which agency to contact, campus safety is available to help you determine which agency has jurisdiction and will help you to report the matter to that agency if you wish.

## REPORTING TO THE UNIVERSITY

Sexual Assault – The University also provides many avenues for reporting of sexual assault, domestic/dating violence, stalking, harassment, bias, discrimination, or other Title IX concern; hazing or organizational misconduct; disruptive or aggressive behavior; or concern about the welfare of a student.

In all cases, the most direct reporting mechanism is to contact the Office of Equity and Diversity at 315-228-6161 or file a complaint online: **Report to Administration.**

Another option in any case is to file a complaint with the Campus Safety Department at 315-228-7911 or use the anonymous tip form: **Report to Campus Safety.**

## PRESERVING EVIDENCE

**Sexual Assault** – In cases of rape or other forms of sexual assault, the preservation of evidence for a criminal case is critical and must be done properly and promptly. Wanting to wash, shower, and change clothes is a natural impulse after a sexual assault, but wait. If you have not done so already, do not: take a bath or shower, brush your teeth, go to the bathroom, douche, change your clothes, eat or drink anything, or even brush your hair, as physical evidence may be lost. As uncomfortable as you may be, if you can avoid doing any of these things, you will preserve evidence that can help convict the person who raped you. If you have already washed, don't worry — but don't wash any more. If you have taken off the clothes you were wearing when you were assaulted, put them in a clean shopping bag and take them with you to the hospital.

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 (SANE).

By law, you are not required to report to law enforcement in order to receive a sexual assault forensic exam. New York State Executive Law Section 631(13) provides for direct reimbursement by the Office of Victim Services (OVS) to providers of sexual assault forensic health care examination services. This measure provides for the personal privacy of sexual assault victims, while reimbursing providers when the victim does not have access to private health insurance or chooses not to use private health care insurance for the forensic examination.

All victims of sexual assault have a right to have a forensic medical examination and evidence kit collected. Generally, a forensic exam must be performed within 96 hours of the assault in order to obtain essential evidence. However, the NYS Office of Victim Services will cover the cost of a forensic exam conducted beyond 96 hours for any victim where good cause is shown for the delay.

Colgate University, Community Memorial Hospital, and Liberty Resources began meetings in 2016 to connect passionate and motivated individuals in the community with an interest in providing more resources for local assault survivors. This unprecedented rural community partnership created the SANE program at Community Memorial Hospital to provide sexual assault or abuse victims with critical medical and trauma care in southern Madison County.

The forensic exam will be administered by a Sexual Assault Nurse Examiner. Sexual Assault Nurse Examiners are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of a patient who has experienced sexual abuse. Even if you are not sure that you want to file a police report, it can be helpful to have any available evidence collected in case you decide to file a report with law enforcement at a later date. The nurse also can provide emergency contraception, trauma response, sexually transmitted infection testing and treatment, forensic medical care, referral to further support services, and

other needed medical care. Sexual assault forensic exams will not be billed to medical insurance without your consent.

SANE services can be accessed locally by calling the 24-hour hotline at 1-855-966-9723 or in person at the following two medical facilities:

**Community Memorial Hospital – Emergency Department**  
**150 Broad St., Hamilton, NY 13346**  
**315-824-6090**

**Oneida Healthcare – Emergency Department**  
**321 Genesee Street, Oneida, NY 13421**  
**315-363-6000**

SANE services are also available through Vera House. A Sexual Assault Nurse Examiner will meet victims of recent sexual assault or rape at most Syracuse hospitals (except Community General and the VA Medical Center).

Vera House provides a 24-hour hotline telephone support for people who have been sexually abused, sexually assaulted, or raped, recently or at any time in the past, and for family members in need of support. The Vera House staff and volunteers are available to talk anytime about a recent assault or something that happened years ago. The hotline can be the first point of contact with a Vera House Victim Advocate. Call 315-468-3260 at any time or Vera's TTY crisis line during regular business hours at 315-484-7263. Victim advocates provide 24-hour support at Onondaga County hospitals or police stations. An advocate will meet victims of sexual abuse, sexual assault, or rape at the hospital or police station and help them get through the medical examination and, if the victim chooses to report the assault to the police, the reporting process. Although we recommend reporting assaults to law enforcement, the decision is yours.

**Intimate Partner Violence** – Not all experiences of domestic or dating violence cause visible injuries. If visible injuries are present, it can be helpful to document them with photographs, if it is safe to do so. It is also important to seek medical attention if possible and safe to do so.

**Stalking** – If you have experienced stalking, it can be helpful to an investigation to retain any evidence of that behavior, including documentation of any unwanted communication (whether written, oral, or electronic), postings (such as on social media), gifts, etc.

**University Review of Reports** – Whenever the University receives a report of sexual assault, intimate partner violence, or stalking, it will review that report consistent with its applicable policies and procedures.

In all cases, the University's policies and procedures seek to provide a prompt, fair, and impartial resolution of the concern reported. To that end, the individuals responsible for handling sexual violence, intimate partner violence, and stalking investigations, sanctioning, and appeals receive annual training

on how to properly conduct their investigations of these concerns in a way that promotes accountability as well as the safety of the individuals involved, and of the University community as a whole.

The University investigation processes for reviewing sexual violence, intimate partner violence, and stalking\* use a preponderance of the evidence standard. The claimant and respondent are entitled to the same opportunities to have others present during a disciplinary proceeding. Following receipt of notice of a violation or of a complaint, the reporting individual is promptly given the opportunity to select a Prohibited Conduct Response Group (PCRG) member or other individual of their choice to serve as their adviser throughout the 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.

The University's processes also provide that the claimant and respondent will receive written notification of the outcome of any disciplinary proceeding relating to the reported concern, including reported incidents of crimes of violence or non-forcible sex offenses, as well as any opportunities to appeal the results of that proceeding, any changes to the results before they are finalized, and an update when the results become final. If the claimant is deceased as a result of such crime or offense, written

notification of the proceeding's outcome will be provided to the next of kin. The University also recognizes the importance of maintaining, to the greatest extent possible, the confidentiality of both the claimant and respondent's identities while it reviews the reported concern. To that end, the University will share information internally only as needed to ensure proper handling of the concerns that have been raised, comply with legal obligations, or provide any requested supportive measures, and will share information externally only to the extent legally required to do so. The University does not publish the identities of complainants in its crime alerts or crime logs.

*\*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, 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.*



# University Policy and Procedure Information

## STUDENT NONDISCRIMINATION, ANTI-HARASSMENT, AND SEXUAL MISCONDUCT POLICY

Participation in or creation of situations that cause physical harm or emotional strain, such as causing a member or nonmember to be the object of malicious amusement or ridicule.

### I. STATEMENT OF INSTITUTIONAL VALUES

Colgate values the social and intellectual vibrancy that occurs when students, faculty, and staff with different life experiences, viewpoints, and belief systems come together to share knowledge and foster understanding. We aim to create and maintain a Colgate community whose members can study, live, and work together in an environment characterized by equal opportunity, inclusiveness, safety, and mutual respect. To that end, this policy prohibits discrimination, harassment (including sexual harassment), sexual assault, sexual exploitation, domestic violence, dating violence, stalking, and related retaliation (collectively “Prohibited Conduct”). Colgate is committed to maintaining an educational environment and workplace free from Prohibited Conduct. Any and all such acts are serious violations of our community values. They impede our educational mission. (See Colgate’s [Mission Statement](#), and the discussion of community values in Colgate’s [Statement on Academic Freedom and Freedom of Expression](#).)

Colgate fully subscribes to all federal and state civil rights laws banning discrimination in the context of its programs and activities. 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. This policy addresses Prohibited Conduct by individual members of the campus community. However, the University also accepts complaints about discrimination or discriminatory impact caused by a policy, procedure, or practice of the University, or a specific university department, office or operating unit. A complaint about a policy, procedure, or practice should be made to the Office of Equity and Diversity, who will conduct an inquiry into the policy, procedure or practice, and, if a discriminatory impact is found, will issue recommendations for corrective and remedial action to the appropriate University personnel.

### II. POLICY COVERAGE

This policy sets forth behavioral expectations for all Colgate University students. This policy applies to conduct that occurs on Colgate’s campus or property and to all Colgate programs and sponsored activities. This policy also applies to off-campus conduct under certain circumstances. For example, certain aspects of the policy apply when students travel off campus as part of a University activity or team.

Conduct that occurs off campus and not in connection with Colgate programs may violate certain aspects of 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 the safety or security of Colgate’s campus.

A complaint that this policy has been violated will be addressed through one of the following University processes:

- If the complaint includes allegations of Prohibited Conduct by or against a student or student organization that include alleged discrimination or harassment based upon sex, gender, sexual orientation, or gender identity or expression; sexual assault; sexual exploitation; domestic violence; dating violence; stalking based on sex; or related acts of retaliation, the complaint will be addressed pursuant to the [Colgate University Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures](#).
- If the complaint involves Prohibited Conduct by a student or student organization including alleged discrimination or harassment based only on other characteristics protected by applicable law (including race, color, pregnancy, religion, creed, national origin [including ancestry], citizenship status, physical or mental disability, age, marital status, veteran or military status [including special disabled veteran, Vietnam-era veteran, or recently separated veteran], predisposing genetic characteristics, or domestic violence victim status), it will be addressed pursuant to the [Colgate University Student Discrimination and Harassment Resources and Response Procedures](#).

Complaints involving Prohibited Conduct by or against employees, other than complaints addressed under the Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures because they involve allegations of Prohibited Conduct by or against a student or student organization as described above, will be addressed through applicable Colgate University procedures governing faculty or staff.

The Title IX Coordinator and Equity and Diversity Officer oversees implementation of the applicable processes for responding to complaints of Prohibited Conduct. Any person assigned a role pursuant to this policy may delegate their authority, or the Title IX Coordinator and Equity and Diversity Officer may require reassignment of such authority, to another appropriate person to avoid bias or conflicts of interest, or in other circumstances, as deemed necessary. In addition, to the extent permitted by

applicable law (including Title IX and New York Education Law Article 129-B), appropriately trained personnel other than the Title IX Coordinator may oversee cases for reasons including, but not limited to, the need to facilitate efficient and timely administration of such cases. The University may also utilize appropriately trained individuals for any role under this policy as it may deem necessary or appropriate.

*Inquiries may be made to:*

Renee Madison  
Vice President for Equity and Inclusion  
The Office of Equity and Diversity  
102 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-7014

*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  
Web: <http://www.ed.gov/oc>

### III. DEFINITIONS OF PROHIBITED CONDUCT

#### 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, and prohibits discrimination against, any person because of race, color, sex, gender, sexual orientation, gender identity or expression, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, 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 (collectively, “Protected Characteristics”).

The term “discrimination” refers to an act that disadvantages a person and that occurs because of the affected individual’s Protected Characteristics. Examples of discrimination include but are not limited to excluding a student from membership in an organization, denying a student a research opportunity, or giving a student a lower grade than deserved, because of the student’s Protected Characteristic.

#### B. Harassment (other than Sexual Harassment)

Harassment is unwelcome, offensive conduct that occurs on the basis of race, color, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, or domestic violence victim status.

Harassing conduct can occur in various forms, including:

- Verbal – Conduct such as unwelcome, demeaning, or graphic comments; using ethnic, racial, religious, or other slurs to refer to a person or group; or jokes or comments that demean a person or a group on the basis of one of the above-referenced Protected Characteristics.
- Physical – Conduct such as physical threats toward or intimidation of another on the basis of one of the above-referenced Protected Characteristics.
- Visual – Conduct such as creating or displaying racially, ethnically, or religiously offensive pictures, symbols, flags, cartoons, or graffiti that disparages another person or group because of one of the above-referenced Protected Characteristics.

Communication-based – Conduct such as phone calls, emails, text messages, chats, blogs, or online communications that offend, demean, or intimidate another on the basis of one of the above-referenced Protected Characteristics. Members of the community are expected to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome messaging, or otherwise using the ease of transmission and/or anonymity of the internet or other technology to harm another member of, or group within, the University community.

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 or group and the learning community. A “hostile environment” is created when the offensive behavior 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 as described above. In all instances, a key factor is whether the complained-of behavior occurred because of Protected Characteristics. If it did not, the behavior is not regulated by this policy. However, even if the conduct is not based upon a Protected Characteristic and/or does not rise to the level of Prohibited Conduct under this policy, the University may respond by providing individual and community support and resources to those who have been impacted. In addition, such conduct that is not based on Protected Characteristics may constitute a violation of the University's Code of Student Conduct and, if so, will be addressed pursuant to the System of University Standards and Student Conduct.

### C. Sex-Based, Gender-Based, and Sexual Misconduct

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. "Should know" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. 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. Coercion is a threat, undue pressure, or intimidation to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.

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.

Acts of sexual harassment, sex offenses, dating violence, domestic violence and stalking can occur 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 rather the activity and whether the parties to the activity affirmatively consented to engage in it.

#### Definitions of Specific Violations

This policy applies to alleged conduct violative of Title IX of the Education Amendments of 1972 ("Title IX Violations"), and also applies to a broader range of contexts and behaviors inconsistent with the University's commitment to equal opportunity and, in some cases, the University's obligations under other applicable laws such as New York Education Law Article 129-B (i.e., "University Standards Violations").

The designation of conduct or allegations as either "Title IX Violations" or "University Standards Violations" is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the University's broader obligations under New York Education Law Article 129-B and its discretion to prohibit and discipline a larger scope of inappropriate behavior.

#### 1. Title IX Violations

Title IX of the Education Amendments of 1972 provides: "No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

In accordance with Title IX as interpreted by the United States Department of Education, the University recognizes the following as conduct violations within the meaning of Title IX, provided that the context and

circumstances of the conduct fall within the scope of Title IX. Among other things, this means that the complainant was in the United States at the time of the alleged conduct, that the complainant is participating in or seeking to participate in the University's education program or activity at the time of the complaint, and that the conduct is alleged to have occurred in the context of the University's education program or activity:

**Sexual harassment.** "Sexual harassment," as a Title IX Violation, means conduct on the basis of sex, gender, sexual orientation, or gender identity or expression, that satisfies one or more of the following:

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

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

- Unwelcomed conduct on the basis of sex, gender, sexual orientation, or gender identity or expression, that does not rise to the level described above may be addressed as a University Standards Violation as described below, provided that it meets the definition of sexual harassment as a University Standards Violation.

**Sexual Assault.** Consistent with federal law, Colgate defines sexual assault as a sexual act directed against another person, without consent of the other person, including instances where the other person is incapable of giving consent. Sexual assault consists of the following specific acts:

- **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, without the consent of the other person.

- **Non-Consensual Sexual Contact.** This form of sexual assault includes any intentional touching, however slight, for purposes of sexual gratification, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person without the consent of the other person, including instances where the other person is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing.

- **Incest.** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape.** Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

**Dating Violence.** Dating violence refers to violence (including but not limited to sexual or physical abuse or the threat of such abuse) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence 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. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence.** Domestic violence refers to 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 where the University is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. To categorize an incident as Domestic Violence, the relationship must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship as described above.

**Stalking.** Stalking is engaging in a course of conduct directed at a specific person on the basis of sex that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition, (i) a "course of conduct" means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (ii) "reasonable person" means a reasonable person under similar circumstances and with similar identities to the complainant; and (iii) "substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Examples of behavior that may constitute stalking include repeated, intentional following, observing or lying in wait for another; using “spyware” or other electronic means to gain impermissible access to a person’s private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual’s relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual. Stalking that does not occur on the basis of sex may be addressed as a University Standards Violation as described below.

## 2. University Standards Violations

The University prohibits the following behavior under circumstances in which a university interest is implicated (such as an impact on individuals as members of the University community). For the purpose of University Standards Violations, the below conduct is prohibited even if the conduct occurs off-campus, outside the United States, if the complainant is not participating or seeking to participate in the University’s education program or activity, or otherwise in circumstances over which the University does not have influence or control, including but not limited to during University academic breaks.

Sexual harassment. “Sexual harassment” means unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex or gender, sexual orientation, or gender identity or expression, when such conduct has the purpose or effect of unreasonably interfering with an individual’s work, academic, or extracurricular performance, or creating an intimidating, hostile, or offensive work or learning environment, even if the reporting individual is not the intended target of the sexual harassment.

### Harassing conduct can occur in various forms, including:

- Verbal – Conduct such as unwelcome sexually suggestive, demeaning, or graphic comments; unwelcome verbal sexual advances; using slurs to refer to a person; bullying, yelling or name-calling; refusing to use a person’s preferred pronouns or name; or jokes or comments that demean a person on the basis of sex or gender, sexual orientation, gender identity or gender expression.
- Physical – Conduct such as unwanted sexual contact or physical sexual advances (e.g., unwanted touching, pinching, patting, kissing, hugging, grabbing, brushing against another person’s body or poking another person’s body); sexual intimidation through physical threats; or physical threats toward or intimidation of another on the basis of sex or gender, sexual orientation, gender identity or gender expression.

- Visual – Conduct such as exposing another person to unwanted pornographic images; creating or displaying pictures, symbols, flags, cartoons, or graffiti that is/are sexually offensive or disparage(s) another person or group based on sex or gender, sexual orientation, gender identity, or gender expression.

- Communication-based – Conduct such as phone calls, emails, text messages, chats, blogs, or online communications that offend, demean, or intimidate another on the basis of sex or gender, sexual orientation, gender identity or gender expression. Members of the community are expected to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the internet or other technology to harm another member of, or group within, the University community.

- Sex stereotyping – Conduct in which another person’s or group’s conduct or personality traits are treated as inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.

A determination as to whether sexual 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 or group and the learning community.

A “hostile environment” is created when the offensive behavior 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 sexual harassment pursuant to this policy even if the behavior in question does not rise to the level of legally recognized or actionable 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 as described above. In all instances, a key factor is whether the complained-of behavior occurred based on sex or gender, sexual orientation, gender identity or gender expression, or was sexual in nature. If it did not, the behavior is not regulated by this policy. However, even if the conduct is not sexual in nature or based on sex or gender, sexual orientation, gender identity, or gender expression and/or does not otherwise constitute Prohibited Conduct under this policy, the University may respond by providing individual and community support and resources to those who have been impacted. In addition, such conduct that is not sexual in nature or based on sex or gender, sexual orientation, gender identity, or gender expression may constitute a violation the University’s Code of Student Conduct and, if so, will be addressed pursuant to the System of University Standards and Student Conduct.

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 on submission to sexual activity.

Sexual Assault. “Sexual assault” includes any sexual act directed against another person without the consent of the other person, including instances where the victim is incapable of giving affirmative consent, but that does not constitute sexual assault as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the University’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University’s education program or activity). Sexual assault consists of the following specific acts:

- 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 the affirmative consent of the other person or where the other person is incapable of 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.
- 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 the affirmative consent of the other person, including instances where the other person is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity. 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.

Sexual Exploitation. Taking non-consensual or abusive sexual advantage of another for one’s own benefit or for the benefit of anyone other than the person being exploited, if the conduct does not otherwise constitute another offense under this policy. Examples of Sexual Exploitation include (a) sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed); (b) taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent or beyond the parameters of consent), including the making or posting of revenge pornography; (c) exposing one’s genitals in non-consensual circumstances or non-consensual disrobing of another person so as to expose the other person’s private body parts; (d) prostituting another person; (e) engaging in sexual activity with another person while knowingly infected with a sexually transmitted disease (STD) or infection (STI), without informing the other person of the STD or STI; (f) causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person’s ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity; (g) misappropriation of another person’s identity on apps, websites, or other venues designed for dating or sexual connections; (h) forcing a person to take an action against that person’s will by threatening to show, post, or share information, video, audio, or an image that depicts the person’s nudity or sexual activity; (i) knowingly soliciting a minor for sexual activity.

Dating Violence. Dating violence refers to violence (including but not limited to sexual or physical abuse or the threat of such abuse) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, but that does not



constitute dating violence as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity). The existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence 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. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence.** Domestic violence refers to 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 where the University is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the act of violence occurs, that does not constitute domestic violence as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity). To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship as described above.

**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 to suffer substantial emotional distress, but that does not constitute stalking as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the

University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity). For the purposes of this definition, (i) a "course of conduct" means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (ii) "reasonable person" means a reasonable person under similar circumstances and with similar identities to the complainant; and (iii) "substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Stalking behavior may include but is not limited to repeated, intentional following, observing, or lying in wait for another; using "spyware" or other electronic means to gain impermissible access to a person's private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual's relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual.

**Prohibited Consensual Relationships.** Colgate University employees (including both faculty and staff) need to be especially sensitive to the power/authority relation in their interactions with students. Consensual romantic, sexual, or dating relationships between University employees and students contradict both professional ethics and this policy and are prohibited by Colgate. Consensual relationships that begin prior to the date on which the involved parties become student and employee are not prohibited by this policy, but the employee is required to report the existing relationship to their supervisor as of the date the parties are simultaneously enrolled and employed by the University. In such circumstances the University reserves the right to take such actions as may be necessary to address any resulting conflict of interest (for example, ensuring that the employee does not have responsibility for evaluating work submitted by the student for academic credit).

**Retaliation.** Retaliation is an adverse act perpetrated to "get back" at a person because the person reported misconduct, filed a complaint, or participated or refused to participate as a complainant, respondent, or witness in an investigation or proceeding conducted in response to reported violation of this policy by the University or by an external agency. Retaliation also includes an adverse act against someone for the purpose of interfering with any right or privilege under this policy or applicable law. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats and intimidation that would discourage a reasonable person (under similar circumstances and with similar identities

to the targeted individual or group) from engaging in protected activity. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good faith; a person may provide inaccurate information believing it is accurate, which is still good faith. If a person makes a statement knowing that it is false, the person has acted without good faith.

**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 Protected Characteristics.

The following example demonstrates the difference between a non-hate 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.

#### IV. AMNESTY

The health and safety of every student at Colgate is of utmost importance. Colgate recognizes that students who have been underage drinking and/or using drugs (whether such use is voluntary or involuntary), and/or engaged in other minor violations of Colgate policy, at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault, or other conduct in violation of this policy, 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, sexual assault, or other violations of this policy 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, sexual assault, or other violation of this policy to Colgate's officials or law enforcement will not be subject to Colgate's Code of Student Conduct action (including but not limited to action under this policy) for violations of alcohol and/or drug use policies, or other minor policy violations, occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault. For purposes of this provision, "other minor policy violations" do not include more serious allegations such as physical abuse, hazing, unlawful sale or

distribution of drugs, or other conduct that would typically result in a sanction of suspension or expulsion if the student is found responsible.

