

# Paul Smith's College

## Community Guide

### Introduction

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

### Student Affairs

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

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

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Providing Experience - Encouraging Responsibility - Striving for Excellence - Expecting Integrity

Developing Self-Confidence - Fostering Tolerance - Building Community - To Engage in Lifelong Learning

#### 1.1 Federal Educational Rights and Privacy Act (FERPA)

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

Questions regarding FERPA or any college policies related to it may be directed to the Registrar's Office.

1. **Definition of Education Records:**

The meaning of "education records" is, with certain exemptions as listed below, those records, files, documents, and other materials which contain information directly related to a student and are maintained by any employee or agent of the University. The following categories of information are exempted and are not considered to be "education records":

- Records made by College personnel which are in the sole possession of the maker and are not accessible or revealed to any other person.
- Records maintained by Campus Safety for law enforcement purposes.
- Medical and counseling records used solely for treatment. (Medical records may be personally reviewed by a physician of the student's choice.)
- Records only related to a former student (alumni records). Records of that individual while a student continue to be considered education records.

*Note: All records pertaining to students which are maintained by College offices are official College records and remain the property of the College.*

2. **Right to Inspect and Review**

Students are granted the right to inspect and review all of their education records, except the following:

- Financial records of parents.
- Confidential letters and statements of recommendations placed in education records prior to January 1, 1975.
- Confidential letters and statements of recommendations for admission, employment, or honorary recognition placed in education records after January 1, 1975, for which students have waived their right of access.

3. **Waiver of Rights of Access**

Students may waive their right of access to confidential letters and statements of recommendation. Even if the student signs a waiver, the names of all persons making confidential recommendations will be made available upon the student's

request. Employees or agents of the College may not require a student to waive their right of access for receipt of College benefits or services

4. **Procedures for Inspection and Review**

- Requests to review records must be made to Registrar's Office. By law, the Office has 45 days to respond to requests to review and inspect. However, arrangements will be made as expeditiously as possible.
- Information contained in education records will be fully explained and interpreted to students by College personnel assigned to, and designated by, the Registrar.
- Students have the right to review only their own records. When a record contains information about more than one student, disclosure cannot include information regarding the other student(s).

5. **Right to Challenge Information in Records**

Students have the right to challenge the content of their education records if they consider the information contained therein to be inaccurate, misleading, or inappropriate.

- This process includes an opportunity for amendment of the records or insertion of written explanations by the student into such records.

*Note: The right to challenge grades does not apply under the Act unless the grade assigned was inaccurately recorded, under which condition the record will be corrected.*

6. **Procedures for Hearings to Challenge Records**

Students challenging information in their records must submit a written request for a hearing to the Registrar's Office, listing the specific information in question and the reasons for the challenge.

- Hearings will be conducted by the Registrar. Students shall be afforded a full and fair opportunity to present evidence relevant to the reasons for the challenge, as referenced in item 5.
- The Registrar will render a decision in writing noting the reason and summarizing all evidence presented within 10 days after the challenge is filed.
- Should the hearing be in favor of the student, the record shall be amended accordingly, Should the request be denied, an appeal may be made in writing and submitted according to the Grievance Procedure in the Community Guide.
- Should the appeal be in favor of the student, the record shall be amended accordingly? Should the request be denied, the student may choose to place a statement with the record commenting on the accuracy of the information in the record and/or setting forth any basis for inaccuracy. When disclosed to an authorized party, the record will always include the student's statement and notice of the Board's decision, as long as the student's record is maintained by the College.

7. **Consent for Release Required**

Consent must be obtained from a student for the release of information from education records, specifying what is to be released, the reasons for release, and to

whom it is being released with a copy of the record sent to the student if they desire.

**8. Release Without Consent**

The requirement for consent does not apply to the following:

- Requests from faculty and staff of Paul Smith's College who have a legitimate educational interest on a "need to know" basis, including student employees or agents of the institution, if necessary to conduct official business, as authorized by the College Registrar. Legitimate educational interest includes performing a task related to the duties of the employee or agent, the student's education, the discipline of a student, a service or benefit for the student, or maintaining safety and security of the campus.
- Requests in compliance with a lawful subpoena or conduct order.
- Requests in connection with a student's application for or receipt of financial aid.
- Requests by State authorities and agencies specifically exempted from the prior consent requirements by the Act--organizations conducting studies on behalf of the College, if such studies do not permit the personal identification of students to any persons other than to representatives of such organizations and if the personal identification data is destroyed when no longer needed.
- Information submitted to accrediting organizations.
- The College may release information in response to requests by parents of a dependent student, as defined in Section 152 of the Internal Revenue Code of 1954. A copy of the most recent year's Federal income tax form is required to verify dependency. In the case of emergencies, the College may release information from educational records to appropriate persons in connection with an emergency, if the knowledge of information is necessary to protect the health or safety of a student or other persons.
- To authorize federal officials who have need to audit and evaluate federally supported programs.
- Requests for "directory information" (see item 9).

*Note: The College reserves the right to verify the accuracy of any information contained in what purports to be an official College document (e.g. a transcript or diploma) or information provided to a third party. In addition, degrees (any honors, majors, minors, and specializations) are considered public information since they are conferred in a public ceremony.*

**9. Directory Information**

Paul Smith's College, in accordance with the Act, has designated the following information about students as public (directory) information:

- Name
- Address (local, home and e-mail)
- Birth date
- Images (stills, video, etc.)

- Telephone (local and home)
- Program of Study (including division of enrollment, major, and campus)
- Enrollment status (e.g. full-time, part-time, withdrawn)
- Dates of attendance
- Honors awarded
- Graduands (potential graduates) and students participating in graduation
- Previous educational agencies or institutions attended
- Participation in officially recognized activities and sports
- Weight and height of members of intercollegiate athletic teams
- Students have the right to have this directory information withheld from the public if they so desire. Each student who wants all directory information to be withheld must notify the Registrar's Office in writing by filing out the Stop Release Form. At least 10 days should be allowed for processing of these requests.
- The College receives many inquiries for "directory information" from a variety of sources, including friends, parents, relatives, prospective employers, other institutions of higher education, honor societies, licensing agencies, government agencies, and the news media. Each student is advised to carefully consider the consequences of a decision to withhold "directory information." The College, in all good faith, will not release directory information requested to be withheld, and any requests from persons or organizations outside the College will be refused unless the student provides written consent for the release.

**10. Reports, Concerns or Suggestions**

Any Student who has reason to believe that the College is not complying with the Act or this policy should inform the Registrar in writing. The Registrar shall promptly review all such allegations.

**1.2 Revocation of Academic Degrees**

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

**1.3 Student Grievance and Appeal Procedure**

The Student Grievance and Appeal Procedure provides a process for resolving student disputes with faculty, staff, and administrators. This procedure shall be used for grievances initiated by students for matters that a student believes are the result of discrimination or harassment as defined by the College's Non-Discrimination Commitment, which is published in the College Catalog and appears in Section 6.2 of the *Community Guide*. Throughout the grievance procedure, the burden of proof is on the grievant and requires presentation of evidence sufficient to support the claim.

### 1.4.1. Deadlines

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

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

### 1.4.2. Definitions

- **Grievance:** An action that may be taken by a student who feels that they have been injured by a College faculty member, administrator, or other person acting on behalf of the College, and wherein that injury was a result of discrimination or harassment on the basis of sex, race, color, age, religion, national origin, handicap, or marital status.
- **Grievant:** The student or group of students who present an alleged grievance.
- **Respondent:** A person accused of a violation who has entered an institution's conduct process.
- **Representative:** The grievant and the respondent(s) may each select an individual from the student body, faculty, or administrative personnel of Paul Smith's College to serve as a representative at each stage of the Grievance. This is a College administrative procedure and lawyers shall not represent participants in the Grievance Procedure.
- **Party in Interest:** The person or group of people associated with the action being grieved and named in the grievance, excepting the grievant and respondent(s).
- **Witness:** The person or group of people having information about the action being grieved and named by the grievant or named by a respondent.
- **Mediator:** One person or a group of people who seek conciliation of the grievance by offering possible solutions to the grievant and respondent(s).