#### V. SUPPORTIVE RESOURCES AND REPORTING OPTIONS

Individuals experiencing conduct that may violate this policy have a variety of options to obtain supportive or protective resources, and/or to request that the University pursue disciplinary action in response to violations:

- For information about confidential resources, reporting procedures (including confidentiality and privacy), supportive or protective measures and/or applicable investigation and adjudication processes for incidents that include discrimination or harassment based upon sex, gender, sexual orientation, or gender identity or expression; sexual assault; sexual exploitation; domestic violence; dating violence; stalking; or related acts of retaliation, please see the [Colgate University Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Procedures](#).
- For information about confidential resources, reporting procedures (including confidentiality and privacy), supportive or protective measures and/or applicable investigation and adjudication processes for incidents of discrimination or harassment based only upon Protected Characteristics other than sex, gender, sexual orientation, or gender identity or expression, see the [Colgate University Student Discrimination and Harassment Resources and Response Procedures](#).

#### VI. 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.

This policy covers claims of disability-related harassment and discrimination. Disability accommodation requests are handled separately from this policy. The Director of Disability Services is responsible for coordinating efforts to comply with these disability laws, including evaluation of accommodation requests. Procedures for requesting accommodations are described elsewhere in the Student Handbook. Student requests for accommodations should be directed to the [Director of Disability Services](#).

The Executive Director for Equity and Inclusion, Equal Opportunity and Affirmative Action has been designated as the ADA Coordinator and is authorized to receive employee complaints alleging noncompliance with these requirements.

## VII. 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](#), and the principles articulated by the University's [Task Force on Academic Freedom and Freedom of Expression](#), this 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. The expression of ideas offered in the course of respectful, responsible teaching, learning, working, and academic debate are not violations of this policy.

## VIII. POLICY ENFORCEMENT

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

Renee Madison  
Vice President for Equity and Inclusion  
The Office of Equity and Diversity  
102 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-7014

## STUDENT DISCRIMINATION AND HARASSMENT RESOURCES AND RESPONSE PROCEDURES

### I. INTRODUCTION

This procedural document provides information about supportive and protective measures available to members of the Colgate University community experiencing discrimination or harassment based upon characteristics protected by applicable law including race, color, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, or domestic violence victim status (collectively, "Prohibited Conduct"). This document also provides procedures for the investigation and adjudication of allegations of Prohibited Conduct by or between students or student organizations.

### II. POLICY AND PROCEDURE SUMMARY

This procedural document provides options for persons who have experienced any form of Prohibited Conduct. As described more fully below, these options include the following:

A report to a Confidential Resource. A confidential resource provides emotional and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a University investigation or any other action to respond to the incident.

A report to a Policy Administrator. Certain personnel at the University have the responsibility to receive reports of Prohibited Conduct and to take action based on those reports. A Policy Administrator will forward the information about the incident to the Title IX Coordinator and Equity and Diversity Officer. The Title IX Coordinator and Equity and Diversity Officer will discuss options with the Reporting Individual. The assistance the Title IX Coordinator and Equity and Diversity Officer can facilitate includes the following:

- Initial or Interim Remedies. Initial or interim remedies are intended to support the individual who experienced Prohibited Conduct to continue in their involvement in the University's programs and activities. These remedies may include no contact orders; academic accommodations; changes in housing assignment; or other academic, residential, or work accommodations.
- Informal Resolution. Informal resolution is a process that enables the parties (i.e., the Complainant and the Respondent) to agree upon a resolution to the situation. Not all incidents are appropriate for informal resolution, and no party may be forced to participate in or accept informal resolution. This is a voluntary process.
- Formal Grievance Process. A grievance process includes an investigation and adjudication process. The outcome of a grievance process is that the person accused of Prohibited Conduct is found either responsible or not responsible for having committed a violation of University policy. A violation results in appropriate sanctions and other remedies to address the violation.

A report to Law Enforcement. If an incident involves criminal conduct, the victim may make a complaint to law enforcement.

The options for reporting above are not mutually exclusive, and an individual may pursue one option but not another. An individual may obtain the services of a confidential resource and decide at that time or a later time to report to the University. An individual may report to the University and also make a report to law enforcement, or may make a report to only the University or only to law enforcement.

## III. DELEGATION OR REASSIGNMENT OF AUTHORITY; USE OF EXTERNAL RESOURCES

Any person assigned a role pursuant to this procedural document may delegate their authority, or the Title IX Coordinator and Equity and Diversity Officer may require reassignment of such authority, to another appropriate person to avoid bias or conflicts of interest, or in other circumstances, as deemed necessary. In addition, to the extent permitted by applicable law (including Title IX and New York Education Law Article 129-B), appropriately trained personnel other than the Title IX Coordinator may oversee cases for reasons including, but not limited to, the need to facilitate efficient and timely administration of such cases. The University may also utilize appropriately trained individuals for any role under this process as it may deem necessary or appropriate.

## IV. DEFINITIONS

In addition to terms defined elsewhere in this procedural document, the following terms have the meanings set forth below:

- The term Complainant refers to the person who allegedly experienced conduct in violation of University policy. In some cases, the Title IX Coordinator and Equity and Diversity Officer may initiate the investigation and adjudication process pursuant to this procedural document. In that instance, the Title IX Coordinator and Equity and Diversity Officer is not the "Complainant"; the Complainant remains the person who allegedly experienced the misconduct.
- The term Reporting Individual refers to a person who reports alleged misconduct. This may or may not be the same as the Complainant, and may be a witness, a bystander, or someone else with information about the alleged misconduct.
- The term Respondent refers to the person or organization alleged to have committed misconduct.

## V. PROHIBITED CONDUCT RESPONSE GROUP (PCRG)

The Colgate University Prohibited Conduct Response Group (PCRG) consists of members of the campus community dedicated to prevention of and response to Prohibited Conduct as defined in the Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policies for students, faculty, and staff, including prevention of and response to discrimination or harassment based upon race, color, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, or domestic violence victim status. Members of the PCRG are announced in an annual distribution to campus. The list of members and a description of the group can be found [here](#). Members of the PCRG are trained to serve in the following roles:

- To serve as a first point of contact and provide information and resources to a reporting individual or respondent,
- To serve in a facilitation role in informal resolution,

- To investigate complaints,
- To act as advisers to those involved in complaints,
- To serve on hearing panels to adjudicate allegations of Prohibited Conduct (as noted in Section XIV.A, a panel consisting of three members of the PCRG plus a nonvoting panel chair is responsible for adjudicating those allegations brought to a formal hearing under this procedural document),
- To serve on appellate panels, and
- To serve in an educational role for the community.

The PCRG membership includes faculty and staff drawn from across the institution. The President appoints the members, who report to the Title IX Coordinator and Equity and Diversity Officer. PCRG members receive annual training organized by the Title IX Coordinator and Equity and Diversity Officer, including a review of Colgate policies and procedures so that they are able to provide accurate information to members of the community. All PCRG members are required to attend this annual training, which includes issues related to harassment or discrimination on the basis of the protected characteristics listed in Section I. above (e.g., race, religion, citizenship status, etc.), impartiality, and the rights of Complainants and Respondents (including the right to a presumption that the Respondent is "not responsible" until a finding of responsibility is made pursuant to the applicable provisions of this procedural document), as well as how to conduct a fair and impartial 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 PCRG regardless of whether they are formally appointed to the PCRG. Additional advanced training in investigation protocol, the conduct of adjudication hearings, informal resolution processes, and the appellate process is provided annually to subsets of the PCRG members who serve in these roles.

PCRG members are usually appointed to three-year terms. Individuals who are interested in serving on the PCRG are encouraged to contact the Title IX Coordinator and Equity and Diversity Officer.

## VI. CONFIDENTIAL RESOURCES

Any person who has experienced Prohibited Conduct is encouraged to understand their options and to seek support for their emotional and physical needs. A person seeking confidential emotional support or health care may contact the following resources.

### Students may contact:

- Counseling and Psychological Services, 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.



#### Employees may contact:

- Employee Assistance Program, 315-451-2161.

Sharing information with a Confidential Resource listed above does not constitute a report to the University and will not result in an investigation or in any remedial or disciplinary action.

Information shared with the University's Counseling Services, Student Health Center, and the University's chaplains will not ordinarily be shared with the Title IX Coordinator and Equity and Diversity Officer. When an individual shares information with a Confidential Resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual's written permission or unless permitted or required consistent with ethical or legal obligations (e.g., an individual poses a threat to self or others). Similarly, medical and counseling records cannot be released without the individual's written permission or unless permitted or required consistent with ethical or legal obligations.

Confidential Resources submit non-personally identifying information about Clery-reportable crimes to Colgate campus safety for purposes of anonymous statistical reporting under the Clery Act.

Because Confidential Resources are there to support emotional, physical, and spiritual needs and not to serve as part of the University disciplinary process, any person who desires for the University to take investigatory/disciplinary action must make a report to one of the Policy Administrators, listed below.

#### VII. REPORTING OPTIONS

The University encourages all individuals to report Prohibited Conduct to the University and/or (in the case of criminal conduct) to local law enforcement. An individual may make a report to the University, to law enforcement, to neither, or to both. Campus processes and law enforcement investigations operate independently of one another, although appropriate officials may coordinate information with campus safety as part of an initial assessment of reports. Options for reporting to the University and/or to law enforcement are described below:

##### A. Reporting to the University

###### 1. Where to Report

Anyone may make a report of Prohibited Conduct to the University in person, by telephone, or by email or online. The following offices and individuals have been trained to receive and respond to reports:

Renee Madison, Vice President for Equity and Inclusion  
Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7014  
rmadison@colgate.edu

Dorsey Spencer, Dean of Students  
Office of the Dean of the College  
121 McGregory Hall  
315-228-7425  
dspencer@colgate.edu

Kim Taylor, Dean for Administrative Advising and Student Conduct  
Office of the Dean of the College  
121D McGregory Hall  
315-228-7426  
ktaylor@colgate.edu

###### Any PCRG member

You may also use one of Colgate's [online reporting forms](#). The forms provide the option for you to report anonymously or non-anonymously. Providing anonymous information may help the University maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or person; and alert the campus community to potential dangers when appropriate. Depending on the amount of information available in the anonymous report, however, the University's ability to respond with an investigation or disciplinary action may be limited.

If a report is made to anyone other than the Policy Administrators listed above, the Reporting Individual risks the possibility that the information will not come to the attention of the proper University officials and may, therefore, not be acted upon.

There is no time limit for making a report. However, the passage of time may make effective responsive action difficult. Further, if the Respondent 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.

*Note: You may also contact the Title IX Coordinator and Equity and Diversity Officer, or a PCRG member to discuss how Colgate's investigatory and disciplinary processes work. You need not disclose information about a specific incident in order to obtain general information about Colgate's policies and procedures.*

###### 2. What Happens after Contacting a Policy Administrator

A Policy 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 Respondent or, in appropriate circumstances, informal resolution. In situations where the Reporting Individual's well-being

requires, other options may include interim measures as described in Section IX below. The University will review the facts and circumstances of each case, as well as the Reporting Individual's wishes, in deciding whether and what steps are reasonable and appropriate.

###### 3. How Information Is Shared Within the University

A Policy 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 and Equity and Diversity Officer to investigate and/or seek a resolution and subject to other legal requirements. This is described further below.

###### 4. How Decisions About Taking Action Are Handled

A report to a Policy 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. A Reporting Individual may make a report to a Policy 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 Respondent (i.e., no investigation or disciplinary action), the Policy Administrator will consult with the Title IX Coordinator and Equity and Diversity Officer. The University's decision as to responsive action will depend on the nature of the offense, whether the Respondent 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 Respondent will commit future acts of violence, whether there was a single perpetrator or multiple, whether the Respondent 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, impact upon the University community, and similar considerations. A decision will be made and shared with the Reporting Individual. Ultimately, the University retains the right to act upon information that interferes with the University's obligation to maintain a safe and non-discriminatory environment for all community members.

In its annual report of campus crime statistics, the University must report statistics concerning the occurrence on campus of certain crimes. This statistical report does not include any personally identifiable information concerning the Reporting Individual or the Respondent. 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 Reporting Individual.

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

##### B. Reporting to Law Enforcement

*Any person may call 911 or Campus Safety at any time for immediate safety assistance. If you or someone else is experiencing an emergency, please call for immediate assistance.*

###### 1. General Considerations

Anyone who believes they were or may have been the victim of a crime is encouraged to report the incident to local law enforcement and pursue criminal charges. A Reporting Individual has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the University will assist a Reporting Individual in contacting law enforcement at any time. Under limited circumstances posing a threat to the health or safety of any individual or to comply with applicable law, the University may independently notify law enforcement.

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. The existence of a criminal complaint does not relieve the University from the need to investigate or otherwise determine what occurred and take appropriate steps in response. Although the University and law enforcement processes are separate, in some cases, the University may delay temporarily the initiation of its internal processes while a law enforcement investigation is ongoing.

**2. Options for reporting to law enforcement are described below.**

**Assistance From Campus Safety**

Any member of the campus community may contact Colgate's Campus Safety Department for assistance in filing a criminal complaint and preserving evidence at: Colgate Campus Safety  
88 Hamilton Street  
315-228-7911 or 911 from a campus phone  
[Emergency line]  
315-228-7333 [Non-emergency line]  
cusafety@colgate.edu

**3. Reporting Directly to Law Enforcement**

Anyone may make a report directly to local law enforcement authorities. The Hamilton Police Department (315-824-3311, or 911 in an emergency) can assist in filing a criminal complaint and preserving evidence.

**IX. INTERIM REMEDIES**

Initial or interim remedies may be implemented in appropriate circumstances. The Title IX Coordinator and Equity and Diversity Officer 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 Prohibited Conduct, or to prevent further harm to the alleged victim and to prevent further violations. These remedies may include referral to counseling and health services, education to the community, altering the housing situation of one or more of the involved students, altering work arrangements for student 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 Respondent or the ongoing activity of a student organization whose behavior is in question, the University may, for the interim, suspend a student or organization pending completion of the PCRG investigation and procedures.

**X. INFORMAL RESOLUTION**

**A. Informal Resolution Process**

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

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

The informal resolution process is not available in a complaint involving more than two parties unless (a) all parties voluntarily consent to use the informal resolution process, (b) there is an understanding among all parties about what happens when the right of any party to stop the informal resolution process and commence (or return to) the formal investigation and resolution process is invoked, and (c) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution. No party should feel intimidated, coerced, or threatened to participate in an informal resolution process, and the Title IX Coordinator and Equity and Diversity Officer will not authorize use of the informal resolution process where there is reason to believe that a party's consent to use the process is not truly voluntary.

The informal resolution process may also be used if the Respondent wishes to accept responsibility for all or part of the alleged policy violations. If the Respondent indicates an intent to accept responsibility for all or part of the alleged misconduct, the formal investigation and adjudication process will be paused, and the Title IX Coordinator and Equity and Diversity Officer will determine whether informal resolution can be used according to the criteria above. If so, the informal resolution process will be used to determine whether all parties and the University are able to agree on sanctions and/or remedies. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

Supportive measures are available to both parties in the same manner as they would be if the complaint were proceeding under the formal investigation and resolution process.

**B. Steps Prior to the Informal Resolution Process**

The Title IX Coordinator and Equity and Diversity Officer will offer the informal resolution process to the parties after a complaint is filed by a Complainant if the Title IX Coordinator and Equity and Diversity Officer believes informal resolution may be appropriate. Both parties must consent to use the informal resolution process. Either party in an informal resolution process may terminate it at any time and the complaint will proceed (or return) to the formal investigation and resolution process. In some instances, as detailed below, the facilitator in the informal resolution process may terminate the process as well.

If both parties consent to participate in the informal resolution process, the University will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role. The facilitator will also be screened to ensure that such person is free from conflicts of interest and bias.

**C. How the Process Works - General**

The facilitator will schedule one or more meetings with the parties. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations in an effort to find common ground and a resolution of the allegations that is satisfactory to all parties. The facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties.

Informal resolution may be appropriate if the parties are willing to openly exchange views and reach a resolution acceptable to both parties. The parties to this process should have a clear understanding of the allegations in

the complaint and the issues that are in dispute since the investigation phase of the formal investigation and resolution process will not occur (or resume) if an informal resolution is reached.

**D. Role of the Facilitator**

The facilitator's role is to conduct the informal resolution process in a way that is impartial and does not favor one party over the other. If the facilitator believes at any point in the informal resolution process that one party is not behaving in a way that allows for a productive resolution between the parties, the facilitator will discuss the matter in confidence with the Title IX Coordinator and Equity and Diversity Officer, and either another facilitator will be appointed or the University will require that the informal resolution process be canceled and the complaint will be addressed through the formal investigation and resolution process.

**E. Confidentiality**

For the informal resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the informal resolution process will be kept confidential by the facilitator but the facilitator may share information with the Title IX Coordinator and Equity and Diversity Officer as necessary to enable the Title IX Coordinator and Equity and Diversity Officer to oversee the process in accordance with this procedural document.

In addition, the facilitator will not be available as a witness in any hearing that may occur should either party or the University terminate the informal resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties. Should the formal complaint proceed or be returned to the formal investigation and resolution process, the parties and any support persons may not disclose information shared by the other party during the informal resolution process in the hearing. All persons participating in the informal resolution process must sign a confidentiality agreement that provides that no information revealed by a party in the informal resolution process will be used against that party in a hearing. This confidentiality protection does not apply to information that is learned outside the informal resolution process through the investigation or otherwise (but not learned through a violation of the confidentiality agreement).

**F. Support Persons During Informal Resolution Process**

Each party may have a support person accompanying them to any informal resolution meeting. A support person is someone who provides support to a party during the informal resolution process. This role should be distinguished from the role of an adviser under the formal investigation and resolution process of this



procedural document. For instance, the support person will not be permitted to question the other party.

A support person can help a party understand or explain the issues under discussion or simply help the party feel more comfortable during the informal resolution process. A support person should be someone with whom the party feels comfortable. A party may need to tell their support person sensitive things related to the facts and circumstances surrounding the allegations. The support person may be a friend or relative or any other person the party trusts.

A support person cannot be someone who has been involved in the facts and circumstances in the allegations in any way. In addition, the other party and the facilitator must agree to the support person attending. The facilitator can also exclude a support person if their presence is disruptive during the informal resolution process.

A party must let the facilitator know in advance if they would like a support person to attend any informal resolution meeting and the name of the support person and that person's relationship to the party. The facilitator will check with the other party to confirm that such party agrees to continue with the informal resolution with the support person present. Support can be provided in several ways. Support people do not necessarily have to be present in an informal resolution session. Support people can be available to offer support in a nearby area and the facilitator can schedule breaks so that a party can talk with their support person outside the meeting. The support person can attend the informal resolution meeting but may not participate or speak during it. The support person can ask for a break if the person wishes to confer with the party.

#### **G. Possible Outcomes of the Process**

A resolution is reached only if both parties agree and if the resolution is accepted by the Title IX Coordinator and Equity and Diversity Officer. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. If there is no agreement on a resolution, the complaint will proceed (or be returned) to the formal investigation and resolution process outlined in this procedural document.

The University imposes no restrictions on the possible outcomes reflected in a resolution so that the parties are free to fashion a resolution that meets their needs, subject to acceptance by the Title IX Coordinator and Equity and Diversity Officer. A resolution may include discipline, up to and including expulsion/termination of employment, if the parties agree.

The facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by all parties and accepted by the Title IX Coordinator and Equity and Diversity Officer. This written and signed resolution indicates that the complaint has been resolved under this process without the need to pursue the formal investigation and resolution process.

After a written resolution has been finalized, the University will keep a record of the parties' written consent to the informal resolution process and the written resolution. Results of complaints resolved by informal resolution are not appealable under this process.

#### **H. What Happens if the Informal Resolution Process Does Not Result in an Agreed-Upon Resolution**

Once a complaint has been filed, the informal resolution process should proceed with due promptness. The University imposes no specified timeframe for the process but the facilitator may choose to terminate the informal resolution process (and either party may elect to terminate the process) if insufficient progress is being made.

If an informal resolution process does not result in an agreed-upon resolution, investigation of the allegations in the complaint will commence (or resume) and the formal investigation and resolution process will proceed from there.

### **XI. INVESTIGATION**

In cases where the Title IX Coordinator and Equity and Diversity Officer determines that a complaint appears to allege Prohibited Conduct, and the Complainant wishes to pursue a formal complaint or the Title IX Coordinator and Equity and Diversity Officer decides that the University, based on the alleged policy violation, wishes to pursue a formal complaint, then the Title IX Coordinator and Equity and Diversity Officer appoints PCRGM 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 to utilize external investigators if warranted in the discretion of the Title IX Coordinator and Equity and Diversity Officer. The University may temporarily withhold a student's degree and/or diploma if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending.

#### **A. Scope and Timing of Investigation**

Investigation of complaints will be completed within ninety (90) days when reasonably possible, but an investigation may take longer when (among other things) the University is not in session. The University also 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. 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 Title IX Coordinator and Equity and Diversity Officer may determine that cases where the allegations arise out of the same set of facts should be consolidated for purposes of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single Complainant against a Respondent, or multiple complaints by a single Complainant against multiple Respondents.

#### **B. Notice of Investigation**

The Respondent will receive notice, in advance of any interview or other meeting they are required or entitled to attend, of the PCRGM 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 Respondent will also be notified of their right to select a PCRGM member or other individual, who must be a member of the campus community and may not be a practicing attorney, to serve as their adviser throughout the PCRGM process, including during all meetings and hearings related to such process. If, in the course of the investigation, the University decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator and Equity and Diversity Officer will provide notice of the additional allegations to the parties.

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

#### **C. Rights During Investigation Process**

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

No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews. If the investigator(s) elect(s) to audio and/or video record interviews, all parties involved in the meeting or interview

will be made aware that audio and/or video recording is occurring.

### **XII. ASSESSMENT FOLLOWING INVESTIGATION**

Once an investigation is completed, the investigator(s) will meet with the Title IX Coordinator and Equity and Diversity Officer and the Dean for Administrative Advising and Student Conduct. Based on that meeting, the Title IX Coordinator and Equity and Diversity Officer will make a decision as to whether the results of the investigation warrant proceeding with the complaint process. If the Title IX Coordinator and Equity and Diversity Officer determines that the alleged incident is more properly handled pursuant to another University policy or procedure, the Title IX Coordinator and Equity and Diversity Officer will direct the matter to the appropriate procedure or personnel.

If the Title IX Coordinator and Equity and Diversity Officer determines that the allegations and available information warrant a continuation of the process, then the Title IX Coordinator and Equity and Diversity Officer may authorize informal resolution, or may direct the complaint for a resolution without a hearing, or a formal hearing, based on the below criteria. If the Title IX Coordinator and Equity and Diversity Officer determines that continuing with the complaint process is not warranted, the process will end, and the Complainant and Respondent will be so informed. This notice will include findings of fact and the rationale for the determination.

### **XIII. RESOLUTION WITHOUT A HEARING**

In cases where the alleged violations, and therefore the range of possible sanctions, are minor (less than suspension or expulsion), the Dean for Administrative Advising and Student Conduct 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. A Complainant or Respondent 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 Title IX Coordinator and Equity and Diversity Officer, 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 or expulsion, or that are otherwise not appropriate for resolution without a hearing as set forth above, the matter will normally proceed to a formal hearing as described below.

### **XIV. FORMAL HEARING PROCEDURE**

In any cases that are not appropriate for informal resolution and are not resolved without a hearing, the Title IX Coordinator and Equity and Diversity Officer will initiate a formal hearing.

#### **A. Hearing Panel Membership**

The Title IX Coordinator and Equity and Diversity Officer will appoint a non-voting panel chair and three members of

the PCRG to the hearing panel who do not have a conflict of interest in the case. PCRG members who served as investigators or as advisers to the Complainant or Respondent may not serve as hearing panel members. 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 names of the hearing panel members, and how to challenge participation by any hearing panel member for bias or conflict of interest.
4. The right to an adviser. The parties may have the assistance of one PCRG member or other individual at the hearing. The adviser must be a member of the campus community and may not be a practicing attorney.
5. A statement about the University's policy on retaliation.

### **C. Hearing Process - General**

Participants in the hearing will include the non-voting chair, the three members of the panel, the investigator(s) who conducted the investigation on the complaint, the Complainant and Respondent (or up to three organizational representatives in a case where an organization is charged), advisers to the parties, and any called witnesses. Hearings are private, and observers, other than the parties' advisers, are not allowed. Hearings involve the discussion of sensitive, private topics. Therefore, any person present for any part of the hearing is urged to use discretion in discussing the hearing with uninvolved parties. Panel members are required to treat the hearing as completely confidential.

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 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 participate in the hearing if their testimony can be adequately summarized by the investigator(s) during the hearing. The chair of the hearing panel is in charge of organizing the presentation of information to be considered by the hearing panel.

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

If desired, the Complainant and the Respondent 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, remote participation as described above, etc.), the parties should request them from the chair at least five calendar days prior to the hearing. Neither party (Complainant nor Respondent) 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).

Hearings will be recorded by the University. Cell phones and recording devices may not be used by the parties or their advisers in the hearing room(s).

### **D. Advisers**

The Complainant and Respondent may have present with them during the hearing an adviser. The adviser must be a member of the campus community and may not be a practicing attorney. 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.

### **E. Procedural Matters**

The chair will explain procedural ground rules prior to or 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. The investigator(s) may be asked to respond to questions posed by the chair or PCRG panel members. The investigator(s) may be present during the entire hearing process. The findings of the investigation and the investigator(s)'s findings 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 believe is relevant and credible may be considered, including hearsay, history and information indicating a pattern of behavior.

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 incidents not directly related to the possible violation unless they show a pattern, or the character of the Complainant or Respondent. Prior disciplinary violations and character information may be considered for purposes of assessing sanctions (if applicable) as and to the extent provided below.

### **F. Decisions**

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

engaged in the conduct charged. A lack of preponderance does not necessarily mean that the Complainant has been dishonest or made a false complaint, but rather that the weight of the evidence did not indicate that it was "more likely than not" that a violation occurred.

If the hearing panel determines that the Respondent is responsible for the violation(s) in question, it moves to a consideration of sanctions. Each party may submit a written personal impact statement to the Dean for Administrative Advising and Student Conduct for consideration by the hearing panel in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Title IX Coordinator and Equity and Diversity Officer prior to the hearing. 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. In addition to the impact statement(s) and character references, if any, factors considered when determining sanctions may include:

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

### **Sanctions**

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

1. 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.
2. 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.

3. 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.

4. Expulsion: Permanent termination of student status or indefinite revocation of University recognition of organizational status.

5. 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.

6. 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.

7. 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 their behavior.
- b. "No contact" directive (including but not limited to continuation of a no contact directive imposed as a supportive 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:

- i. 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.
- ii. Loss, revocation, or restriction of off-campus living privileges.

Sanctions take effect immediately, unless the Title IX Coordinator and Equity and Diversity Officer stays implementation pending completion of any appeal process. For those crimes of violence that the University is required by federal law to include in its Annual Security & Fire Safety 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 student conduct violation" or "Expelled after a finding of responsibility for a code of student conduct violation." Transcript notations for suspensions imposed under this procedural document may be removed at the discretion of the registrar in consultation with the Title IX Coordinator and Equity and Diversity Officer, but no earlier than one year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

#### 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.).

#### G. 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.

#### H. Withdrawal While Charges Pending

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 under this procedural document. 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 levied 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 "Withdrew with conduct charges pending."

#### I. Appeal

##### 1. Grounds for Appeal; Submission Requirements

A Complainant or Respondent may appeal the result of any formal hearing. All appeals must be submitted in writing within 10 calendar days of the delivery of the written findings of the hearing panel. Appeals shall be submitted to an appellate panel composed of the Dean of the College and a PCRG member designated by the Title IX Coordinator and Equity and Diversity Officer. Any party may appeal a decision, but only on the basis of one or more of the following grounds:

- a. A procedural error or omission occurred during the process which, based upon the entire record, is reasonably likely to have changed the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.); or
- b. New information, unavailable prior to or during the hearing, has come to the attention of one of the parties which, had it been known at the time of the hearing, and based upon the entire record, is reasonably likely to have changed the outcome of the hearing or the nature or severity of any sanction that may have been imposed; or
- c. 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.

##### 2. Appeal Procedures

In the event of an appeal by any party, all parties and the chair of the PCRG hearing panel 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:

- a. Because the appellate panel has not heard the evidence directly, deference must be given to the PCRG hearing panel on evidentiary matters and the appellate panel must sustain the decision unless one of the three grounds for appeal listed above has been established.
- b. 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, 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.
- c. 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.

#### XV. RECORDS

In implementing this procedure, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator and Equity and Diversity Officer. 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.

#### XVI. DISABILITY ACCOMMODATIONS

A Complainant or Respondent with a disability who requires accommodation in the complaint, investigation, hearing, or any other phase of the process is responsible for disclosing the need for accommodation to the Title IX Coordinator and Equity and Diversity Officer. The Title IX Coordinator and Equity and Diversity Officer may consult with the Office of Disability Services in deciding whether to grant a disability accommodation request.

#### XVII. COORDINATION WITH OTHER POLICIES AND PROCEDURES

A particular situation may potentially implicate one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process. Without limiting the foregoing, if determined appropriate by the Title IX Coordinator and Equity and Diversity

Officer, the processes described in this procedural document may be used to respond to, investigate, and adjudicate conduct allegedly violating the University Code of Student Conduct and/or other policies if the alleged conduct is related to or arises out of the same facts, circumstances, or incidents as alleged Prohibited Conduct to be addressed pursuant to this procedural document.

### **XVIII. COMPLAINTS AGAINST NON-COMMUNITY MEMBERS**

A complaint against a non-community member for violation of the Colgate University Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy will be handled and addressed as the Title IX Coordinator and Equity and Diversity Officer deems appropriate. However, in all such cases, the Title IX Coordinator and Equity and Diversity Officer 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.

### **XIX. 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, 315-228-7333. You may also view crime statistics for all colleges and universities at the [United States Department of Education's Website](#).

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.

### **XX. BIAS/CONFLICT OF INTEREST**

In the event that any person assigned a role pursuant to this procedural document is aware of any relationship, fact, circumstance, or occurrence that they reasonably believe creates or constitutes bias or a conflict of interest that would render them incapable of performing the role in an impartial manner, that person shall identify the bias or conflict of interest to the Title IX Coordinator and Equity and Diversity Officer at the earliest practicable time. Similarly, any Complainant or Respondent who objects to the participation of any person assigned a role pursuant to this procedural document based upon bias or a conflict of interest shall identify the conflict of interest to the Title IX Coordinator and Equity and Diversity Officer at the earliest practicable time. The Title IX Coordinator and Equity and Diversity Officer will determine whether bias or a conflict of interest in fact exists and necessitates replacement of the person in question.

### **XXI. DISCRETIONARY AUTHORITY; CHANGE IN APPLICABLE LAW**

The Title IX Coordinator and Equity and Diversity Officer shall have discretionary authority to construe and interpret this procedural document, and to determine the meaning of any disputed or uncertain provisions. In the course of any process under this procedural document, the Title IX Coordinator and Equity and Diversity Officer may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator and Equity and Diversity Officer may also vary procedures materially with notice (on the University website, with the appropriate effective date identified) upon determining that changes to law or regulation, or interpretations thereof, require policy or procedural alterations not reflected in this document. If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this procedural document will be construed to comply with the most recent government regulations or holdings.

### **XXII. PROCEDURE ENFORCEMENT**

Renee Madison  
Vice President for Equity and Inclusion  
The Office of Equity and Diversity  
102 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-7014

## **STUDENT SEX- OR GENDER-BASED DISCRIMINATION AND HARASSMENT AND SEXUAL MISCONDUCT RESOURCES AND RESPONSE PROCEDURES**

### **I. INTRODUCTION**

This procedural document provides information about supportive and protective measures available to members of the Colgate University community experiencing discrimination or harassment based upon sex, gender, sexual orientation, or gender identity or expression; sexual assault; domestic violence; dating violence; or stalking based on sex; other forms of sexual misconduct described below; or related acts of retaliation (collectively, “Sex- or Gender-Based Prohibited Conduct”). This document also provides procedures for the investigation and adjudication of allegations of Sex- or Gender-Based Prohibited Conduct by, against, or between students or student organizations.

One or more of the University’s personnel policies or faculty or staff handbook policies may overlap with this procedure in a particular situation. The processes described herein apply to any situation where a student or a student organization is the Complainant or Respondent. In all other situations, the University reserves the right to apply this process or another applicable University policy or process. The University will apply this process to any situation where the University determines that

Title IX requires the application of this process. Once a matter is adjudicated and a final result is reached using this process, the result is not subject to further review or appeal under other Colgate University policies or procedures.

### **II. POLICY AND PROCEDURE SUMMARY**

This procedural document provides options for persons who have experienced any form of Sex- or Gender-Based Prohibited Conduct. As described more fully below, these options include the following:

#### **A report to a confidential resource**

A confidential resource provides emotional and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a University investigation or any other action to respond to the incident unless the reporting individual requests it.

#### **A report to a Policy Administrator**

Certain personnel at the University have the responsibility to receive reports of Sex- or Gender-Prohibited Conduct and to take action based on those reports. A Policy Administrator will forward the information about the incident to the Title IX Coordinator and Equity and Diversity Officer. The Title IX Coordinator and Equity and Diversity Officer will discuss options with the Reporting Individual. The assistance the Title IX Coordinator and Equity and Diversity Officer can facilitate includes the following:

*Supportive Measures.* Supportive measures are intended to support the individual who experienced Sex- or Gender-Based Prohibited Conduct to continue in their involvement in the University’s programs and activities. Supportive measures may include no contact orders; academic accommodations; changes in housing assignment; or other academic, residential, or work accommodations.

*Informal Resolution.* An informal resolution is a resolution that the parties (i.e., the Complainant and the Respondent) agree upon to address the situation. Not all incidents are appropriate for informal resolution, and no party may be forced to participate in or accept an informal resolution. This is a voluntary process.

*Formal Grievance Process.* A grievance process includes an investigation and adjudication process. The outcome of a grievance process is that the person accused of Sex- or Gender-Based Prohibited Conduct is found either responsible or not responsible for having committed a violation of University policy. A violation results in appropriate sanctions and other remedies to address the violation.

*A report to Law Enforcement.* If an incident involves criminal conduct, the victim may make a complaint to law enforcement. The options for reporting listed above are not mutually exclusive. Furthermore, an individual may pursue any of the listed options without needing to pursue any of the others. An individual may obtain the services of a confidential resource and decide at that time or a later time to report to the University. An individual may report to the University and also make a report to law enforcement, or may make a report to only the University or only to law enforcement.

### **III. DELEGATION OR REASSIGNMENT OF AUTHORITY; USE OF EXTERNAL RESOURCES**

Any person assigned a role pursuant to this procedural document may delegate their authority, or the Title IX Coordinator and Equity and Diversity Officer may require reassignment of such authority, to another appropriate person to avoid bias or conflicts of interest, or in other circumstances, as deemed necessary. In addition, to the extent permitted by applicable law (including Title IX and New York Education Law Article 129-B), appropriately trained personnel other than the Title IX Coordinator and Equity and Diversity Officer may oversee cases for reasons including, but not limited to, the need to facilitate efficient and timely administration of such cases. The University may also utilize appropriately trained individuals for any role under this process as it may deem necessary or appropriate.

### **IV. DEFINITIONS**

In addition to terms defined elsewhere in this procedural document, the following terms have the meanings set forth below:

1. The term Complaint means a formal written complaint filed in accordance with Section VIII below. A formal complaint is necessary to initiate an investigation and adjudication process or the informal resolution process but is not necessary to access supportive measures.
2. The term Complainant refers to the person who allegedly experienced conduct in violation of University policy. In some cases, the Title IX Coordinator and Equity and Diversity Officer may file a formal complaint and thereby initiate the investigation and adjudication process pursuant to this procedural document. In that instance, the Title IX Coordinator and Equity and Diversity Officer is not the “Complainant”; the Complainant remains the person who allegedly experienced the misconduct.
3. The term Reporting Individual refers to a person who reports alleged misconduct. This may or may not be the same as the Complainant, and may be a witness, a bystander, or someone else with information about the alleged misconduct.
4. The term Respondent refers to the person or organization alleged to have committed misconduct.



5. The term Title IX Violation means conduct defined as a Title IX Violation in the Colgate University Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy.

6. The term University Standards Violation means conduct defined as a University Standards Violation in the Colgate University Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy.

## V. PROHIBITED CONDUCT RESPONSE GROUP (PCRG)

The Colgate University Prohibited Conduct Response Group (PCRG) consists of members of the campus community dedicated to prevention of and response to all Prohibited Conduct as defined in the Nondiscrimination, Anti-Harassment and Sexual Misconduct Policies for students, faculty, and staff, including prevention of and response to discrimination or harassment based upon sex, gender, sexual orientation, or gender identity or expression; sexual assault; domestic violence, dating violence, or stalking based on sex; or other forms of sexual misconduct. Members of the PCRG are announced in an annual distribution to campus. The list of members and a description of the group can be found at [colgate.edu/pcrg](http://colgate.edu/pcrg). Members of the PCRG are trained to serve in the following roles:

- To serve as a first point of contact and provide information and resources to a reporting individual or respondent,
- To serve in a facilitation role in informal resolution,
- To investigate complaints,
- To act as advisers to those involved in complaints,
- To serve on hearing panels to adjudicate allegations of Prohibited Conduct (as noted in Section XIV.A, a panel consisting of two members of the PCRG plus a voting panel chair who is responsible for adjudicating those allegations brought to a formal hearing under this procedural document),
- To serve on appellate panels, and
- To serve in an educational role for the community.

The PCRG membership includes faculty and staff drawn from across the institution. The President appoints the members, who report to the Title IX Coordinator and Equity and Diversity Officer. PCRG members receive annual training organized by the Title IX Coordinator and Equity and Diversity Officer, including a review of Colgate policies and procedures so that they are able to provide accurate information to members of the community. All PCRG members are required to attend this annual training, which includes issues related to sexual assault, dating violence, domestic violence, and stalking, impartiality, and the rights of Complainants and Respondents (including the right to a presumption that the Respondent is “not responsible” until a finding of responsibility is made pursuant to the applicable provisions of this procedural document), as well as how to conduct a fair and impartial 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 PCRG regardless of whether they are formally appointed to the PCRG. Additional

advanced training in investigation protocol, the conduct of adjudication hearings, informal resolution processes and the appellate process is provided annually to subsets of the PCRG members who serve in these roles.

PCRG members are usually appointed to three-year terms. Individuals who are interested in serving on the PCRG are encouraged to contact the Title IX Coordinator and Equity and Diversity Officer.

## VI. CONFIDENTIAL RESOURCES

Any person who has experienced Sex- or Gender-Based Prohibited Conduct is encouraged to understand their options and to seek support for their emotional and physical needs. A person seeking confidential emotional support or healthcare may contact the following resources.

### Students may contact

- Counseling and Psychological Services, 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.
- Help Restore Hope Center, 24-hour hotline, 855-966-9723.

### Employees may contact

- Employee Assistance Program, 315-451-2161.
- Help Restore Hope Center, 24-hour hotline 855-966-9723.

Sharing information with a Confidential Resource listed above does not constitute a report to the University and will not result in an investigation or in any remedial or disciplinary action. Information shared with the University’s Counseling Center, Student Health Services, or the University’s chaplains will not ordinarily be shared with the Title IX Coordinator and Equity and Diversity Officer. When an individual shares information with a Confidential Resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the Confidential Resource cannot disclose the information (including information about whether an individual has received services) to any third party without the individual’s written permission or unless permitted or required consistent with ethical or legal obligations (such as extreme circumstances involving an immediate threat or danger, abuse of a minor, elder or individual with a disability, or when disclosure is required by law or court order). Similarly, medical and counseling records cannot be released without the individual’s written permission or unless permitted or required consistent with ethical or legal obligations.

Confidential Resources submit non-personally identifying information about Clery-reportable crimes to Colgate Campus Safety for purposes of anonymous statistical reporting under the Clery Act.

Because Confidential Resources are there to support emotional, physical and spiritual needs and not to serve as part

of the University disciplinary process, any person who desires the University to take investigatory/disciplinary action must make a report to one of the Policy Administrators, listed below.

## VII. REPORTING OPTIONS

The University encourages all individuals to report Sex- or Gender-Based Prohibited Conduct to the University and/or (in the case of criminal conduct) to local law enforcement. An individual may make a report to the University, to law enforcement, to neither, or to both. Campus processes and law enforcement investigations operate independently of one another, although appropriate officials may coordinate information with Campus Safety as part of an initial assessment of reports. Options for reporting to the University and/or to law enforcement are described below:

### A. Reporting to the University

#### 1. Where to Report

Anyone may make a report of Sex- or Gender-Based Prohibited Conduct to the University in person, by telephone, by email, or online. The following offices and individuals have been trained to receive and respond to reports:

Renee Madison, Vice President for Equity and Diversity  
Office of Equity and Diversity  
102 Lathrop Hall  
315-228-7014  
[rmadison@colgate.edu](mailto:rmadison@colgate.edu)

Dorsey Spencer, Dean of Students  
Office of the Dean of the College  
121 McGregory Hall  
315-228-7425  
[dspencer@colgate.edu](mailto:dspencer@colgate.edu)  
Any PCRG member

Kim Taylor, Dean for Administrative Advising and Student Conduct  
Office of the Dean of the College  
121D McGregory Hall  
315-228-7426  
[ktaylor@colgate.edu](mailto:ktaylor@colgate.edu)

Individuals may also use one of Colgate’s online reporting forms found at [www.colgate.edu/campussafety](http://www.colgate.edu/campussafety). The forms provide the option for you to report anonymously or non-anonymously. Providing anonymous information may help the University maintain accurate records regarding the number of incidents involving students, employees, and third parties; determine if there is a pattern of conduct with regard to a particular location or person; and alert the campus community to potential dangers when appropriate. Depending on the amount of information available in the anonymous report, however, the University’s ability to respond with an investigation or disciplinary action may be limited.

If a report is made to anyone other than the Policy Administrators listed above, the Reporting Individual risks the possibility that the information will not come to the attention of the proper University officials and may, therefore, not be acted upon.

There is no time limit for making a report. However, the passage of time may make effective responsive action difficult. Further, if the Respondent 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.

*Note: You may also contact the Title IX Coordinator and Equity and Diversity Officer, or a PCRG member to discuss how Colgate’s investigatory and disciplinary processes work. You need not disclose information about a specific incident in order to obtain general information about Colgate’s policies and procedures.*

### 2. What Happens After Contacting a Policy Administrator

A Policy 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 Respondent or, in appropriate circumstances, informal resolution. In situations where the Reporting Individual’s well-being requires, other options may include supportive measures as described in Section IX below. 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.

### 3. How Information Is Shared Within the University

A Policy 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.

### 4. How Decisions About Taking Action Are Handled

A report to a Policy 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 Policy 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 to meet other legal obligations.

If a Reporting Individual requests that no action be taken against the Respondent (i.e., no investigation or disciplinary action), the Policy Administrator will consult with the Title IX Coordinator and Equity and Diversity Officer. The University’s decision as to responsive action will depend on the nature of the offense, whether the Respondent 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 Respondent will commit future acts of violence, whether there was a single perpetrator or multiple, whether the Respondent 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 information relevant to the University's obligation to maintain a safe and non-discriminatory environment for all community members.

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 Reporting Individual or the Respondent. 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 Reporting Individual.

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

## B. Reporting to Law Enforcement

*Any person may call 911 or Campus Safety at any time for immediate safety assistance. If you or someone else is experiencing an emergency, please call for immediate assistance.*

### 1. General Considerations

Anyone who believes they were or may have been the victim of a crime is encouraged to report the incident to local law enforcement and pursue criminal charges. A Reporting Individual has the right to report, or decline to report, potential criminal conduct to law enforcement. Upon request, the University will assist a Reporting Individual in contacting law enforcement at any time. Under limited circumstances posing a threat to the health or safety of any individual or when required to comply with applicable law, the University may independently notify law enforcement.

In criminal cases, the preservation of evidence is critical and must be done properly and promptly. For example, in cases of sexual assault, it may be important not to shower, change clothes, or brush one's hair, as physical evidence may be lost. In cases of violence or physical abuse, it may be important to document injuries by taking photographs. As described below, Campus Safety or the Hamilton Police Department can assist in filing a criminal complaint and in securing an 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.