- **Affirmative Action Officer:** The Director of Human Resources for the College is the Affirmative Action Officer.
- **Working Day(s):** Every Monday through Friday, inclusive, of the Academic Year, excepting scheduled recesses (i.e. Thanksgiving, winter and mid-semester breaks, and breaks between semesters and sessions) but not excepting scheduled registration days and summer sessions, shall be designated as Working Day(s).

### 1.4.3. Stages

#### 1.4.3.1. Stage 1 - Informal

Grievances must be presented in writing to the Vice President for Student Affairs and Campus Life within 20 working days of the incident. The written grievance must include:

- Name of the grievant
- Nature of the grievance
- Name(s) of respondent
- Name(s) of party(ies) in interest if any

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

#### 1.4.3.2. Stage 2 - Formal

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

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

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

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

- Name of the grievant
- Nature of the claim

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

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

### 1.4.3.3. Stage 3 – Mediation

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

**Within 5 working days of receipt of the appeal**, the Vice President for Student Affairs and Campus Life, will coordinate mediation services with the Human Resources Office. Mediators from the College's Employee Assistance Program may provide mediation services.

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

### 1.4.3.4. Stage 4 – President of the College

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

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



## 1.5 Administrative Withdrawal

When a student, due to emotional or medical distress, behaves in a manner which has an adverse effect on others or self or is unable to meet reasonable standards for participation in the College's programs, an administrative withdrawal may be affected. Paul Smith's College Student Health Service and the Student Counseling Center will attend to short-term medical and psychological needs of students. Students whose needs extend beyond the response capabilities of these campus centers will be referred to off-campus facilities when appropriate and available. However, a student who cannot adequately be helped by available resources and whose medical or psychological condition, in the opinion of the College's professional staff, renders them unable to benefit from the programs at the College may be required by the President or designee to withdraw from the College or be subject to a disciplinary hearing to address the student's behavior. The President or designee may also enact an Administrative Withdrawal upon any student who has been found to be involved in a criminal act against a fellow student, staff member of Paul Smith's College, contractor, vendor, visitor, or College property.

Procedure: A College faculty or staff member who encounters a student having medical or emotional difficulties should refer the student to Student Health Service or the Student Counseling Center, as appropriate. If the student's behavior is disrupting or interfering with classroom-related activities or other College activities, the faculty/staff member shall inform their supervisor, the Vice President of Student Affairs and Campus Life and the Student Affairs Office.

The Vice President for Student Affairs and Campus Life or their designee shall conduct a review of the student's behavior and may consult with appropriate professionals to determine whether to recommend to the President an administrative withdrawal from the campus for the student. Consultation may include, but is not limited to, the College Nurse, the Director of Counseling Center, a physician or psychotherapist, the Provost, the student's academic advisor, faculty member/s, or residence hall staff.

- A. If at any time in this process the student rejects referrals, and/or the student's behavior continues to be disruptive, a statement of charges will be filed through the Student Conduct Office, and the student will be served notice of a Conduct Hearing.
- B. If possible, the Provost or approved designee will confer with the student. The student may have an advisor present. The Provost or approved designee will consult with the student's parent, spouse, or guardian, as deemed appropriate. If the student declines to withdraw from Paul Smith's College, the Provost, or approved designee, may initiate disciplinary action against the student and may also issue an interim suspension.
- C. If the Provost, or approved designee, determines that the student's behavior places themselves or others at risk, and therefore a referral would be inappropriate, the Office of Campus Safety shall be notified and serve notice of pending disciplinary action to the student and place the student on interim suspension.
- D. A meeting with the President regarding the basis of the decision to issue an interim suspension may be requested by the student in writing to the Office of

the Provost. This meeting on the grounds for suspension must be provided at the earliest practical time. The interim suspension shall not exceed a reasonable time.