The existence of a criminal complaint does not relieve the University from the need to investigate or otherwise determine what occurred and take appropriate steps in response. Although the University and law enforcement processes are separate, 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 10 calendar days except when law enforcement authorities specifically request and justify a longer delay.

Options for reporting to law enforcement are described below.

### 2. Assistance From Campus Safety

Any member of the campus community may contact Colgate's Campus Safety Department for assistance in filing a criminal complaint and preserving evidence at:

Colgate Campus Safety  
88 Hamilton Street  
315-228-7911 or 911 from a campus phone  
[Emergency line]  
315-228-7333 [Non-emergency line]  
[cusafety@colgate.edu](mailto:cusafety@colgate.edu)

### 3. Reporting Directly to Law Enforcement

Anyone may make a report directly to local law enforcement authorities. The New York State Police Campus Sexual Assault Victim Unit's 24-hour Hotline (1-844-845-7269) and/or the Hamilton Police Department (315-824-3311, or 911 in an emergency) can assist in filing a criminal complaint, preserving evidence, and securing an appropriate physical examination, including by a Sexual Assault Nurse Examiner.

### 4. Public Awareness/Advocacy Events

If a member of the Colgate community discloses actions believed to constitute a violation of the Colgate University Student Nondiscrimination, Anti-Harassment and Sexual Misconduct 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.

## VIII. FILING A FORMAL COMPLAINT

### A. Requirements for a Formal Complaint

A formal complaint is necessary to initiate a disciplinary resolution or informal resolution. A formal complaint must be in written form and must be signed by the Complainant or (as provided in this procedural document) the Title IX Coordinator and Equity and Diversity Officer. A third party or anyone other than the victim of the misconduct may report an incident as described above, but may not file a formal complaint. However, a formal complaint may be filed by a parent or guardian on behalf of a minor person.

A formal complaint is a document filed by a Complainant or signed by the Title IX Coordinator and Equity and Diversity Officer alleging one or more violations committed by a Respondent and requesting that the University investigate the allegation. The Respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the University. A formal complaint may be filed with the Title IX Coordinator and Equity and Diversity Officer in person, by mail, or by electronic mail to: Renee Madison, Office of Equity and Diversity, 102 Lathrop Hall, 315-228-7014, [rmadison@colgate.edu](mailto:rmadison@colgate.edu); or by submitting a complaint electronically using the online reporting form found at [www.colgate.edu/campussafety](http://www.colgate.edu/campussafety). In order to qualify as a formal complaint, the document must contain the Complainant's physical or electronic signature, or otherwise indicate that the Complainant is the person filing the formal complaint.

If a Complainant declines to sign a formal complaint or does not wish to participate in the complaint and adjudication process, or the Complainant's identity is unknown, and the Title IX Coordinator and Equity and Diversity Officer determines there is sufficient cause to file a formal complaint, the Title IX Coordinator and Equity and Diversity Officer may file a formal complaint. In such cases, the Title IX Coordinator and Equity and Diversity Officer is not considered to be a Complainant or other party under this process.

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, but prompt reporting is very strongly encouraged. The Title IX Coordinator and Equity and Diversity Officer may exercise discretion in handling complaints when substantial time has passed since an alleged incident.

### B. What Happens Following a Formal Complaint

Following receipt of notice of a complaint, the Complainant is promptly given the opportunity to select a PCRG member or other individual of their choice (who may be, but is not required to be, an attorney) to serve as their adviser throughout the PCRG process, including during all meetings and hearings related to such process. The Complainant is also provided a document delineating their rights, resources, and options, including the right to make a report 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 supportive measures and resources through Colgate or other community organizations.

An initial determination is made by the Title IX Coordinator and Equity and Diversity Officer as to whether a policy violation may have occurred and/or whether informal resolution might be appropriate. If the complaint does not appear to allege a policy violation or if informal 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 order to comply with federal Title IX regulations, the Title IX Coordinator and Equity and Diversity Officer must "dismiss" allegations of Title IX Violation(s) alleged in a complaint if, at any time following receipt of the complaint, it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged:

1. would not constitute sexual harassment, sexual assault, dating violence, domestic violence, or stalking as defined as **Title IX Violations** in the Student Nondiscrimination, Anti-Harassment and Sexual Misconduct Policy, even if proved.
2. did not occur in the University's education program or activity, or
3. did not occur against a person in the United States. Even if allegations of Title IX Violations are subject to dismissal, the University may continue to process the allegations as University Standards Violations if the allegations, if true, would constitute University Standards Violations.

The Title IX Coordinator and Equity and Diversity Officer also may (but is not necessarily required to) dismiss a complaint or any of its allegations if at any time during the investigation or hearing:

1. the Complainant notifies the Title IX Coordinator and Equity and Diversity Officer in writing that the Complainant would like to withdraw the complaint or any specific allegation,
2. the Respondent is no longer enrolled or employed by the University, or
3. specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the complaint or its allegations.

Any decision to dismiss a complaint or allegation pursuant to this section is immediately appealable pursuant to the appeal procedures set forth in this document.

## IX. SUPPORTIVE MEASURES

Once a report is made under this process, the Complainant will be contacted by the Title IX Coordinator and Equity and Diversity Officer and offered individualized support as more fully described below. A report that triggers supportive measures need not be a formal complaint, and it may be made by a third



party (i.e., someone other than the person allegedly subjected to misconduct). Once the Respondent is informed of a formal complaint or a report resulting in supportive measures that directly affect the Respondent, the Respondent will be contacted by the Title IX Coordinator and Equity and Diversity Officer and offered individualized support as more fully described below. The Respondent will also be given the opportunity to select a PCRG member or other individual of their choice (who may be, but is not required to be, an attorney) to serve as their adviser throughout the PCRG process, including during all meetings and hearings related to such process.

#### **A. Nature of Supportive Measures**

Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the University's educational programs and activities and protect the safety of all parties without unreasonably burdening any other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties. Supportive measures could include, but are not limited to:

1. Changes or adjustment in academics such as the extension of deadlines or other course-related adjustments or allowing a withdrawal from a course without penalty;
2. Changes to housing, transportation, and campus working situations if those changes are requested by a party and reasonably available;
3. Mutual "No Contact" orders and, in certain cases, one way no contact orders;
4. Access to campus escorts or other reasonable security or monitoring measures; and/or
5. Counseling services (such as University Counseling services for students, and EAP counseling services for employees).

The Title IX Coordinator and Equity and Diversity Officer is responsible for coordinating the implementation of supportive measures, including coordinating with the various University departments and offices that may be involved. Supportive measures will be offered free of charge.

#### **B. Reconsideration of Supportive Measures**

If a party's request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is reasonable under the circumstances. In addition, each party will, upon request, be afforded the opportunity for a prompt review of the need for supportive measures, including the potential modification of these measures, to the extent that the party is affected by the measure(s) being reviewed. The request for review of the denial of, need for, or details of supportive measures should be made to the Title IX Coordinator and Equity and Diversity Officer and may be made at any time. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent the supportive measures under review affect that party. The Title IX Coordinator and Equity and Diversity Officer will advise the parties of the result of the review. This determination is not subject to further review absent changed circumstances.

## **X. EMERGENCY REMOVAL**

The University may need to undertake emergency removal of a student in order to protect the safety of its community, which may include contacting local law enforcement to address imminent safety concerns. Emergency removal is not a substitute for reaching a determination as to a student Respondent's responsibility for misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of alleged misconduct or the allegations of misconduct. Emergency removal may be total (i.e., the student is suspended from the University) or partial (e.g., the student is suspended from being present on campus, or presence is limited to specified areas, times, or purposes) at the discretion of the University based on the circumstances.

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

In the event a determination is made that a student Respondent is an immediate threat to the physical health or safety of an individual, the Dean for Administrative Advising and Student Conduct will provide written notice of the emergency removal to both the Complainant (if any) and Respondent. This notice will contain:

1. the date the removal is set to begin,
2. the reason for the emergency removal,
3. the consequences of non-compliance, and
4. how to appeal the decision.

If a student Respondent disagrees with the decision to be removed from campus, they may appeal the decision in writing to the Title IX Coordinator and Equity and Diversity Officer within ten (10) days of receiving the notice of removal. The burden of proof is on the student Respondent to show that the removal decision was incorrect. The emergency removal will remain in effect while the appeal is considered.

The emergency removal process applies only to student Respondents. Employee Respondents are not subject to this process and may be placed on administrative leave pursuant to the University's policies and/or collective bargaining agreements during any process under this procedural document.

## **XI. INFORMAL RESOLUTION**

### **A. Informal Resolution Process**

An informal resolution process is a voluntary process in which a trained facilitator assists the parties in resolving the allegations made by a Complainant. An informal resolution

prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. One objective of the informal resolution is to provide to the parties an opportunity to learn and understand each other's concerns and address them as collaboratively and usefully for the parties as possible, with the assistance of the facilitator.

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

The informal resolution process is not available if the Respondent in a sexual misconduct complaint is a faculty or staff member of the University. The informal resolution process is also not available in a complaint involving more than two parties unless (a) all parties voluntarily consent to use the informal resolution process, (b) there is an understanding among all parties about what happens when the right of any party to stop the informal resolution process and commence (or return to) the formal investigation and resolution process is invoked, and (c) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution. No party should feel intimidated, coerced, or threatened to participate in an informal resolution process, and the Title IX Coordinator and Equity and Diversity Officer will not authorize use of the informal resolution process where there is reason to believe that a party's consent to use the process is not truly voluntary.

The informal resolution process may also be used if the Respondent wishes to accept responsibility for all or part of the alleged policy violations. If the Respondent indicates an intent to accept responsibility for all or part of the alleged misconduct, the formal investigation and adjudication process will be paused, and the Title IX Coordinator and Equity and Diversity Officer will determine whether informal resolution can be used according to the criteria above. If so, the informal resolution process will be used to determine whether all parties and the University are able to agree on sanctions and/or remedies. This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution.

Supportive measures are available to both parties in the same manner as they would be if the formal complaint were proceeding under the formal investigation and resolution process.

### **B. Steps Prior to the Informal Resolution Process**

The Title IX Coordinator and Equity and Diversity Officer will offer the informal resolution process to the parties after a formal complaint is filed by a Complainant if the Title IX Coordinator and Equity and Diversity Officer believes informal resolution may be appropriate. Both parties must consent to use the informal resolution process. Either party in an informal

resolution process may terminate it at any time and the complaint will proceed (or return) to the formal investigation and resolution process. In some instances, as detailed below, the facilitator in the informal resolution process may terminate the process as well.

If both parties consent to participate in the informal resolution process, the University will assign a facilitator who will act in an independent, impartial manner to facilitate a resolution between the parties. The facilitator will be trained on how to perform the role. The facilitator will also be screened to ensure that such a person is free from conflicts of interest and bias.

### **C. How the Process Works - General**

The facilitator will schedule one or more meetings with the parties. The facilitator will assist the parties in communicating information and opinions to the facilitator and each other regarding the allegations in an effort to find common ground and a resolution of the allegations that is satisfactory to all parties. The facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties.

Informal resolution may be appropriate if the parties are willing to openly exchange views and reach a resolution acceptable to both parties. The parties to this process should have a clear understanding of the allegations in the complaint and the issues that are in dispute since the investigation phase of the formal investigation and resolution process will not occur (or resume) if an informal resolution is reached.

### **D. Role of the Facilitator**

The facilitator's role is to conduct the informal resolution process in a way that is impartial and does not favor one party over the other. If the facilitator believes at any point in the informal resolution process that one party is not behaving in a way that allows for a productive resolution between the parties, the facilitator will discuss the matter in confidence with the Title IX Coordinator and Equity and Diversity Officer, and either another facilitator will be appointed or the University will require that the informal resolution process be canceled and the complaint will be addressed through the formal investigation and resolution process.

### **E. Confidentiality**

For the informal resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the informal resolution process will be kept confidential by the facilitator but the facilitator may share information with the Title IX Coordinator and Equity and Diversity Officer as necessary to enable the Title IX Coordinator and Equity and Diversity Officer to oversee the process in accordance with this procedural document.

In addition, the facilitator will not be available as a witness in any hearing that may occur should either party or the University terminate the informal resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties.

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

#### **F. Support Persons During Informal Resolution Process**

Each party may have a support person accompanying them to any informal resolution meeting. A support person is someone who provides support to a party during the informal resolution process. This role should be distinguished from the role of an adviser under the formal investigation and resolution process of this procedural document. For instance, the support person will not be permitted to question the other party.

A support person can help a party understand or explain the issues under discussion or simply help the party feel more comfortable during the informal resolution process. A support person should be someone with whom the party feels comfortable. A party may need to tell their support person sensitive things related to the facts and circumstances surrounding the allegations. The support person may be a friend or relative or any other person the party trusts.

A support person cannot be someone who has been involved in the facts and circumstances in the allegations in any way. In addition, the other party and the facilitator must agree to the support person attending. The facilitator can also exclude a support person if their presence is disruptive during the informal resolution process.

A party must let the facilitator know in advance if they would like a support person to attend any informal resolution meeting and the name of the support person and that person's relationship to the party. The facilitator will check with the other party to confirm that such party agrees to continue with the informal resolution with the support person present.

Support can be provided in several ways. Support people do not necessarily have to be present in an informal resolution session.

Support people can be available to offer support in a nearby area and the facilitator can schedule breaks so that a party

can talk with their support person outside the meeting. The support person can attend the informal resolution meeting but may not participate or speak during it. The support person can ask for a break if the person wishes to confer with the party.

#### **G. Possible Outcomes of the Process**

A resolution is reached only if both parties agree and if the resolution is accepted by the Title IX Coordinator and Equity and Diversity Officer. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. If there is no agreement on a resolution, the complaint will proceed (or be returned) to the formal investigation and resolution process outlined in this procedural document.

The University imposes no restrictions on the possible outcomes reflected in a resolution so that the parties are free to fashion a resolution that meets their needs, subject to acceptance by the Title IX Coordinator and Equity and Diversity Officer. A resolution may include discipline, up to and including expulsion/termination of employment, if the parties agree.

The facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by all parties and accepted by the Title IX Coordinator and Equity and Diversity Officer. This written and signed resolution indicates that the complaint has been resolved under this process without the need to pursue the formal investigation and resolution process.

After a written resolution has been finalized, the University will keep a record of the parties' written consent to the informal resolution process and the written resolution. Results of complaints resolved by informal resolution are not appealable under this process and are not subject to further review or appeal under other Colgate University policies or procedures.

#### **H. What Happens if the Informal Resolution Process Does Not Result in an Agreed-Upon Resolution**

Once a formal complaint has been filed, the informal resolution process should proceed with due promptness. The University imposes no specified timeframe for the process but the facilitator may choose to terminate the informal resolution process (and either party may elect to terminate the process) if insufficient progress is being made.

If an informal resolution process does not result in an agreed-upon resolution, investigation of the allegations in the complaint will commence (or resume) and the formal investigation and resolution process will proceed from there.

## **XII. INVESTIGATION PROCESS**

In cases where the Title IX Coordinator and Equity and Diversity Officer determines that a complaint appears to allege a policy violation, and the Complainant wishes to pursue a formal complaint or the Title IX Coordinator and Equity and Diversity Officer decides that the University, based on the alleged policy

violation, wishes to pursue a formal complaint, then the Title IX Coordinator and Equity and Diversity Officer appoints PCRGM 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 to utilize external investigators if warranted at the discretion of the Title IX Coordinator and Equity and Diversity Officer. The University may temporarily withhold a student's degree and/or diploma if the student is the subject of a pending complaint or investigation, or has disciplinary charges pending.

#### **A. Scope and Timing of Investigation**

Investigation of complaints will be completed within ninety (90) days when reasonably possible, but an investigation may take longer when (among other things) the University is not in session. The University also 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 10 calendar days except when law enforcement authorities specifically request and justify a longer delay. Both parties will be provided with written notice of any extension of the investigation beyond ninety (90) days, and of the reason for the 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 Title IX Coordinator and Equity and Diversity Officer may determine that cases where the allegations arise out of the same set of facts should be consolidated for purposes of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single Complainant against a Respondent, or multiple complaints by a single Complainant against multiple Respondents.

#### **B. Notice of Investigation**

The Complainant and Respondent will receive a notice of investigation that will include, to the extent known:

1. the identities of the involved parties;
2. the date, time, location and factual allegations concerning the alleged violation;
3. the policy provisions allegedly violated;
4. a description of the investigation and adjudication process;
5. potential sanctions;
6. the right to an adviser of their choice, who may be, but is not required to be, an attorney;
7. the right to inspect and review evidence in accordance with this process;
8. notice that knowingly making false statements or knowingly submitting false information is prohibited under the Code of Student Conduct;
9. consistent with the preponderance of the evidence standard used to determine responsibility, notice that the Respondent is

presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process; and  
10. A statement about the University's policy on retaliation.

If, in the course of the investigation, the University decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator and Equity and Diversity Officer will provide notice of the additional allegations to the parties.

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

#### **C. Rights During Investigation Process**

The Complainant and Respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate. The Complainant and Respondent have a right to be accompanied by an adviser of their choice at any such meeting or interview, who may be an attorney.

The Complainant and the Respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the University. The investigator(s) may decline to interview any witness or to gather information the investigator(s) find(s) to be not relevant or otherwise excludable (e.g., sexual history of the Complainant with a person other than the Respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator(s) will determine the order and method of investigation.

No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews. If the investigator(s) elect(s) to audio and/or video record interviews, all parties involved in the meeting or interview will be made aware that audio and/or video recording is occurring.

#### **D. Opportunity to Review Evidence: Investigative Report**

Unless the Title IX Coordinator and Equity and Diversity Officer has previously referred the case for resolution without a hearing, referred the case for determination pursuant to another University policy or procedure, authorized informal resolution, or dismissed the case (as described in Section XIII.A. below), an investigative report will be created. Before



the investigative report is completed, the Complainant and Respondent will be provided an equal opportunity to inspect and review any evidence directly related to the allegations that is gathered in the investigation, regardless of whether the information will be relied on in reaching a determination.

Upon the request of a party, the University will appoint, without fee or charge to that party, an adviser of the University's choice who will be a licensed attorney to assist that party from and after this stage of the process (including for purposes of any subsequent hearing, resolution without a hearing and/or appeal[s]). Prior to the conclusion of the investigative report, the Complainant and Respondent, and each party's adviser, if any, will be provided a copy of the evidence (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform, as determined in the sole discretion of the Title IX Coordinator and Equity and Diversity Officer), subject to redaction permitted and/or required by law. The Complainant and Respondent will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. Based on the parties' written responses, the investigator(s) will determine if additional investigation is necessary (and, if so, will complete any additional investigative steps), and will incorporate relevant elements of the responses and any additional relevant evidence into the report.

The investigative report will fairly summarize the relevant evidence; the report will not make conclusions as to credibility or responsibility, contain policy analysis, or render any recommendations as to findings or sanctions. The investigator(s) need not include information in the investigative report that the investigator(s) determine(s) not relevant or otherwise excludable. The investigator(s) will submit the investigative report to the Title IX Coordinator and Equity and Diversity Officer.

At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's adviser, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform, as determined in the sole discretion of the Title IX Coordinator and Equity and Diversity Officer) for their review and written response, subject to redaction permitted and/or required by law. Absent extraordinary circumstances as determined by the Title IX Coordinator and Equity and Diversity Officer in consultation with the investigator(s), no party may introduce any new evidence not previously made available during the investigation in their response the evidence and/or investigation report as described above. This shall not preclude a party from including in their response assertions as to the meaning of existing evidence, even if those assertions were not articulated during the investigation. In considering whether to permit introduction of new evidence based on extraordinary circumstances, the Title IX Coordinator and

Equity and Diversity Officer may consider factors including but not limited to (a) the significance of the proposed evidence, and (b) the reason the evidence was not produced during the investigation. If the Title IX Coordinator and Equity and Diversity Officer decides to authorize acceptance of new evidence on this basis, the Title IX Coordinator and Equity and Diversity Officer may (but shall not be required to) authorize the investigator(s) to reopen the investigation and take such further investigative steps as the investigator(s) deem(s) necessary or advisable.

### XIII. COMPLAINT RESOLUTION

#### A. What Happens When the Investigation Is Complete?

Once an investigation is completed, the investigator(s) will meet with the Title IX Coordinator and Equity and Diversity Officer. The Title IX Coordinator and Equity and Diversity Officer may convene this meeting prior to or after review of the evidence and completion of the investigative report as described in Section XII.D. Based on that meeting, the Title IX Coordinator and Equity and Diversity Officer will make a decision as to what further process is warranted. If the Title IX Coordinator and Equity and Diversity Officer determines that the alleged incident is more properly handled pursuant to another University policy or procedure, the Title IX Coordinator and Equity and Diversity Officer will direct the matter to the appropriate procedure or personnel.

If the Title IX Coordinator and Equity and Diversity Officer determines that the allegations and available information warrant a continuation of the process, then the Title IX Coordinator and Equity and Diversity Officer may authorize consideration of informal resolution as described above, or may direct the complaint for a resolution without a hearing, or a formal hearing, based on the below criteria.

In cases other than those including allegations of Title IX Violations, the Title IX Coordinator and Equity and Diversity Officer may dismiss the complaint at this stage, or earlier (including during the course of the investigation) if warranted by evidence received during the investigation, if they determine that continuing with the complaint process is not warranted (cases involving Title IX Violation allegations remain subject to dismissal in accordance with Section VIII.B above). In such an event the process will end, and the Complainant and Respondent will be informed. This notice will include findings of fact and the rationale for the determination. A party may appeal a determination to end the process at this juncture in accordance with the appeal procedures set forth in this procedural document. If the process ends pursuant to this paragraph, supportive measures may still be available to the parties.

#### B. Resolution Without a Hearing

In cases (other than those including allegations of Title IX Violations) in which the alleged violations, and therefore the range of possible sanctions, are minor (such as probation for students, reassignment of duties for staff), a decision as to responsibility using a preponderance of the evidence standard will be made and a sanction implemented, with

a statement of the findings of fact and rationale for the sanction. This determination will be made by the Dean for Academic Advising and Student Conduct for cases involving student Respondents, or the Executive Director for Equity and Inclusion, Equal Opportunity, and Affirmative Action for cases involving staff Respondents, or a relevant member of the Provost and Dean of the Faculty chain of command for cases involving faculty Respondents. A Complainant or Respondent may appeal the finding, sanction, or both, using the appeal process described in Section XIV.H.

In cases involving allegations of Title IX Violations, and in all other cases where the alleged behavior is of a nature that may warrant the imposition of a sanction of suspension, expulsion, or termination of employment, or are otherwise not appropriate for resolution without a hearing as set forth above, the matter will proceed to a formal hearing.

### XIV. FORMAL PCRG HEARING PROCEDURE

In any cases that are not appropriate for informal resolution and are not resolved without a hearing, the Title IX Coordinator and Equity and Diversity Officer will initiate a formal hearing.

#### A. Hearing Panel Membership and General Hearing Process

The Title IX Coordinator and Equity and Diversity Officer will appoint a hearing panel consisting of a panel chair who may be an external adjudicator or a PCRG member and two additional members of the PCRG who do not have a conflict of interest in the case. In cases involving faculty parties, the appointed PCRG members will be faculty members. PCRG members who served as investigators or as advisers to the Complainant or Respondent may not serve as hearing panel members. A hearing before the panel will be convened not less than ten (10) days after the parties have been provided access to the final investigative report, for the purpose of determining whether the Respondent is responsible or not responsible for the charge(s).

The Title IX Coordinator and Equity and Diversity Officer will notify the parties in writing of the date, time, and location of the hearing, the names of the hearing panel members, and how to challenge participation by any hearing panel member for bias or conflict of interest.

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

Hearings may be conducted with all parties physically present in the same location or, at the Title IX Coordinator and

Equity and Diversity Officer's discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling the hearing panel and the parties to simultaneously see and hear any party or witness providing information or answering questions. If either party so requests, the hearing will be conducted with the parties located in separate rooms using technology as described in the preceding sentence.

The Title IX Coordinator and Equity and Diversity Officer may postpone the hearing for good cause as determined by the Title IX Coordinator and Equity and Diversity Officer. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

#### B. Procedural Measures

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

1. Opportunity for Opening Statement by the Complainant
2. Opportunity for Opening Statement by the Respondent
3. Summary of the results of the investigation by the investigator(s), including items that are contested and those that are not
4. Questions for the investigator(s) by the hearing panel and, if desired, on behalf of Complainant and the Respondent (as described below)
5. Questions for the Complainant by the hearing panel and, if desired, on behalf of the Respondent (as described below)
6. Questions for the Respondent by the hearing panel and, if desired, on behalf of the Complainant (as described below)
7. Questions for each witness by the hearing panel and, if desired, on behalf of Complainant and the Respondent (as described below)
8. Opportunity for Closing Statement by the Complainant
9. Opportunity for Closing Statement by the Respondent

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this procedural document, any information that the chair of the hearing panel determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report as described above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning. Absent extraordinary circumstances as determined by the chair of the hearing panel, no party may seek to introduce at the hearing any new evidence not

previously made available in accordance with the preceding sentence, other than the investigative report itself and any responses to the investigative report submitted by the parties as described above. In considering whether to permit introduction of new evidence based on extraordinary circumstances, the chair may consider factors including but not limited to (a) the significance of the proposed evidence, and (b) the reason the evidence was not produced during the investigation. If the chair decides to admit new evidence on this basis, the chair may take such actions, if any (including adjournment or remanding the evidence to the investigator(s) for further investigation), as the chair deems advisable to enable the other party(ies) to respond to, and the hearing panel to understand, the meaning and implications of the evidence.

The chair of the hearing panel will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant information. Subject to the terms of this procedural document, the chair will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence, or information will be accepted or considered, to call breaks or temporary adjournments of the hearing, to alter the order of the proceedings from that described above, and/or to recall parties or witnesses for additional questions as the chair deems necessary or appropriate. The chair may impose additional ground rules as the chair may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

### C. Advisers

The Complainant and the Respondent may each have present with them during the hearing an adviser of their choice. If a party does not have an adviser present at the hearing, the University will provide, without fee or charge to that party, an adviser of the University's choice.

Except with respect to questioning as described below, the adviser's role is limited to consulting with their advisee, and the adviser may not present evidence, address the hearing panel during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet, non-disruptive manner or in writing. The adviser may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the chair of the hearing panel. An adviser's questioning of the other party and any witnesses must be conducted

in a respectful, non-intimidating, and non-abusive manner. If the chair determines that an adviser is not adhering to these or other ground rules, the adviser may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to obtain a replacement adviser; provided, however, that the University will assign an adviser of the University's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below.

Witnesses are not permitted to bring an adviser or other person to the hearing, absent an approved disability accommodation or a need for a translator. The hearing panel may be advised by and/or consult with the University's legal counsel as the chair of the hearing panel deems necessary or appropriate.

### D. Questioning Procedures

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

Only relevant questions may be asked by a party's adviser to a party or witness. Before the party or witness answers a question posed by an adviser, the chair of the hearing panel will first determine whether the question is relevant and explain any decision to exclude a question. The chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The adviser posing the question may request that the chair reconsider any decision to exclude a question and the chair, after soliciting the other party's adviser's opinion, will render a final determination. Such decisions by the chair are final and not subject to further objection or reconsideration during the hearing.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the Complainant's prior sexual behavior that (a) are offered to prove that someone other than the Respondent committed the alleged misconduct, or (b) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent (for example, to demonstrate indicia of consent in previous encounters between the parties allegedly identical to purported indicia of consent in the incident in question).

If a party or witness does not submit to questioning by a party's adviser at the hearing, the hearing panel may nevertheless rely on statements of that party or witness, during the hearing or otherwise, in reaching a determination regarding responsibility, but may also determine what significance to afford those statements in view of the lack of cross examination (for example, the hearing panel may determine whether the statements are sufficiently reliable in the absence of cross examination). The hearing panel will not, however, draw an inference as to responsibility based solely on a party's or witness' absence from the hearing or refusal to

answer questions posed by the other party's adviser.

### E. Hearing Determinations

Following the conclusion of the hearing, the hearing panel will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The hearing panel will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation occurred. "Preponderance of the evidence" means that the hearing panel must determine whether, based on the evidence presented, it is more likely than not that the Respondent engaged in the conduct charged. A lack of preponderance does not necessarily mean that the Complainant has been dishonest or made a false complaint, but rather that the weight of the evidence did not indicate that it was "more likely than not" that a violation occurred.

Each party may submit a written personal impact statement to the Title IX Coordinator and Equity and Diversity Officer for consideration by the hearing panel in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Title IX Coordinator and Equity and Diversity Officer prior to the hearing.

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

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

### Student Sanctions

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

1. 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.
2. 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.

3. 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.
4. Expulsion: Permanent termination of student status or indefinite revocation of University recognition of organizational status.
5. 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.
6. 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.
7. 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 their behavior.
  - b. "No contact" directive (including but not limited to continuation of a no contact directive imposed as a supportive 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:
    - i. 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.
    - ii. Loss, revocation, or restriction of off-campus living privileges.



Sanctions take effect immediately, unless the Title IX Coordinator and Equity and Diversity Officer stays implementation pending completion of any appeal process.

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 student conduct violation” or “Expelled after a finding of responsibility for a code of student conduct violation.” Transcript notations for suspensions imposed under this procedural document may be removed at the discretion of the registrar in consultation with the Title IX Coordinator and Equity and Diversity Officer, but no earlier than one year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

#### Employee Sanctions

Sanctions that may be imposed on employees include warning, required counseling as a condition of continued employment or return to employment, implementation of a performance improvement plan, loss of annual pay increase, demotion, suspension with pay, suspension without pay, termination, or other actions deemed appropriate.

#### 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 requirement 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 the following information:

1. A description of the charges that were adjudicated;
2. A description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the applicable policy provisions to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent,

and whether remedies designed to restore or preserve equal access to the College’s educational programs or activities will be provided to the Complainant; and

6. The procedures and permissible bases for the Complainant and Respondent to appeal.

#### G. Withdrawal or Resignation While Charges Pending

1. **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 under this procedural document. 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 levied 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 & Fire Safety Report, the transcript of the student shall include the notation “Withdrew with conduct charges pending.”
2. **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 Title IX Coordinator and Equity and Diversity Officer will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the conduct upon the victim and the community.

#### H. Appeals

##### 1. Grounds for Appeal; Submission Requirements

A Complainant or Respondent may appeal a decision to dismiss a complaint or specific allegations in a complaint, the result of any formal hearing, or a resolution without a hearing, as described in this section. All such appeals must be submitted in writing within 10 calendar days of the delivery of the notice of dismissal, or written findings of the hearing panel or the decision-maker in the event of resolution without a hearing, as applicable. Appeals in cases in which the Respondent is a member of the faculty or staff shall be submitted to an appellate panel comprised of the Provost and a PCRG member designated by the Title IX Coordinator and Equity and Diversity Officer. (For faculty cases, the PCRG member will be a faculty member.) Appeals in cases in which the Respondent is a student shall be submitted to an appellate panel comprised of the Dean of the College and a PCRG member designated by the Title IX Coordinator and Equity and Diversity Officer. Any party may appeal a decision, but only on the basis of one or more of the following grounds:

- a. A procedural irregularity that affected the finding(s) regarding responsibility or dismissal; or
  - b. New evidence has come to the attention of one of the parties that was not reasonably available at the time the determination regarding responsibility or dismissal was made, and that could affect the determination regarding responsibility or dismissal or the nature or severity of any sanction that may have been imposed; or
  - c. The Title IX Coordinator and Equity and Diversity Officer, investigator(s), or member(s) of the hearing panel had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the determination regarding responsibility or dismissal; or
  - d. Any sanction imposed is disproportionate to the nature or severity of the violation or violations or otherwise inappropriate.
- a. 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 irregularity 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 decision-maker, remanding the case in whole or in part to a new hearing panel and, in the case of disproportionality or inappropriateness of a sanction, modifying that sanction as appropriate.
  - c. Once an appeal 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.

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

#### 2. Appeal Procedures

In the event of an appeal by any party, all parties and the chair of the hearing panel (or the decision-maker in cases involving resolution without a hearing), or the Title IX Coordinator and Equity and Diversity Officer in the case of an appeal from a dismissal, shall have a reasonable opportunity to respond to the appeal in a manner determined by the appellate panel. The decision or dismissal 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 or dismissal 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:

- a. Because the appellate panel has not heard the evidence directly, deference must be given to the hearing panel, or to the decision-maker in cases involving resolution without a hearing, as applicable, on evidentiary matters in consideration of findings or sanctions, and the appellate panel must sustain the decision unless one of the grounds for appeal listed above has been established.

Both parties will receive simultaneous written notice of the outcome of any appeal, including the finding on each ground for appeal, the rationale for each finding, and any specific instructions for further proceedings (if applicable) and/or other actions taken by the appellate panel. Once the appeals process is complete, the result is final and is not subject to further review or appeal under other Colgate University policies or procedures.

#### XV. RECORDS

In implementing this procedure, the Title IX Coordinator and Equity and Diversity Officer will maintain for a period of not less than seven years records of

1. each investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript of a hearing, any disciplinary sanctions imposed on a Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University’s education program or activity;
2. any appeal and the result of the appeal;
3. any informal resolution process and the result of that process; and
4. all materials used to train the Title IX Coordinator and Equity and Diversity Officer (as Title IX Coordinator), investigators, decision-makers, and any person who facilitates an informal resolution process. The University will make the training materials publicly available on its website.

Access to the other records described above will be made available only on a need-to-know basis or as required by law. Except as required by law, no public release of the content of such records may be made until a final determination is made (i.e., when no appeal of the decision 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 only be made in accordance with any applicable Colgate policy and federal and state laws.

## XVI. STATEMENT OF RIGHTS

Pursuant to New York Education Law Article 129-B, 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 University courteous, fair, and respectful health care and counseling services, where available.
6. Be free from any suggestion that the Complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few institutional 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 Respondent, and/or their friends, family, and acquaintances within the jurisdiction of the University.
9. Access at least one level of appeal of a determination.
10. Be accompanied by an adviser of choice who may assist and advise a Complainant, accused, or Respondent 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 Complainant has the right:

1. To be treated with respect by University officials.
2. To experience a safe living, educational, and work environment.
3. To take advantage of campus support resources (such as Haven, 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.
4. To decline to have an allegation resolved through informal resolution procedures.
5. To receive amnesty for minor student misconduct (such as minor alcohol violations) that is ancillary to the incident.
6. To attend in person or via videoconference any hearing in which the Complainant is bringing the charge and to be situated in a different room from the Respondent during the hearing if so desired.
7. 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.

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

A Respondent has the right:

1. To be treated with respect by University officials.
2. To experience a safe living, educational, and work environment.
3. 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.
4. To refuse to have an allegation resolved through informal resolution procedures.
5. To receive amnesty for minor student misconduct (such as minor alcohol violations) that is ancillary to the incident.
6. To attend in person or via videoconference any hearing in which the Respondent is charged and to be situated in a different room from the Complainant during the hearing if so desired.
7. 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.
8. To have complaints heard in substantial accordance with these procedures.

## XVII. DISABILITY ACCOMMODATIONS

A Complainant or Respondent with a disability who requires accommodation in the complaint, investigation, hearing, or any other phase of the process is responsible for disclosing the need for accommodation to the Title IX Coordinator and Equity and Diversity Officer. The Title IX Coordinator and Equity and Diversity Officer may consult with the Office of Disability Services in deciding whether to grant a disability accommodation request.

## XVIII. COORDINATION WITH OTHER POLICIES AND PROCEDURES

A particular situation may potentially implicate one or more University policies or processes. The University reserves the right to determine the most applicable policy or process and to utilize that policy or process. Without limiting the foregoing, if determined appropriate by the Title IX Coordinator and Equity and Diversity Officer, the processes described in this procedural document may be used to respond to, investigate, and adjudicate conduct allegedly violating the University Code of Student Conduct and/or other policies if the alleged conduct is related to or arises out of the same facts, circumstances, or incidents as alleged Sex- or Gender-Based Prohibited Conduct to be addressed pursuant to this procedural document.

## XIX. COMPLAINTS AGAINST NON-COMMUNITY MEMBERS

A complaint against a non-community member for violation of the Colgate University Student Nondiscrimination, Anti-Harassment, and Sexual Misconduct Policy will be handled and addressed as the Title IX Coordinator and Equity and Diversity Officer deems appropriate. However, in all such cases, the Title IX Coordinator and Equity and Diversity Officer 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.

## XX. 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, 315-228-7333. You may also view crime statistics for all colleges and universities at the [United States Department of Education's website](#).

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.

## XXI. BIAS/CONFLICT OF INTEREST

In the event that any person assigned a role pursuant to this procedural document is aware of any relationship, fact, circumstance, or occurrence that they reasonably believe creates or constitutes bias or a conflict of interest that would render them incapable of performing the role in an impartial manner, that person shall identify the bias or conflict of interest to the Title IX Coordinator and Equity and Diversity Officer at the earliest practicable time. Similarly, any Complainant or Respondent who objects to the participation of any person assigned a role pursuant to this procedural document based upon bias or a conflict of interest shall identify the conflict of interest to the Title IX Coordinator and Equity and Diversity Officer at the earliest practicable time. The Title IX Coordinator and Equity and Diversity Officer will determine whether bias or a conflict of interest in fact exists and necessitates replacement of the person in question.

## XXII. DISCRETIONARY AUTHORITY; CHANGE IN APPLICABLE LAW

The Title IX Coordinator and Equity and Diversity Officer shall have discretionary authority to construe and interpret this procedural document, and to determine the meaning of any disputed or uncertain provisions. In the course of any process under this procedural document, the Title IX Coordinator and Equity and Diversity Officer may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. The Title IX Coordinator and Equity and Diversity Officer may also vary procedures materially with notice (on the University website, with the appropriate effective date identified) upon determining that changes to law or regulation, or interpretations thereof, require policy or procedural alterations not reflected in this document. If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this procedural document will be construed to comply with the most recent government regulations or holdings.

## XXIII. PROCEDURE ENFORCEMENT

The person responsible for the implementation of this procedural document internally is:

Renee Madison  
Vice President for Equity and Inclusion  
The Office of Equity and Diversity  
102 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-7014

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)



## UNIVERSITY PERSONNEL NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

### I. STATEMENT OF INSTITUTIONAL VALUES

Colgate values the social and intellectual vibrancy that occurs when students, faculty, and staff with different life experiences, viewpoints, and belief systems come together to share knowledge and foster understanding. We aim to create and maintain a Colgate community whose members can study, live, and work together in an environment characterized by equal opportunity, inclusiveness, safety, and mutual respect. To that end, this policy prohibits discrimination, harassment (including sexual harassment), sexual assault, sexual exploitation, domestic violence, dating violence, stalking, and related retaliation (collectively “Prohibited Conduct”). Colgate is committed to maintaining an educational environment and workplace free from Prohibited Conduct. Any and all such acts are serious violations of our community values. They impede our educational mission. (See [Colgate’s Mission Statement](#), and the discussion of community values in [Colgate’s Statement on Academic Freedom and Freedom of Expression](#).)

Colgate fully adheres to all federal and state civil rights laws banning discrimination in the context of its programs and activities. 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.

This policy addresses Prohibited Conduct by individual members of the campus community. However, the University also accepts complaints about discrimination or discriminatory impact caused by a policy, procedure, or practice of the University, or a specific University department, office, or operating unit. A complaint about

a policy, procedure, or practice should be made to the Office of Equity and Diversity, who will conduct an inquiry into the policy, procedure, or practice, and, if a discriminatory impact is found, will issue recommendations for corrective and remedial action to the appropriate University personnel.

This policy also complies with New York State law that mandates that employers maintain a policy prohibiting workplace sexual harassment.

### II. POLICY COVERAGE

This policy sets forth behavioral expectations for all Colgate University personnel. This policy also applies to individuals who are not University employees, but are employees of contractors, subcontractors, vendors, consultants, other affiliated individuals, and other persons who provide services in the University’s workplace, such as interns (paid or unpaid) and temporary employees. This policy also applies to volunteers.

This policy applies to conduct that occurs on Colgate’s campus or property and to all Colgate programs and sponsored activities. This policy also applies when an employee is off-campus performing duties for Colgate. For example, this policy applies when an employee is performing work for Colgate at an off-site location (including remote work or distance instruction), traveling on Colgate business, or attending a professional conference.

Conduct that occurs off-campus and at a time when the employee is not performing duties for Colgate may violate certain aspects of 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 the safety or security of Colgate’s campus or if the conduct interferes with Colgate’s ability to carry out its mission. The University will not apply this Policy to solely private activities that have no nexus to or impact on the Colgate community.

Colgate non-discrimination and anti-harassment policy documents apply as follows:

PARTIES AND NATURE OF THE COMPLAINT	APPLICABLE POLICY	APPLICABLE PROCESS
In any case where a <i>student</i> (or student organization) is the <i>complainant or the respondent</i> , and the allegation is sex discrimination, sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, or related acts of retaliation	Student Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy	Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures
In any case where a <i>student</i> (or student organization) is the <i>respondent</i> , and the allegation is any other form of harassment or discrimination prohibited by law or related acts of retaliation	Student Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy	Student Discrimination and Harassment Resources and Response Procedures
In any case where the <i>respondent</i> is a <i>faculty or staff</i> member (regardless of the student, faculty, or staff status of the reporting party) where the University determines that Title IX requires the application of the procedures set forth in the Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Policy and Resources and Response Procedures	University Personnel Non-Discrimination and Anti-Harassment Policy	Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures
In all <i>other</i> cases (i.e., other than situations covered above) where a classroom faculty member is the <i>respondent</i>	University Personnel Non-Discrimination and Anti-Harassment Policy	University Personnel Non-Discrimination and Anti-Harassment Response Procedures (Faculty), including Faculty Handbook provisions
In all other cases (i.e., other than situations covered above) where a staff member or non-classroom faculty member is the respondent	University Personnel Non-Discrimination and Anti-Harassment Policy	University Personnel Non-Discrimination and Anti-Harassment Response Procedure (Staff)

In the event a particular situation may be covered by one or more policies, the Discrimination and Harassment Team (DHT) has the authority to determine the policy that will be applied. This team shall include: the Vice President for Equity and Inclusion, and Acting Title IX Coordinator (Renee Madison [rmadison@colgate.edu]), the Associate Provost for Equity and Diversity (Ani Maitra [amaitra@colgate.edu]), the Director for Inclusion and Belonging (Rodney Agnant [rjagnant@colgate.edu]), and the Vice President for Administration (Christopher Wells [cwells@colgate.edu]). However, the Acting Title IX Coordinator and Vice President for Equity and Inclusion have the authority to determine the policy that will be applied in any case involving or potentially involving Title IX.

A complaint against employees of contractors, subcontractors, vendors, consultants, other affiliated individuals, and other persons who provide services in the University's workplace, such as interns (paid or unpaid), temporary employees, and volunteers will be handled as deemed prudent by the DHT. If the University concludes that a nonemployee has subjected an individual to conduct in violation of this policy, prompt and effective action will be taken to stop the behavior and deter any future prohibited conduct.

### III. DEFINITIONS OF PROHIBITED CONDUCT

**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, and prohibits discrimination against, any person because of race, color, sex, gender, sexual orientation, gender identity or expression, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, 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 (collectively, "Protected Characteristics").

The term "discrimination" refers to an act that disadvantages a person and that occurs because of the affected individual's Protected Characteristic(s). Examples of discrimination include but are not limited to denying an individual a raise or promotional opportunity because of their Protected Characteristic(s), or giving a student a lower grade than deserved, because of the student's Protected Characteristic.

**Harassment (Other Than Sexual Harassment).** Harassment is unwelcome, offensive conduct that occurs on the basis of race, color, pregnancy, religion, creed, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, or domestic violence victim status.

**Sexual harassment.** Sexual harassment means unwelcome, offensive conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, gender,

sexual orientation, or gender identity or expression.

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 or group and the learning community.

A "hostile environment" is created when the offensive behavior 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 harassment.

New York law provides that workplace harassment on the basis of a Protected Characteristic is unlawful to the extent that it subjects a person to inferior terms, conditions, or privileges of employment and rises above the level of petty slights or trivial inconveniences. However, as a community committed to inclusivity and collegiality, the University will respond to situations that do not rise to a legal violation through supportive, protective, and/or educative measures, as well as minor sanctions, as appropriate. 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 as described above. In all instances, a key factor is whether the complained-of behavior is based on sex, gender, race, religion, national origin, or any of the Protected Characteristics listed above. If not, the behavior is not a violation of this Policy. However, even if the conduct does not constitute Prohibited Conduct under this Policy, the University may respond by providing individual and community support and resources to those who have been impacted; if appropriate, education or mentoring to those whose behavior generated the concern; and/or facilitating dialogue between the parties to ensure a future productive working relationship.