- E. A student subject to interim suspension may be permitted restricted access to campus pending a disciplinary hearing. In such cases, the student should request access in writing to the Vice President for Student Affairs and Campus Life. Students who violate the terms of access granted by the Vice President for Student Affairs and Campus Life may be subject to further disciplinary action and denied all access to the campus.

## Chapter 2

# College Policies and Conduct Procedure

### Campus Community Policies

#### A. Outside Groups and Agencies

- a) In case of an emergency, all visitors must contact Campus Safety by dialing x6300 from any on-campus phone or (518)-327-6300 from a cell phone.
- b) All overnight guests must register with the Office of Residence Life and Campus Safety.

#### B. Water Access / Ice Access

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

Swimming off the College shoreline is prohibited, except at the designated beach, located between LMS Hall and Lakeside Hall, and only when open (lifeguard on duty).

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

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

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

#### C. Ropes Course Access

The use of the College's ropes course is permitted only to individuals and/or groups that have received prior approval from the Ropes Course Manager. Offices or academic programs that use the ropes course as part of their program do not have to receive prior approval but must still submit proper certifications to use the course.

#### D. Pets

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

community and the dogs they are responsible for.

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

- **Dog Policy:** Paul Smiths College permits faculty, staff, and students to bring dogs to campus subject to the following guidelines:

(With the exception of those animals listed below, the only personal pets allowed on campus are dogs)

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

- Every dog must be leashed at all times except in designated off-leash areas past the sawmill and in the company of its owner.
- Dogs are not allowed to wander into public areas off leash.
- Dogs are not permitted in any public interior space including, but not limited to: residence halls, Joan Weill library and student center, Saunders sports complex, classrooms and labs, the VIC, or any area where food is handled or served.
- Dogs that show any aggressive tendencies to people or other animals are not allowed on campus.
- Dogs must not present any health or safety concern to others they encounter. If any person is uncomfortable with dogs in their general work area, or have some type of allergic reaction, then the dog will not be allowed.
- Dogs are permitted in private office spaces. Dog owners must post a sign on their office door, available in the Campus Safety Office, notifying the campus community and service personnel that a dog is present.
- Owners are fully responsible for any damages occurred due to their dog.
- Owners are responsible for cleaning up waste left by their dog. Failure to clean up the waste will result in the dog no longer being allowed on campus.
- Dogs are not permitted at indoor events.
- Dogs are not allowed to ride in school owned vehicles without prior approval by Campus Safety.
- Dogs must not be tied to trees or signposts.

If individuals choose to bring their dogs to campus grounds, courtesy and respect

**Exceptions to the above policy include:**

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

must be extended to colleagues, students, and visitors in the area. Dog owners will be required to keep dogs on a leash and should always consider safety, health and the possible fears others may have in the presence of animals.

- **Service Animals**

A service animal is defined by the American with Disabilities Act to be limited to certain species, and individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. For the purposes of this policy, the definition of a service animal shall remain consistent with ADA definition as published on the ADA website ([http://www.ada.gov/service\\_animals\\_2010.htm](http://www.ada.gov/service_animals_2010.htm)). Contact the Center for Accommodative Services – [accommodativeservices@paulsmiths.edu](mailto:accommodativeservices@paulsmiths.edu) for further information.

- **Emotional Support Animals (ESA)**

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

- **Stray/Unleashed Animals**

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

- **Resources/Questions**

Paul Smiths College acknowledges that college policies may not anticipate every possible issue that may arise. The College therefore reserves the right to make

reasonable and relevant decisions regarding the enforcement of this policy. All such decisions must be approved by the Director of the Counseling Center. Anyone with questions about this policy should contact the Campus Safety office at: (518) 327-6300.