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 on submission to sexual activity.

Harassment (sexual harassment or other forms of harassment) can occur in various forms. As noted above, the determination as to whether a particular incident or situation rises to the level of a violation of this Policy depends on the totality of the circumstances, and the following are provided as potential examples only:

- Verbal, such as sexually graphic comments; racial or religious slurs; refusing to use a person's preferred pronouns or name; or jokes or comments that demean a person on the basis of sex, gender, sexual orientation, gender identity or gender expression, or any other of the above-referenced Protected Characteristics.
- Physical, such as unwanted sexual or physical contact, including kissing and hugging; intimidation through physical threats; or pranks that demean or communicate hostility on the basis of a Protected Characteristic.
- Visual, such as pornographic images; or symbols with racially offensive meaning.
- Electronic, such as social media posts or communications via text or other messaging platforms that are offensive based on the above-referenced Protected Characteristics. Caution is urged when using social media as content posted and intended to be private may or may not be or remain private.
- Sex stereotyping – which refers to situations where a person is harassed or treated less favorably because their conduct or personality traits do not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

**Sexual Assault.** "Sexual assault" includes any sexual act directed against another person without the consent of the other person, including instances where the victim is incapable of giving affirmative consent. Sexual assault consists of the following specific acts:

- **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 the affirmative consent of the other person or where the other person is incapable of 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.
- **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 the affirmative consent of the other person, including instances where the other person is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity. 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.

**Sexual Exploitation.** Taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited, if the conduct does not otherwise constitute another offense under this policy. Examples of Sexual Exploitation include (a) sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed); (b) taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent or beyond the parameters of consent), including the making or posting of revenge pornography; (c) exposing one's genitals in non-consensual circumstances or non-consensual disrobing of another person so as to expose the other person's private body parts; (d) prostituting another person; (e) engaging in sexual activity with another person while knowingly infected with a sexually transmitted disease (STD) or infection (STI), without informing the other person of the STD or STI; (f) causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity; (g) misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections; (h) forcing a person to take an action against that person's will.

**Dating Violence.** Dating violence refers to violence (including but not limited to sexual or physical abuse or the threat of such abuse) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence 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. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence.** Domestic violence refers to 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 where the University is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the act of violence occurs. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship as described above.

**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 to suffer substantial emotional distress. For the purposes of this definition, (i) a “course of conduct” means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property; (ii) “reasonable person” means a reasonable person under similar circumstances and with similar identities to the complainant; and (iii) “substantial emotional distress” means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Stalking behavior may include but is not limited to repeated, intentional following, observing, or lying in wait for another; using “spyware” or other electronic means to gain impermissible access to a person’s private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual’s relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual.

**Prohibited Consensual Relationships.** Colgate University employees (including both faculty and staff) need to be especially sensitive to the power/authority relation in their interactions with students. Consensual romantic, sexual, or dating relationships between University employees and students contradict both professional ethics and this policy and are prohibited by Colgate. Consensual relationships that begin prior to the date on which the involved parties become student and employee are not prohibited by this policy, but the employee is required to report the existing relationship to their supervisor as of the date the parties are simultaneously enrolled and employed by the University. In such circumstances, the University reserves the right to take such actions as may be necessary to address any resulting conflict of interest (for example, ensuring that the employee does not have responsibility for evaluating work submitted by the student for academic credit).

**Retaliation.** Retaliation is an adverse act perpetrated to “get back” at a person because the person reported misconduct, filed a complaint, or participated or refused to participate as a complainant, respondent, or witness in an investigation or proceeding conducted in response to reported violation of this policy by the University or by an external agency. Retaliation also includes an adverse act against someone for the purpose of interfering with any right or privilege under this policy or applicable law. Retaliation can take many forms, including, but not limited to, adverse action or violence, threats and/or intimidation that would discourage a reasonable person (under similar circumstances and with similar identities to the targeted individual or group) from engaging in protected activity. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good faith; a person may provide inaccurate information believing it is accurate, which is still good faith. If a person makes a statement knowing that it is false, the person has acted without good faith.

**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 commit either of these) or any other criminal act that is motivated entirely or partly by hostility toward or intolerance of another’s Protected Characteristics.

#### IV. POLICY ENFORCEMENT

##### A. Internal Oversight.

The DHT oversees implementation of the applicable processes for responding to complaints of Prohibited Conduct. Inquiries may be made to any of the following members of this team:

Renee Madison  
Vice President for Equity and Inclusion  
The Office of Equity and Diversity  
102 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-6161

Aniruddha (Ani) Maitra  
Associate Professor of Film and Media Studies; Associate Provost for Equity and Diversity  
204 Lathrop Hall  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-6061

Christopher Wells  
The Office of the President  
Colgate University  
13 Oak Drive  
Hamilton, NY 13346  
315-228-6833

##### B. External Agencies and Remedies.

Harassment based on a Protected Characteristic, including sexual harassment, is not only prohibited by the University; it is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process described herein, individuals may also choose to pursue legal remedies with the following governmental entities at any time.

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which applies to employers in New York State and protects employees, paid or unpaid interns, and non-employees providing services in the workplace pursuant to a contract, regardless of immigration status. A complaint alleging a violation of the HRL may be filed either with DHR, subject to a one-year statute of limitations (three years in cases of sexual harassment), or in New York State Supreme Court, subject to a three-year statute of limitations. The DHR will investigate the complaint to determine if unlawful harassment occurred. If unlawful harassment is found after a hearing, the DHR or the court may award relief, which

may include requiring your employer to take action to stop the harassment, and redress the damage caused by paying monetary damages, attorney’s fees, and civil fines. DHR’s main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, NY 10458, 718/ 741-8400, www.dhr.ny.gov. The DHR can be contacted at 888/ 392-3644. More information about filing a complaint is available at [dhr.ny.gov/complaint](https://dhr.ny.gov/complaint). The website provides a complaint form and contact information for DHR’s regional offices across New York State.

#### UNIVERSITY PERSONNEL NON-DISCRIMINATION AND ANTI-HARASSMENT RESPONSE PROCEDURE (FACULTY)

This procedural document applies where a Colgate University classroom<sup>1</sup> faculty member may have engaged in discrimination or harassment based on a Protected Characteristic or any other form of conduct prohibited by the University Personnel Non-Discrimination and Anti-Harassment Policy.<sup>2</sup>

#### I. INITIATING A RESPONSE TO PROHIBITED CONDUCT

The Faculty Handbook provides for an organizational structure consisting of the department chair or program director; Division Director(s); and the office of the Dean of the Faculty. The Faculty Handbook also states that chairs and program directors are responsible for creating “constructive, welcoming, and intellectually vibrant departmental cultures.” Division Directors are the chief administrative officers of their divisions. The Dean of the Faculty oversees all academic divisions and is “the primary academic officer.” See *Faculty Handbook*, Section III.D. Therefore, a concern that a faculty member has engaged or is engaging in conduct prohibited by the University Personnel Non-Discrimination and Anti-Harassment Policy may be raised to any department chair/program director, Division Director, or to the office of the Dean of the Faculty.

If an individual with a concern prefers not to raise the issue through the faculty organizational chain, a report or complaint may be made to any member of the Discrimination and Harassment Team (DHT). As of 3/7/2023, this team shall include: the Vice President for Equity and Inclusion, and Acting Title IX Coordinator (Renee Madison [rmadison@colgate.edu]), the Associate Provost for Equity and Diversity (Ani Maitra [amaitra@colgate.edu]), the Director for Inclusion and Belonging (Rodney Agnant [rjagnant@colgate.edu]), and the Vice President for Administration

(Christopher Wells [cwells@colgate.edu]). However, the Acting Title IX Coordinator and Vice President for Equity and Inclusion have the authority to determine the policy that will be applied in any case involving or potentially involving Title IX. An individual with a concern need not worry about whether it is better to raise a concern first within the organizational chain or through the DHT. The University is committed to a collaborative, flexible response to ensure that situations are addressed at the most appropriate level and in the most appropriate way. In some situations, a concern raised within the organizational chain may be referred to the DHT and a concern raised to the DHT may be referred to a department chair, program director, Division Director, Associate Dean of the Faculty, or Dean of the Faculty<sup>3</sup>. The University’s focus is on the resolution of workplace issues fairly and promptly, and the precise manner in which that occurs may vary with the circumstances.

Reports may be made verbally or in writing. A form for submission to the DHT is attached to this document and is available here ([https://colgate.co1.qualtrics.com/jfe/form/SV\\_25ImNxxRrZQtXU](https://colgate.co1.qualtrics.com/jfe/form/SV_25ImNxxRrZQtXU)). The use of this form is encouraged but is not required. Reports of workplace harassment or discrimination may be made on behalf of another person but should state clearly that the complaint is being made on another person’s behalf. Prompt reporting allows the University to address the conduct and, if necessary, take corrective action.

Information shared with a department chair or program director, Division Director, an Associate Dean, and/or the Dean of the Faculty will be shared with the DHT<sup>4</sup> as needed. Note also that the DHT is not a confidential resource, and information may be shared between the DHT and the PDOF organizational chain (on a strictly as-needed basis). Even when an employee asks that a matter be kept confidential or where the employee does not wish to file a formal complaint, the chair, program director, Division Director, Associate Dean, and/or Dean of the Faculty must report the situation to the DHT. However, in all instances, these matters will be handled with discretion and as much confidentiality as practicable.

#### II. THE UNIVERSITY’S INVESTIGATION AND RESPONSE

A matter may be handled via the faculty organizational chain or via the DHT. For readability, Colgate policy documents use the term “University administration” to refer to the organizational chain and the DHT individually and collectively.

---

<sup>1</sup> Situations involving employee respondents who are not classroom faculty are handled pursuant to the University Personnel Non-Discrimination and Anti-Harassment Response Procedure (Staff) unless otherwise subject to the process described in footnote two (2) below.

<sup>2</sup> The Student Sex- or Gender-Based Discrimination and Harassment Resources and Response Procedures apply where a student is the complainant and the alleged conduct concerns sex discrimination, sexual harassment, domestic violence, dating violence, or stalking. Additionally, the University will apply the Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures (regardless of the faculty, staff, or student status of the parties) in any cases where the University determines that Title IX requires the application of the procedures set forth in those documents.

<sup>3</sup> The DHT will determine the policy and process applicable to a given situation.

<sup>4</sup> Primarily (but not exclusively) for recordkeeping purposes.



## A. Initial Review

With respect to any report or complaint, the matter may be referred by University administration to a more applicable University process or procedure if the situation and/or conduct complained of is not within the scope of the University Personnel Non-Discrimination and Anti-Harassment Policy.

## B. Informal Resolution

The University encourages early disclosure of situations that may constitute harassment, discrimination, or other Prohibited Conduct. An individual need not worry about whether the situation currently rises to a level of seriousness sufficient to constitute a violation of University policy, as early reporting is encouraged to avoid situations reaching a more serious level. In order to encourage early reporting, and understanding that many individuals with concerns about their work environment are interested in a resolution with the other person(s) involved that is non-punitive, University administration will consider whether situations are appropriate for informal resolution.

Generally speaking, informal resolution is a voluntary process with the goal of achieving an arrangement acceptable to the parties to resolve the situation. If a complainant or respondent is unwilling to engage in an informal resolution process, an informal resolution generally may not be pursued. However, in some circumstances, University administration may need to implement an informal resolution despite the preference of the complainant or respondent for a different outcome. This may be the case where the allegations are such that the appropriate outcome would be non-disciplinary (e.g., a mentoring conversation, a warning, a change in committee or other assignment to mitigate a conflict, etc.).

An informal resolution generally does not, but may, include a determination as to whether conduct violated the University Personnel Non-Discrimination and Anti-Harassment Policy.

## C. Investigation

Any case that university administration determines is appropriate for investigation will be investigated. Not all situations require a formal investigation, and the scope of any factual inquiry will be tailored to the facts and circumstances. In cases where an investigation is appropriate, the investigation will be prompt and thorough. An investigation will be confidential to the extent possible. However, strict or absolute confidentiality generally is not

possible in the course of a thorough investigation.

Broadly speaking, an investigation involves the following: (i) an opportunity for the complainant to present relevant information, including documents and other evidence relevant to the investigation; (ii) an opportunity for the respondent to respond to the allegations and to present relevant information, including documents and other evidence relevant to the investigation; (iii) ensuring that any witnesses to the incident(s) or individuals with relevant information about the situation are interviewed, and (iv) that any relevant documentation or evidence is collected in the course of the investigation. The University reserves the right to adapt and modify its investigatory procedure(s), in its discretion, based on the nature of the report and the alleged conduct at issue. A less complex set of allegations generally requires a less expansive investigation, and a more complex set of allegations generally requires a more expansive investigation. Internal or external investigators may be used. Generally, advisers are not permitted.<sup>5</sup>

In order to ensure that no discriminatory, harassing, or retaliatory conduct occurs during the investigation, University administration may implement interim measures (e.g., instructing the individuals involved to refrain from communicating with one another, and/or addressing any immediate workplace environment issues) as appropriate. University administration may determine that it is appropriate to remove a respondent from the workplace while an investigation is ongoing but any such decision and action will be in accordance with the Faculty Handbook, including but not limited to Section III.C.

At the conclusion of the investigation, University administration will determine the response, which may involve disciplinary and/or other remedial action. A complaint that results in a finding of a violation and for which the sanctions involve suspension from service or dismissal of a faculty member with continuous tenure, or with a special or probationary appointment before the end of the specified term, will, upon request of the accused faculty member, be subject to applicable provisions of the Faculty Handbook, including but not limited to the review by the Faculty Affairs Committee set forth in Section III(C)(9) of the Faculty Handbook.<sup>6</sup>

The complainant and respondent will be given notice, in a timely fashion, of the outcome of the investigation and will be provided with a summary of the information gathered in the investigation and the rationale for the outcome. Information about the

University's specific responsive action(s) directly concerning the complainant (such as a change in the respondent's work schedule or work assignments to avoid contact with the complainant) is disclosed to the complainant. Discipline imposed on the respondent is normally not disclosed to the complainant.<sup>7</sup>

## III. ROLE OF CHAIRS, DIRECTORS AND DEANS

In addition to being subject to discipline if they engage in Prohibited Conduct themselves, chairs, directors, and deans will be subject to discipline for failing to report suspected harassment, discrimination, or other Prohibited Conduct, or otherwise knowingly allowing such situations to continue. Individuals in these roles also will be subject to discipline for engaging in any retaliation or knowingly allowing their subordinates to engage in retaliation.

---

<sup>7</sup> In cases alleging sexual assault, dating violence, domestic violence, or stalking, the complainant is provided with information concerning discipline imposed.

## UNIVERSITY PERSONNEL NON-DISCRIMINATION AND ANTI-HARASSMENT RESPONSE PROCEDURE (STAFF)

This procedural document applies where a Colgate University non-faculty employee<sup>1</sup> may have engaged in discrimination or harassment based on a Protected Characteristic or any other form of conduct prohibited by the University Personnel Non-Discrimination and Anti-Harassment Policy.<sup>2</sup>

### I. INITIATING A RESPONSE TO PROHIBITED CONDUCT

A report or complaint is to be made to the Discrimination and Harassment Team (DHT). As of 3/7/2023, this team shall include: the Vice President for Equity and Inclusion, and Acting Title IX Coordinator (Renee Madison [rmadison@colgate.edu]), the Associate Provost for Equity and Diversity (Ani Maitra [amaitra@colgate.edu]), the Director for Inclusion and Belonging (Rodney Agnant [rjagnant@colgate.edu]), and the Vice President for Administration (Christopher Wells [cwells@colgate.edu]). However, the Acting Title IX Coordinator and Vice President for Equity and Inclusion have the authority to determine the policy that will be applied in any case involving or potentially involving Title IX.

## IV. 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), and the principles articulated by the University's Task Force on Academic Freedom and Freedom of Expression <https://www.colgate.edu/about/offices-centers-institutes/provost-and-dean-faculty/academic-freedom-and-freedom-expression>, this 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. The expression of ideas in the course of respectful, responsible teaching, learning, working, and academic debate are not violations of this policy.

Reports may be made verbally or in writing. A form for submission of a written report is attached to this Policy and is available here. ([https://colgate.co1.qualtrics.com/jfe/form/SV\\_25ImNxkXrrZQtXU](https://colgate.co1.qualtrics.com/jfe/form/SV_25ImNxkXrrZQtXU)). The use of this form is encouraged but is not required. Reports of workplace harassment or discrimination may be made on behalf of another person but should state clearly that the complaint is being made on another person's behalf. Prompt reporting allows the University to address the conduct and, if necessary, take corrective action.

Any individual with supervisory or managerial authority is required to report all formal and informal complaints that they receive or any harassment, discrimination, or other act of Prohibited Conduct that they observe or become aware of immediately to the DHT. A supervisor or manager is not a confidential resource, and the DHT likewise is not a confidential resource. Even when an employee asks that a matter be kept confidential or where the employee does not wish to file a formal complaint, the supervisor or manager must report the situation to DHT. When a supervisor or manager makes a report to the DHT, a formal investigation may or may not be necessary, but the DHT must be involved in determining the appropriate response.

---

<sup>5</sup> If the allegations concern sexual assault, domestic violence, dating violence, or stalking, the complainant and respondent each may have an adviser, and the adviser may be anyone the party selects, including an attorney.

<sup>6</sup> This does not apply to a case subject to investigation and adjudication via the Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Response Procedure. Further, the applicable standard of evidence is "preponderance of the evidence" in any case where the complaint asserts conduct constituting "sexual harassment" in violation of Title IX, including with respect to the standard necessary for suspension or dismissal of a faculty member regardless of any other articulated standard in the Faculty Handbook.

---

<sup>1</sup> Situations involving employee respondents who are not classroom faculty are handled pursuant to the University Personnel Non-Discrimination and Anti-Harassment Response Procedure (Staff) unless otherwise subject to the process described in footnote two (2) below.

<sup>2</sup> The Student Sex- or Gender-Based Discrimination and Harassment Resources and Response Procedures apply where a student is the complainant and the alleged conduct concerns sex discrimination, sexual harassment, domestic violence, dating violence, or stalking. Additionally, the University will apply the Student Sex- or Gender-Based Discrimination and Harassment and Sexual Misconduct Resources and Response Procedures (regardless of the faculty, staff, or student status of the parties) in any cases where the University determines that Title IX requires the application of the procedures set forth in those documents.

The University is committed to a collaborative, flexible response to ensure that the situation is addressed at the most appropriate level and in the most appropriate way. The University's focus is on the resolution of workplace issues fairly and promptly, and the precise manner in which that occurs may vary with the circumstances.

The DHT has the ultimate authority to direct the handling of a particular complaint or concern.

## II. THE UNIVERSITY'S INVESTIGATION AND RESPONSE

### A. Initial Review

The DHT will conduct an initial review of the complainant report. The DHT will determine if the situation appears to fall within the scope of the University Personnel Non-Discrimination and Anti-Harassment Policy and Response Procedure. The DHT may direct the complaint to a more applicable policy or procedure.

### B. Informal Resolution

The University encourages early disclosure of situations that may constitute harassment, discrimination, or other Prohibited Conduct. An individual need not worry about whether the situation currently rises to a level of seriousness sufficient to constitute a violation of University policy, as the University encourages early reporting so as to avoid situations reaching a more serious level. In order to encourage early reporting, and understanding that many individuals with concerns about their work environment are interested in a resolution with the other person(s) involved that is non-punitive, the University considers whether situations are appropriate for informal resolution.

Generally speaking, informal resolution is a voluntary process with the goal of achieving an arrangement acceptable to the parties to resolve the situation. If a complainant or respondent is unwilling to engage in an informal resolution process, an informal resolution generally will not be pursued. However, in some circumstances, the DHT may implement an informal resolution despite the preference of the complainant or respondent for a different outcome. This may be the case where the allegations are such that the appropriate outcome would be non-disciplinary (e.g., an educational mandate, a warning, a separation of the individuals involved, etc.).

An informal resolution generally does not, but may, include a determination as to whether conduct violated the University Personnel Non-Discrimination and Anti-Harassment Policy.

### C. Investigation

Any case the DHT determines is appropriate for investigation will be investigated. Not all situations require a formal investigation, and the scope of any factual inquiry will be tailored to the facts and circumstances. In cases where an investigation is appropriate, the investigation will be thorough and as prompt as possible. The University will keep the investigation confidential to the extent possible. However, strict or absolute confidentiality generally is not possible in the course of a thorough investigation.

Broadly speaking, an investigation involves: (i) an opportunity for the complainant to present relevant information, including documents and other evidence relevant to the investigation; (ii) an opportunity for the respondent to respond to the allegations and to present relevant information, including documents and other evidence relevant to the investigation; (iii) ensuring that any witnesses to the incident(s) or individuals with relevant information about the situation are interviewed, and (iv) that any relevant documentation or evidence is collected in the course of the investigation. The University reserves the right to adapt and modify its investigatory procedure(s), in its discretion, based on the nature of the report and the alleged conduct at issue. A less complex set of allegations generally requires a less expansive investigation, and a more complex set of allegations generally requires a more expansive investigation. Usually, the member of the DHT who initially received the complaint will investigate. However, the DHT may assign other internal or external persons to conduct the investigation. Generally, advisers are not permitted.<sup>3</sup>

In order to ensure that no discriminatory, harassing, or retaliatory conduct occurs during the investigation, the University may implement interim measures (e.g., instructing the individuals involved to refrain from communicating with one another, addressing any immediate workplace environment issues) as appropriate. The University may determine that it is appropriate to remove a respondent from the workplace while an investigation is ongoing.

At the conclusion of the investigation, the DHT will determine whether a violation of this Policy occurred and, if such a violation did occur, the appropriate disciplinary and/or other remedial action to be taken. The complainant and respondent will be given notice, in a timely fashion, of the outcome of the investigation and will be provided with a summary of the information gathered in the investigation and the rationale for the outcome. Information about the University's specific responsive action(s) directly

concerning the complainant (such as a change in the respondent's work schedule or work assignments to avoid contact with the complainant) is disclosed to the complainant. In order to respect the privacy of personnel records, specific discipline actions imposed on the respondent normally are not disclosed to the complainant.<sup>4</sup>

## III. ROLE OF SUPERVISORS AND MANAGERS

In addition to being subject to discipline if they engage in Prohibited Conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected harassment, discrimination, or other Prohibited Conduct, or otherwise knowingly allowing such situations to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation or knowingly allowing their subordinates to engage in retaliation.

---

<sup>4</sup> In cases alleging sexual assault, dating violence, domestic violence, or stalking, the complainant is provided with information concerning discipline imposed.

---

---

<sup>3</sup> If the allegations concern sexual assault, domestic violence, dating violence, or stalking, the complainant and respondent each may have an adviser, and the adviser may be anyone the party selects, including an attorney. If the respondent is a member of a bargaining unit, the respondent may select as an adviser a union representative regardless of the nature of the allegations; the selection of a union representative does not entitle the respondent to an additional adviser.

## REPORT FORM FOR EMPLOYEES: REPORTING DISCRIMINATION AND/OR HARASSMENT

Colgate aims to create and maintain a community whose members can work together in an environment characterized by equal opportunity, inclusiveness, safety, and mutual respect. Furthermore, New York State Labor Law requires all employers to adopt a non-discrimination and anti-harassment policy, a complaint form to report alleged incidents of discrimination and/or harassment, and a process for responding to and resolving such complaints.

If you believe that you have been subjected to, or you believe you have witnessed another person experience, discrimination and/or harassment in the workplace, you are encouraged to complete this form and submit it to the Discrimination and Harassment Team (DHT). You will not be retaliated against for filing a complaint. As of 7/1/2022, this team shall include:

- Renee Madison, the Vice President for Equity Inclusion
- Ani Maitra, Associate Provost for Equity and Diversity
- Christopher Wells, Vice President for Administration

If you are more comfortable reporting verbally and/or in person, please contact the Office of Equity and Diversity (x6161) to make an appointment to speak with any member of the DHT regarding your concern.

**COMPLAINANT INFORMATION:** Items marked with an asterisk (\*) are required.

Name of complainant (first and last) \*

Job title of complainant \*

Work phone number of complainant \*

Email address of complainant \*

Please indicate your preferred communication method \*

**SUPERVISORY INFORMATION:** Please provide information about the supervisor of the complainant. Providing this information does not mean we will automatically contact your supervisor.

Name of complainant's immediate supervisor (first and last) \*

Job title of complainant's immediate supervisor \*

Work phone number of complainant's immediate supervisor\*

Are there additional complainants who should be associated with this report?\*

Complaint Information: Please provide information regarding the person and incident(s) about which you are submitting a complaint.

Name of the person about whom you are submitting this complaint (first and last) \*

Job title of the person about whom you are submitting this complaint

Work phone number of the person about whom you are submitting this complaint \*

Relationship to you of the person about whom you are submitting this complaint: \*

Are there additional people about whom you would like to make this complaint?

Please describe what happened and how it is affecting you and your work. \*

Date(s) discrimination and/or harassment occurred

Is the discrimination and/or harassment continuing? \*

Please attach any relevant documents or evidence.

Please provide the name and contact information of any witnesses or individuals who may have information related to your complaint.

Information provided in response to the following question may help the investigation.

Have you previously complained or provided information (verbal or written) about related incidents?

### LEGAL COUNSEL

Harassment or discrimination is not only prohibited by the University, it is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process described in Colgate's non-discrimination and anti-harassment policy and process, individuals may also choose to pursue legal remedies at any time. If you have retained legal counsel and wish for us to speak directly with them, please provide their name (and contact information) below.

Name of legal counsel (first and last):

Email address of legal counsel:

Phone number of legal counsel:

You may submit this form to any member of the DHT.

## UNIVERSITY POLICY INFORMATION ONLINE

### STUDENT NON-DISCRIMINATION, ANTI-HARASSMENT, AND SEXUAL MISCONDUCT POLICY

[colgate.edu/about/offices-centers-institutes/provost-and-dean-faculty/equity-and-diversity/non-discrimination-2](https://colgate.edu/about/offices-centers-institutes/provost-and-dean-faculty/equity-and-diversity/non-discrimination-2)

This policy prohibits acts of discrimination, harassment, sexual assault, and sexual exploitation, as well as domestic violence, dating violence, and stalking.

### NON-DISCRIMINATION/TITLE IX PROCEDURES

[colgate.edu/about/offices-centers-institutes/provost-and-dean-faculty/equity-and-diversity/non-discrimination-3](https://colgate.edu/about/offices-centers-institutes/provost-and-dean-faculty/equity-and-diversity/non-discrimination-3)

This policy provides procedures for the investigation and adjudication of violations of the Student Non-discrimination, Anti-Harassment, and Sexual Misconduct Policy.

### RESOURCES AND OTHER ASSISTANCE

- [sexual violence support and resources](#)
- [sexual violence student resource guide](#)
- [faculty and staff sexual violence response guide](#)

### CONFIDENTIAL SUPPORT RESOURCES

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

#### Students may contact:

The Office of Counseling and Psychological Services, Conant House, 315-228-7385, or for an after-hours emergency, call the Campus Safety Department at 315-228-7333 and ask to speak with the counselor on call.

- [Haven](#), garden level of Curtis Hall, 315-228-7385
- [Office of the Chaplains](#), garden level of Colgate Memorial Chapel, 315-228-7682
- [Student Health Services](#), 150 Broad Street, 315-228-7750
- [Help Restore Hope Center](#), 24-hour hotline, 855-966-9723

#### Employees may contact:

- [Employee Assistance Program](#), 315-451-2161
- [Help Restore Hope Center](#), 24-hour hotline, 855-966-9723

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 Prohibited Conduct Response Group, 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.

- Amy Gordon, Title IX Coordinator and Equity and Diversity Officer  
Office of Equity and Diversity  
102B Lathrop Hall  
315-228-7014  
[agordon@colgate.edu](mailto:agordon@colgate.edu)
- Any Prohibited Conduct Response Group member (list of members can be found [here](#)).

If a report is made to anyone other than the Responsible Administrators listed above or campus safety, 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.

## ACADEMIC, HOUSING, TRANSPORTATION, EMPLOYMENT, AND OTHER SUPPORTIVE MEASURES

The University also has resources to help those who have experienced sexual assault, intimate partner violence, or stalking to obtain reasonably available protective measures. These measures are available regardless of whether the person who requests them files a complaint with the University or through the criminal justice system.

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. Initiating a 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.

## SUPPORTIVE MEASURES

Supportive measures are available regardless of whether the person who requests a measure makes a report to the University or law enforcement, whether the person participates in any investigation, or whether the University or law enforcement investigates a report that has been submitted.

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.

### VISA AND IMMIGRATION ASSISTANCE

Students, faculty, and staff sometimes have questions about how various actions (e.g., a reduction in course load, change in work circumstances) may impact their visa or immigration status.

People who have been victims of certain crimes may qualify for immigration relief such as a U-Visa or be eligible to file an immigration visa petition under the VAWA (Violence Against Women Act) provisions of the Immigration and Nationality Act. Private and confidential information about visa and immigration status is available for students through the Office of International Student Services and through Human Resources for faculty and staff.

### ONGOING EDUCATION AND AWARENESS 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:

- Identifies domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;
- 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;
- 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 Student Non-discrimination, Anti-Harassment, and Sexual Misconduct Policy if state law does not define consent;
- 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;
- Offers 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;
- Provides an overview of information contained in the Annual Security & Fire Safety 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.

**\*For the following tables, DoV means domestic violence; DaV means dating violence; SA means sexual assault; S means stalking; SV means sexual violence; and AOD means Alcohol and Other Drugs.**

#### THE UNIVERSITY OFFERED THE FOLLOWING PRIMARY PREVENTION AND AWARENESS PROGRAMS FOR NEW STUDENTS IN 2022:

Name of Program	Date Held	Location Held / Presenter	Prevention / Awareness Program Training Topic
Bystander Intervention: Sexual Violence 1.0	Multiple Dates	202 Lathrop Hall—Title IX Coordinator	Sexual harassment, DoV, DaV, SA & S*
Alcohol EDU	Multiple Dates	Online Program	AOD
OUS Tour	July 6, 2022	Remote via Zoom—Haven	Intro to Services: DoV, DaV, SA/SV & S*
First Year Orientation, Ending Sexual Violence on Colgate’s Campus and Beyond	Aug 23, 2022	Various Locations	Intro to Services: DoV, DaV, SA/SV & S*
FSEM: Intro to Haven Services	Multiple Dates	Various Locations—Shaw Wellness Staff & Bystander Intervention Facilitators	Intro to Services: DoV, DaV, SA/SV & S*
OISS Orientation: Crossing Cultures Workshop	Aug 19, 2022	Remote via Zoom—Haven	Mental Health and Sexual Violence, Tabling
First Year Campus Tour	Aug 22, 2022	Remote via Zoom—Haven	Intro to Services
First @Colgate & Questbridge Pre-Orientation	Aug 18, 2022	Haven—Zoom	Intro to Services: DoV, DaV, SA/SV & S*
Admission Ambassadors and Interns Training	Aug 24, 2022	Haven—Zoom	Intro to Services: DoV, DaV, SA/SV & S*

#### THE UNIVERSITY OFFERED THE FOLLOWING PRIMARY PREVENTION AND AWARENESS PROGRAMS FOR NEW EMPLOYEES IN 2022:

Name of Program	Date Held	Location Held / Presenter	Prevention / Awareness Program Training Topic
New Community Leader Training	Jan 17, 2022	Residential Life Conference Room	Intro to Services: DoV, DaV, SA/SV & S*
Community Leader Training	Aug 15, 2022	Lawrence Hall, 105	Intro to Services
Community Leader Training	Aug 18, 2022	Lawrence Hall, 105	Trauma-Informed Response Training
OUS Staff Orientation	Jun 30, 2022	Burke Hall	Intro to Services: DoV, DaV, SA/SV & S*
Admission Ambassadors and Interns Training	Aug 24, 2022	Shaw Wellness Institute	Intro to Services: DoV, DaV, SA/SV & S*

**THE UNIVERSITY OFFERED THE FOLLOWING ONGOING PREVENTION AND AWARENESS PROGRAMS FOR ALL STUDENTS IN 2022:**

Name of Program	Date Held	Location Held / Presenter	Prevention / Awareness Program Training Topic
Safe Zone Training for Community Leaders	Jan 19, 2022	105 Lawrence Hall	LGBTQ+, Gender Identity, Expression and Sexuality
Trans*, Intersex, and Non-Binary Identities Training for Community Leaders	Jan 20, 2022	105 Lawrence Hall	LGBTQ+ Awareness, Allyship, Prevention of Homophobia, Transphobia etc.
LGBTIQA+ Basics for Kappa Kappa Gamma	Apr 18, 2022	Love Auditorium	LGBTQ+ Awareness, Allyship, Prevention of Homophobia, Transphobia etc.
Sex, Sexuality, and Identity: Unicorns in Your Closet Training for LINK Staff	Aug 17, 2022	Golden Auditorium, Little Hall	LGBTQ+, Gender Identity, Expression and Sexuality
Domestic Violence and LGBTQIA+ Training for Shaw Wellness - Bystander Intervention Facilitators	Oct 24, 2022	Shaw Wellness Institute	LGBTQ+, Domestic Violence
Sex Museum: The Paths to Orgasm and Pleasure	Mar 8, 2022	O'Connor Campus Center (COOP)	Sexual Health, Sexuality, Consent
Sex Museum: A Twilight Zone of Joy	Sept 22, 2022	O'Connor Campus Center (COOP)	Sexual Health, Sexuality, Consent
Trans* Bodies and Domestic Violence	Oct 5, 2022	Center for Women's Studies	Trans* Wellbeing, Domestic Violence
Colgate HIV/AIDS Week of Awareness			HIV/AIDS Prevention
1) Experiencing HIV: An IGD Dialogue on Facts and Myths	Nov 29, 2022	ALANA Cultural Center	
2) Expert Panel, HIV Then and Now: Lessons of the Past	Nov 30, 2022	Center for Women's Studies	
3) Film Screening of Day With(Out) Art 2022: Being & Belonging	Dec 1, 2022	Golden Auditorium, Little Hall	
4) Sexual Health Fair and Free Testing	Dec 2, 2022	O'Connor Campus Center (COOP)	
Trauma Informed Response Training 1.0	Multiple Dates	Haven	Trauma-Informed Training
Wellness Fair	Oct 4, 2022	Residential Quad	Integrated Health and Wellness
OFSA: President's Council	Oct 20, 2022	101 McGregor	Intro to Services
Athletics Wellness Ambassador Training	Oct 24/Nov 1, 2022	Reid	Intro to Services: DoV, DaV, SA/SV & S*, Trauma-Informed Response Training
Bystander Intervention Follow-up	Nov 14, 2022	Shaw	DoV, DaV, SA/SV & S*
Support for the Supporter	Multiple Dates	Multiple Locations	DoV, DaV, SA/SV & S*

**THE UNIVERSITY OFFERED THE FOLLOWING ONGOING PREVENTION AND AWARENESS PROGRAMS FOR ALL STUDENTS IN 2022 (CONT'D):**

Name of Program	Date Held	Location Held / Presenter	Prevention / Awareness Program Training Topic
Link Training	Aug 15, 2022	Ho Science	Train the Trainer: Ending Sexual Violence on Colgate's Campus and Beyond
Link Training	Aug 18, 2022	Ho Science	Ending Sexual Violence on Colgate's Campus and Beyond
Self Care & Activism	Jan 25, 2022	ALANA	Self Care & Activism
SAPAS Training	Jan 28, 2022	Alumni 111	DoV, DaV, SA/SV & S*
OUS Introductions	Feb 8, 2022	Virtual	DoV, DaV, SA/SV & S*
Yes Means Yeas	Multiple Dates	Various Locations	DoV, DaV, SA/SV & S*
Trauma Informed Skill Building Series	Multiple Dates	Haven	Trauma-Informed Training
HEDS Survey-Peer Support	Multiple Dates	Various Locations	DoV, DaV, SA/SV & S*
OUS Brown Bag	Feb 22, 2022	OUS	Intro to Services DoV, DaV, SA/SV & S*
OFSA: President Council	Mar 1, 2022	Haven	Intro to Services DoV, DaV, SA/SV & S*

**THE UNIVERSITY OFFERED THE FOLLOWING ONGOING PREVENTION AND AWARENESS PROGRAMS FOR ALL EMPLOYEES IN 2022:**

Name of Program	Date Held	Location Held / Presenter	Prevention / Awareness Program Training Topic
LGBTQ+ Sensitivity Training for Campus Safety	Jan 5, 2022	213 Benton Hall	LGBTQ+, Gender Identity, Expression and Sexuality
LGBTQ+ Basics Training for Administrative Assistants	Jan 12, 2022	Remote Training via Zoom	LGBTQ+, Gender Identity, Expression and Sexuality
Safe Zone Training: How to Be a Better LGBTQIA+ Ally for Integrated Health Services	Jan 18, 2022	Remote Training via Zoom	LGBTQ+ Awareness, Allyship, Prevention of Homophobia, Transphobia etc.
Mental Health Mondays with Athletics: Trauma-Informed Training	Sep 19/Oct 24, 2022	Reid 100	Trauma-Informed Response Training
Trauma Informed Response Training 2.0	Nov 1, 2022	COOP	Trauma-Informed Response Training with SART members/ Addressing various forms of trauma: DoV, DaV, SA/SV & S*

**THE UNIVERSITY OFFERED THE FOLLOWING ONGOING PREVENTION AND AWARENESS PROGRAMS FOR ALL EMPLOYEES IN 2022 (CONT'D):**

Name of Program	Date Held	Location Held / Presenter	Prevention / Awareness Program Training Topic
Trauma Informed Response Training 1.0	Feb 9, 2022	ALANA	Trauma-Informed Training
Campus Safety: Trauma Informed Response Training	Mar 16, 2022	ALANA	Trauma-Informed Training
Deans: Trauma Informed Response Training	Mar 23, 2022	Lathrop	Trauma-Informed Training
Sexual Assault Response Team - SART	Multiple Dates	ALANA/COOP	DoV, DaV, SA/SV & S*

**THE UNIVERSITY OFFERED THE FOLLOWING ONGOING PREVENTION AND AWARENESS PROGRAMS FOR FACULTY, STAFF, AND PARENTS IN 2022:**

Name of Program	Date Held	Location Held / Presenter	Prevention / Awareness Program Training Topic
Faculty Orientation	Aug 19, 2022	560 Case-Geyer	Panel- Intro to Services

**PREVENTION AND EDUCATION FROM HAVEN FOR GREATER COLGATE COMMUNITY 2022:**

Name of Program	Date Held	Location Held	Prevention / Awareness Program Training Topic
Experience Colgate	Apr 8, 2022	Shaw	Intro to Services
Admitted Students Day	Apr 22, 2022	Shaw	Intro to Services
Haven Session for Reunion Weekend	Multiple Dates	Haven	Intro to Services
Lifelong Learners	Multiple Dates	Haven	Trauma-Informed Training
High School Seminar	Multiple Dates	Alumni 111	DoV, DaV, SA/SV & S*

**APRIL - SEXUAL ASSAULT AWARENESS MONTH 2022:**

Name of Program	Date Held	Location Held	Prevention / Awareness Program Training Topic
SAAM Kickoff/Tabling	Apr 1, 2022	COOP	DoV, DaV, SA/SV & S*
Film Screening: Precession	Apr 1, 2022	Little Hall	DoV, DaV, SA/SV & S*
WMST Brown Bag: Trauma Informed Support	Apr 5, 2022	WMST	DoV, DaV, SA/SV & S*
Haven Open House	Apr 5, 2022	Haven	DoV, DaV, SA/SV & S*
Take Back The Night	Apr 12, 2022	COOP	DoV, DaV, SA/SV & S*
Survivor Speakout	Apr 12, 2022	WMST	DoV, DaV, SA/SV & S*
Breaking Session	Apr 14, 2022	Haven	DoV, DaV, SA/SV & S*
Trauma Sensitive Yoga	Apr 18, 2022	Haven/Virtual	DoV, DaV, SA/SV & S*
WORLD Health Day: Access to Trans* Care at Colgate Panel	Apr 7, 2022	WMST	DoV, DaV, SA/SV & S*
Ask an Advocate	Apr 19, 2022	Haven	Intro to Services DoV, DaV, SA/SV & S*
Brown Bag: Nicole Bromley	Apr 25, 2022	Chapel Basement	DoV, DaV, SA/SV & S*
Vinyasa Yoga	Apr 25, 2022	Huntington Gym	DoV, DaV, SA/SV & S*
Denim Day	Multiple Dates	COOP	DoV, DaV, SA/SV & S*
Restorative Yoga	Apr 28, 2022	Huntington Gym	DoV, DaV, SA/SV & S*
Teal Graduation	May 3, 2022	ALANA	DoV, DaV, SA/SV & S*

**OCTOBER - DOMESTIC VIOLENCE AWARENESS MONTH 2022:**

Name of Program	Date Held	Location Held	Prevention / Awareness Program Training Topic
DVAM Kickoff: Tabling	Oct 3, 2022	COOP	DoV, DaV, SA/SV & S*
Wellness Fair	Oct 4, 2022	Residential Quad	Integrated Health and Wellness
Conscious Conversations: Trans*Bodies and DV	Oct 5, 2022	WMST	DoV, DaV, SA/SV & S*
Relationship Remix	Oct 17, 2022	OUS	DoV, DaV, SA/SV & S*
Let's Talk About It: Relationships and Dating as a POC on a PWI	Oct 18, 2022	ALANA	DoV, DaV, SA/SV & S*
The Network 3K for Domestic Violence	Oct 20, 2022	Whitenall Field	DoV, DaV, SA/SV & S*
Survivor Speakout	Oct 20, 2022	WMST	DoV, DaV, SA/SV & S*
Monument Quilts	Oct 25, 2022	WMST	DoV, DaV, SA/SV & S*



In addition to the programs listed, the Sexual Violence Resources, Support, and Education website [colgate.edu/sexual-violence-support-resources](http://colgate.edu/sexual-violence-support-resources) was available. This website provided links to the policy/process, PCRG 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 a poster included in the poster campaign across campus. Advertising space was purchased in the student newspaper, providing information on our Student Non-discrimination, Anti-Harassment, and Sexual Misconduct Policy and process and PCRG member list.

### WHERE CAN I GET MORE HELP?

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

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

- Help Restore Hope Center - 24-Hour Hotline - Madison County: 1-855-9-NOWSAFE/1-855-966-9723
- Vera House 24-hour Hotline: 315-468-3260
- 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

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

- **New York State Office for the Prevention of Domestic Violence**
- **New York State Coalition Against Sexual Assault**
- **New York State 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**
- **Respect Love, Love Respect** - NYS Dating Abuse website
- **Department of Justice**
- **Department of Education, Office for Civil Rights**

### STATE LAWS

State of New York laws can be found in the New York State Senate — browse the Laws of New York and view at [nysenate.gov/legislation](http://nysenate.gov/legislation).

The following excerpts can be compared with the federal definitions under the section on “Definitions for the Clery Crime Statistics Charts.”

- Sex Offenses; definition of terms - Penal (PEN) – § 130.00
- “Sexual intercourse” has its ordinary meaning and occurs upon any penetration, however slight.

- “Oral sexual conduct” means conduct between persons consisting of contact between the mouth and the penis, the mouth and the anus, or the mouth and the vulva or vagina.
- “Anal sexual conduct” means conduct between persons consisting of contact between the penis and anus.
- “Sexual contact” means any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as the touching of the victim by the actor, whether directly or through clothing, as well as the emission of ejaculate by the actor upon any part of the victim, clothed or unclothed.
- “Foreign object” means any instrument or article which, when inserted in the vagina, urethra, penis, rectum, or anus, is capable of causing physical injury.
- “Sexual conduct” means sexual intercourse, oral sexual conduct, anal sexual conduct, aggravated sexual contact, or sexual contact.
- First Degree Rape – § 130.35: Class B felony punishable by imprisonment for not more than 25 years.
- Second Degree Rape – § 130.30: Class D felony punishable by imprisonment for not more than seven years.
- Third Degree Rape – § 130.25: Class E felony punishable by imprisonment for not more than four years.
- Sexual Misconduct – § 130.20: Class A misdemeanor punishable by imprisonment for not more than one year.
- Forcible Touching – § 130.52: Class A misdemeanor punishable by imprisonment for not more than one year.
- First Degree Incest – § 255.27: Class B felony punishable by imprisonment for not more than 25 years.
- Second Degree Incest – § 255.26: Class D felony punishable by imprisonment for not more than seven years.
- Third Degree Incest – § 255.25: Class E felony punishable by imprisonment for not more than four years.
- Consent – Penal (PEN) - § 130.05

**New York State only defines “Lack of Consent”** involving sex offenses in New York State Penal Law § 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 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless.

### DOMESTIC VIOLENCE (INCLUDES DATING 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.

**Domestic Violence** – Social Services (SOS) –§ 459-A is defined in New York State Social Services Law as:

1. “Victim of domestic violence” means any person over the age of 16, 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.

### Stalking – Penal (PEN)

First Degree Stalking – § 120.60: Class D felony punishable by imprisonment for not more than seven years.

Second Degree Stalking – § 120.55: Class E felony punishable by imprisonment for not more than four years.

Third Degree Stalking – § 120.50: Class A misdemeanor punishable by imprisonment for not more than one year.

Fourth Degree Stalking – § 120.45: Class B misdemeanor punishable by imprisonment for not more than three months.

**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 webpage: [New York State Sexual Offender Registry](http://New York State Sexual Offender Registry)

## Crime Statistics

Campus crime, arrest, and referral statistics include those incidents reported to the Campus Safety Department, law enforcement agencies, and designated campus officials considered to be CSAs. These incident reports are also reviewed by campus safety administrators for consideration of timely warning notices. CSAs include but are not limited to University residential life staff; various dean of the college staff; athletics coaches; Office of Equity and Diversity; student conduct office; human resources; and advisers to recognized student organizations.

Campus “Professional Counselors” in the counseling center have state-provided confidential privilege and are not required to report crimes for inclusion in the Annual Security & Fire Safety Report. However, as a matter of policy, they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics.

The following crime statistics for calendar years 2020, 2021, and 2022 were reported to the Campus Safety Department, other CSAs, University officials, or local law enforcement agencies. The statistics reflect crimes which occurred not only on the main campus, but also at any noncampus 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 Department senior staff to ensure the case is properly classified for the incident. In addition to campus safety reports, data is requested, and included when received, from all local law enforcement agencies having jurisdiction for any campus or noncampus properties. Data is also collected from the University conduct office. Both sets of data are cross-checked against the campus safety report data to minimize duplicate entries for the same reported crime. The case/investigation reports are reviewed a second time by the Colgate University Clery Compliance Review Team for proper classification and statistical recordkeeping of Clery Act crimes and referrals. The results of the Clery Act crime classifications and statistics are submitted annually to the Department of Education and published in the Colgate University Annual Security and Fire Safety Report (ASFSR).

### HATE CRIMES

A hate crime is defined as a crime reported to local police agencies or to a CSA that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. Additionally, the offenses which must be reported separately in this section if committed with bias motivation include: murder and non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property.

- In 2020, there were 0 hate crimes reported.
- In 2021, there were 0 hate crimes reported.
- In 2022, there were 0 hate crimes reported.

### UNFOUNDED CRIMES

A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place.

- In 2020, there were 0 unfounded crimes.
- In 2021, there were 0 unfounded crimes.
- In 2022, there were 0 unfounded crimes.

The following tables hold additional information regarding crime reports on campus, please see definitions on p. 75.

## CRIMINAL OFFENSES

OFFENSE	YEAR	ON-CAMPUS		ON-CAMPUS PROPERTY (TOTAL)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
		RESIDENTIAL FACILITIES	OTHER			
MURDER AND NONNEGLIGENT MANSLAUGHTER	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
RAPE	2020	5	0	5	0	0
	2021	6	1	7	0	0
	2022	2	1	3	0	0
FONDLING	2020	2	1	3	0	0
	2021	4	1	5	0	0
	2022	1	0	1	0	0
INCEST	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
STATUTORY RAPE	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
ROBBERY	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
AGGRAVATED ASSAULT	2020	0	0	0	0	0
	2021	1	0	1	0	0
	2022	0	0	0	0	0
BURGLARY	2020	5	1	6	0	0
	2021	0	2	2	0	0
	2022	9	0	9	0	0
MOTOR VEHICLE THEFT	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	1	0
ARSON	2020	0	1	1	0	0
	2021	1	2	3	0	0
	2022	0	0	0	0	0



### VIOLENCE AGAINST WOMEN ACT (VAWA)

OFFENSE	YEAR	ON-CAMPUS		ON-CAMPUS PROPERTY (TOTAL)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
		RESIDENTIAL FACILITIES	OTHER			
DOMESTIC VIOLENCE	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
DATING VIOLENCE	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	3	0	3	0	0
STALKING	2020	0	0	0	0	0
	2021	2	0	2	0	0
	2022	2	4	6	0	0

### JUDICIAL REFERRALS

OFFENSE	YEAR	ON-CAMPUS		ON-CAMPUS PROPERTY (TOTAL)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
		RESIDENTIAL FACILITIES	OTHER			
LIQUOR LAW VIOLATIONS	2020	308	10	318	0	0
	2021	191	5	196	0	0
	2022	37	5	42	0	0
DRUG LAW VIOLATIONS	2020	147	6	153	0	0
	2021	145	3	148	0	0
	2022	73	1	74	0	0
ILLEGAL WEAPONS POSSESSIONS	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	1	0	1	0	0

### ARRESTS

OFFENSE	YEAR	ON-CAMPUS		ON-CAMPUS PROPERTY (TOTAL)	NONCAMPUS BUILDING OR PROPERTY	PUBLIC PROPERTY
		RESIDENTIAL FACILITIES	OTHER			
LIQUOR LAW	2020	0	0	0	0	1
	2021	1	0	1	0	3
	2022	0	0	0	0	2
DRUG LAW	2020	0	0	0	0	0
	2021	1	0	1	0	0
	2022	0	0	0	0	0
ILLEGAL WEAPONS POSSESSIONS	2020	0	0	0	0	0
	2021	0	0	0	2	0
	2022	0	0	0	0	0

Driving While Intoxicated (DWI) is not a federal reporting category and offenses are not included in the liquor law violations.

### MAIN CAMPUS MAP



- On-Campus Property
- Residential Facilities
- Noncampus Property
- On-Campus Athletic Field
- Public Property
- Waterway
- Colgate Property Border
- Road
- Sidewalk



## DEFINITIONS FOR THE CLERY CRIME STATISTICS CHARTS

**Aggravated Assault** - An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

**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.

**Bias Crime** - See Hate Crime

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

**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 and dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** - 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.

**Drug Abuse Violations** - Violations of state and local 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.

**Forcible Sodomy** - Oral or anal sexual intercourse with another person, 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 or physical incapacity. Beginning in 2013, these reports, if any, are included in the rape category.

**Hate Crime** - A crime reported to local police agencies or to a CSA that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Larceny** - The unlawful taking, carrying, leading, or riding away of property from the possession, or constructive possession, of another person.

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

**Manslaughter by Negligence** - The killing of another person through gross negligence.

**Motor Vehicle Theft** - The theft of a motor vehicle. *Note: A "motor vehicle" is a self-propelled vehicle that runs on the surface of land and not on rails, and which includes automobiles, buses, recreational vehicles, trucks, motorcycles, motor scooters, trail bikes, mopeds, snowmobiles, and golf carts.*

**Murder and Nonnegligent Manslaughter** - The willful (nonnegligent) killing of one human being by another.

**Noncampus 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.

**On-Campus Building or Property** - 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).

**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.

**Robbery** - The taking, or attempting to take, anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

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

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

**Sexual Assault** - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

**Sexual Assault With an Object** - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, 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 or physical incapacity. Beginning in 2013, these reports, if any, are included in the rape category.

**Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purpose 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 the 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.
- Any incident meeting this definition is considered a crime for the purposes of Clery Act Reporting.

**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.

*Definitions from the Department of Justice or the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.*

## Annual Fire Safety Report

### FIRE SAFETY REPORTS ON STUDENT HOUSING FIRE STATISTICS

Colgate University reports student housing had four (4) fires with no injuries in 2020, five (5) fires with no injuries in 2021, and five (5) fires with no injuries in 2022.

### ON-CAMPUS STUDENT HOUSING AND LIFE SAFETY SYSTEMS

Colgate University has a total of 35 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 the Campus Safety Department'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/heat 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

In accordance with New York State Office of Fire Prevention and Control (OFPC) regulatory requirements, Colgate conducts four (4) fire evacuation drills per calendar year in each on-campus student residential facility. The fire evacuation drills are conducted by the Campus Safety Department, the Office of Environmental Health and Safety, and the Office of Emergency Management in accordance with state and local fire codes. The fire evacuation drills are unannounced and conducted by activating each individual fire alarm system in each on-campus student housing facility. Two (2) of the fire evacuation drills are conducted during the daytime and two (2) of the fire evacuation drills are conducted in the evening/night. 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 INSPECTIONS FOR ON-CAMPUS STUDENT HOUSING**

On-campus student housing fire inspections are conducted by the New York State Office of Fire Prevention and Control during the fall semester and by the Village of Hamilton Code Enforcement Office during the spring semester.

**FIRE SAFETY POLICIES AND RULES**

Evacuation routes have been posted in all residence halls. All University fire alarms report directly to campus safety. For life safety, students are required to evacuate a building when a fire alarm is activated. 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 disciplinary action. In accordance with New York State fire codes, fire drills are conducted at the beginning of each semester to ensure campus residents are familiar with building evacuation routes.

The willful report of a fire and/or initiation of a fire alarm system activation (alarm) when no such danger exists is illegal and subject to disciplinary action as well as criminal charges. Intentionally setting a fire in or on University property (including in the Colgate cross-country and hiking trails) or causing a fire through gross negligence is strictly prohibited. Students found responsible for either of these acts will be subject to criminal charges and disciplinary action.

All Colgate University buildings are outfitted with fire safety equipment. Tampering with or misuse of fire safety equipment is a violation of New York State law and may result in University disciplinary action, fines, and/or criminal charges. If a student is found responsible for the misuse or tampering of fire safety equipment, the University may charge them for the cost of any required repairs and/or restorative expenses. In residential buildings, where no student accepts responsibility for damaged or expended fire safety equipment, the Office of Residential Life may, at their discretion, assess a fee on a pro rata basis to a room, apartment, floor, or building.

The possession and/or use of fireworks on University property without a permit obtained from the village of Hamilton via the Colgate University Office of Emergency Management is prohibited. Students who possess or use fireworks will be subject to disciplinary action.

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 without an installed circuit breaker or protection device, 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.

**TRAINING**

Fire safety presentations are provided to all Community Leaders, new students, and fraternity and sorority residents at the beginning of the new academic year. 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 Department of Emergency Management 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.

**CAMPUS RESIDENTIAL STUDENT HOUSING FIRE REPORT 2020**

STUDENT HOUSING FACILITY	FIRES	FIRE CAUSE	INJURIES	DEATHS	PROPERTY DAMAGE
ANDREWS HALL	0	-	0	0	\$0
BRYAN COMPLEX	0	-	0	0	\$0
BURKE HALL	0	-	0	0	\$0
CURTIS HALL	1	Unintentional Fire - Stove	0	0	\$250,000 - 499,999
DRAKE HALL	0	-	0	0	\$0
EAST HALL	0	-	0	0	\$0
GATE HOUSE	0	-	0	0	\$0
LA CASA PAN-LATINA AMERICANA HOUSE	0	-	0	0	\$0
NEWELL APARTMENTS	0	-	0	0	\$0
PARKER APARTMENTS	0	-	0	0	\$0
PINCHIN HALL	0	-	0	0	\$0
STILLMAN HALL	1	Unintentional Fire - Garbage Can	0	0	\$0 - 99
UNIVERSITY COURT APARTMENTS	0	-	0	0	\$0
WENDT UNIVERSITY INN	0	-	0	0	\$0
WEST HALL	1	Unintentional Fire - Improper disposal of smoking materials	0	0	\$0 - 99
40 BROAD ST.	0	-	0	0	\$0
49 BROAD ST.	0	-	0	0	\$0
52 BROAD ST.	0	-	0	0	\$0
66 BROAD ST.	0	-	0	0	\$0
70 BROAD ST.	0	-	0	0	\$0
72 BROAD ST.	0	-	0	0	\$0
80 BROAD ST.	0	-	0	0	\$0
84 BROAD ST.	0	-	0	0	\$0
88 BROAD ST.	0	-	0	0	\$0
92 BROAD ST.	0	-	0	0	\$0
94 BROAD ST.	0	-	0	0	\$0
100 BROAD ST.	0	-	0	0	\$0
102 BROAD ST.	0	-	0	0	\$0
104 BROAD ST.	0	-	0	0	\$0
110 BROAD ST.	0	-	0	0	\$0
113 BROAD ST.	0	-	0	0	\$0
114 BROAD ST.	0	-	0	0	\$0
118 BROAD ST.	0	-	0	0	\$0
180 BROAD ST.	1	Unintentional Fire - Microwave	0	0	\$0 - 99
100 HAMILTON ST.	0	-	0	0	\$0

**CAMPUS RESIDENTIAL STUDENT HOUSING FIRE REPORT 2021**

STUDENT HOUSING FACILITY	FIRES	FIRE CAUSE	INJURIES	DEATHS	PROPERTY DAMAGE
ANDREWS HALL	0	-	0	0	\$0
BRYAN COMPLEX	0	-	0	0	\$0
BURKE HALL	1	Intentional Fire - Open Flame	0	0	\$100 - 999
CURTIS HALL	0	-	0	0	\$0
DRAKE HALL	0	-	0	0	\$0
EAST HALL	0	-	0	0	\$0
GATE HOUSE	0	-	0	0	\$0
LA CASA PAN-LATINA AMERICANA HOUSE	0	-	0	0	\$0
NEWELL APARTMENTS	1	Unintentional Fire - Smoking Materials	0	0	\$1,000 - 9,999
PARKER APARTMENTS	1	Unintentional Fire - Heating Equipment	0	0	\$0 - 99
PINCHIN HALL	0	-	0	0	\$0
STILLMAN HALL	0	-	0	0	\$0
UNIVERSITY COURT APARTMENTS	0	-	0	0	\$0
WENDT UNIVERSITY INN	0	-	0	0	\$0
WEST HALL	0	-	0	0	\$0
40 BROAD ST.	0	-	0	0	\$0
49 BROAD ST.	0	-	0	0	\$0
52 BROAD ST.	0	-	0	0	\$0
66 BROAD ST.	0	-	0	0	\$0
70 BROAD ST.	0	-	0	0	\$0
72 BROAD ST.	0	-	0	0	\$0
76 BROAD ST.	1	Unintentional Fire - Cooking	0	0	\$0 - \$99
80 BROAD ST.	0	-	0	0	\$0
84 BROAD ST.	1	Unintentional Fire - Cooking	0	0	\$0 - \$99
88 BROAD ST.	0	-	0	0	\$0
92 BROAD ST.	0	-	0	0	\$0
94 BROAD ST.	0	-	0	0	\$0
100 BROAD ST.	0	-	0	0	\$0
102 BROAD ST.	0	-	0	0	\$0
104 BROAD ST.	0	-	0	0	\$0
110 BROAD ST.	0	-	0	0	\$0
113 BROAD ST.	0	-	0	0	\$0
114 BROAD ST.	0	-	0	0	\$0
118 BROAD ST.	0	-	0	0	\$0
180 BROAD ST.	0	-	0	0	\$0
100 HAMILTON ST.	0	-	0	0	\$0

**CAMPUS RESIDENTIAL STUDENT HOUSING FIRE REPORT 2022**

STUDENT HOUSING FACILITY	FIRES	FIRE CAUSE	INJURIES	DEATHS	PROPERTY DAMAGE
ANDREWS HALL	0	-	0	0	\$0
BRYAN COMPLEX	1	Unintentional Fire - Electrical	0	0	\$0 - 99
BURKE HALL	0	-	0	0	\$0
CURTIS HALL	0	-	0	0	\$0
DRAKE HALL	0	-	0	0	\$0
EAST HALL	0	-	0	0	\$0
GATE HOUSE	0	-	0	0	\$0
JANE PINCHIN HALL	0	-	0	0	\$0
LA CASA PAN-LATINA AMERICANA HOUSE	0	-	0	0	\$0
NEWELL APARTMENTS	0	-	0	0	\$0
PARKER APARTMENTS	2	Unintentional Fire - Electrical Unintentional Fire - Cooking	0	0	\$0 - 99 \$0 - 99
STILLMAN HALL	0	-	0	0	\$0
UNIVERSITY COURT APARTMENTS	1	Unintentional Fire - Cooking	0	0	\$0 - 99
WENDT UNIVERSITY INN	0	-	0	0	\$0
WEST HALL	0	-	0	0	\$0
40 BROAD ST.	0	-	0	0	\$0
49 BROAD ST.	0	-	0	0	\$0
52 BROAD ST.	0	-	0	0	\$0
66 BROAD ST.	0	-	0	0	\$0
70 BROAD ST.	0	-	0	0	\$0
72 BROAD ST.	0	-	0	0	\$0
76 BROAD ST.	0	-	0	0	\$0
80 BROAD ST.	0	-	0	0	\$0
84 BROAD ST.	0	-	0	0	\$0
88 BROAD ST.	0	-	0	0	\$0
92 BROAD ST.	0	-	0	0	\$0
94 BROAD ST.	0	-	0	0	\$0
100 BROAD ST.	0	-	0	0	\$0
102 BROAD ST.	0	-	0	0	\$0
104 BROAD ST.	0	-	0	0	\$0
110 BROAD ST.	0	-	0	0	\$0
113 BROAD ST.	1	Unintentional Fire - Electrical	0	0	\$0 - 99
114 BROAD ST.	0	-	0	0	\$0
118 BROAD ST.	0	-	0	0	\$0
180 BROAD ST.	0	-	0	0	\$0
100 HAMILTON ST.	0	-	0	0	\$0



**CAMPUS RESIDENTIAL STUDENT HOUSING FIRE SYSTEMS REPORT 2022**

RESIDENCE FACILITY	FULLY SPRINKLERED	FIRE DETECTION	FIRE EXTINGUISHER DEVICE	EVACUATION PLANS	NUMBER OF EVACUATION (FIRE) DRILLS THIS CALENDAR YEAR
ANDREWS HALL (15 ALUMNI DRIVE)	YES (WET SYSTEM)	YES	YES	YES	4
ASIA INTEREST HOUSE (118 BROAD ST.)	YES (WET SYSTEM WITH DRY PIPE IN ATTIC)	YES	YES	YES	4
BETA THETA PHI (88 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
BRYAN COMPLEX (31 BRYAN ROADWAY)	YES (WET SYSTEM)	YES	YES	YES	4
BUNCHE INTERNATIONAL HOUSE (80 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
BURKE HALL (80 OAK DRIVE)	YES (WET SYSTEM)	YES	YES	YES	4
CREATIVE ARTS HOUSE (100 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
CURTIS HALL (27 CONANT ROAD)	YES (WET SYSTEM)	YES	YES	YES	4
CUSHMAN HOUSE (102 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
DELTA DELTA DELTA (84 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
DELTA UPSILON (66 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
DRAKE HALL (29 CONANT ROAD)	YES (WET SYSTEM)	YES	YES	YES	4
EAST HALL (19 ALUMNI ROAD)	YES (WET SYSTEM)	YES	YES	YES	4
GAMMA PHI BETA (72 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
GATE HOUSE (10 OAK DRIVE)	YES (WET SYSTEM)	YES	YES	YES	4
INTERFAITH HOUSE (104 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
JANE PINCHIN HALL	YES (WET SYSTEM)	YES	YES	YES	4
KAPPA KAPPA GAMMA (40 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
LA CASA PAN-LATINA AMERICANA HOUSE (49 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
LOJ OUTDOOR & ENVIRONMENTAL HOUSE (70 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
NEWELL APARTMENTS (58 NEWELL DRIVE)	YES (WET SYSTEM)	YES	YES	YES	4
PARKER APARTMENTS (59 UNIVERSITY COURT)	YES (WET SYSTEM)	YES	YES	YES	4
PHI DELTA THETA (114 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
PHI TAU (92 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
PHILANTHROPY HOUSE (110 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
STILLMAN HALL (16 ALUMNI DRIVE)	YES (WET SYSTEM)	YES	YES	YES	4
THETA CHI (52 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
TOWNHOUSE APARTMENTS (180 BROAD ST.)	YES (WET SYSTEM)	YES	YES	YES	4
UNIVERSITY COURT APARTMENTS (60 UNIVERSITY COURT)	YES (WET SYSTEM)	YES	YES	YES	4
WENDT UNIVERSITY INN	YES (WET SYSTEM)	YES	YES	YES	4
WEST HALL (18 ALUMNI DRIVE)	YES (WET SYSTEM)	YES	YES	YES	4
76 BROAD ST.	YES (WET SYSTEM)	YES	YES	YES	4
94 BROAD ST.	YES (WET SYSTEM)	YES	YES	YES	4
100 HAMILTON ST.	YES (WET SYSTEM)	YES	YES	YES	4
113 BROAD ST.	YES (WET SYSTEM)	YES	YES	YES	4

**Telephone Numbers**

**Campus Safety Emergency**  
 x7911 (from on-campus phones)  
 315-228-7911 (from off-campus or cell phones)

From a non-University telephone, dial 228, then the extension.  
 From a cell phone, dial 315-228, then the extension.

**Campus Safety** x7333  
 (Non-emergency)

**Counseling and Psychological Services** x7385

**Haven** x7385

**Dean of the College** x7425

**Dean of the Faculty** x7222

**Human Resources** x7411

**Residential Life** x7367

**Student Health Services** x7750

**Title IX Office** x7014

**Office of Equity & Diversity** x6161

**Hamilton Police** 315-824-3311

**Community Memorial Hospital** 315-824-1100

**Community Memorial Hospital Emergency** 315-824-6090

**Liberty Resources** 315-366-5000  
 (24-hour hotline)

**Vera House** 315-468-3260  
 (24-hour crisis & support line)

**Dean of the College**

103 Gregory Hall

315-228-7425

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

**Campus Safety**

315-228-7333

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

**Emergency Management**

315-228-4087

**Fire Safety**

315-228-6531

Colgate University

13 Oak Drive, Hamilton, NY 13346

**COLGATE UNIVERSITY**