#### **E. Camping/Using Alumni Campground**

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

#### **F. Camp/Bonfires/Grills**

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

#### **G. Smoking/Vaping**

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

#### **H. Non-sanctioned College Housing/Squatting**

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

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

All-gender restrooms or gender-neutral restrooms are restrooms that anyone of any gender or non-gender can use. These restrooms can benefit many different people including families, differently abled persons, transgender, and gender non-conforming individuals. Historically, restrooms have been a place for harassment, discrimination, and threats of injury and arrest towards transgender and gender non-conforming individuals. All-gender restrooms provide an opportunity for our community members to enter a room without being questioned or interrogated. Currently, all of Paul Smith's College's all-gender restrooms are single stall, locking restrooms. Signage for these restrooms are marked with an ALL-GENDER BATHROOM sign.



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



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

Currently, All-Gender Bathrooms are located in the following locations:

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

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

Any community member who has experienced discrimination on the basis of sex, gender, gender identity, or gender expression should contact the Title IX Office at 518-327-6451.



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# **STUDENT CONDUCT**

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- 11. Academic Integrity, link to College Catalog.**

## **1. Code of Conduct**

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

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

### **Academic Integrity**

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

### **Integrity**

1. Knowingly furnishing or possessing false, falsified, or forged information such as falsification or misuse of documents, accounts, records, identification, verbal, written or otherwise communicated statements, or financial implements
2. Unauthorized possession, duplication, or use of means of access (keys, I.D. cards, permits, etc.) to any College building or service.
3. Action or inaction by someone in complicity with an offender, which encourages or fails to discourage a known and obvious violation of College policy or local, state, or federal law.
4. Visitors: Failure to take reasonable steps to prevent a guest from violating any of the provisions of this Code, other College policy or local, state, or federal law.
5. Violations of positions of trust or authority within the community.
6. Interfering with the election of any College recognized student organization.
7. Misuse or unauthorized use of College or College-affiliated organizational names, images, and logos.

## **Disruption of College Operations**

1. **Causing a Disturbance:** Disturbance resulting in substantial disruption of authorized activities. This may include participating, leading, or inciting demonstration, riot or activity that disrupts authorized activities and/or infringes on the rights of other members of the College community.
2. **Failure to Comply with Sanction:** Failure to comply with or attempts to circumvent a sanction(s) imposed by the Coordinator, Conduct Board, Vice President for Student Affairs and Campus Life or designee.
3. **Failure to Identify:** Failing to properly identify one's self to an employee of the College in pursuit of their official duties.
4. **Failure to comply with the directions of a College official, law enforcement officers, or emergency personnel during the performance of their duties and/or failure to identify oneself to these persons when requested to do so.**
5. **Interference with Code Enforcement:** Interference with a reporting individual, third party reporting individual, witness, investigation or the carrying out of procedures defined in this Code.
6. **Interference with or Failure to Comply with a College Official:** Direct interference with or failure to comply with an employee of the College in the performance of their official duties.
7. **Supplying False Information:** Knowingly supplying false information to employees in pursuit of their official duties or to a Board in the course of a disciplinary proceeding, or knowingly causing false information to be thus supplied.
8. **Unauthorized Representation:** Unauthorized representation of the College or an employee of the College.
9. **Violation of Residence Hall Policies:** Violation of residence hall contracts, except when the residence hall contract specifically provides for an alternate procedure or remedy for the violation concerned.
10. **Violation of Student Activity Regulations:** Violation of a campus-specific or -wide regulation, policy, standard of conduct, or code of ethics applicable to the activity in which the student is engaged, and which has been adopted, published or otherwise made known to students participating in such activity.
11. **Disruption of College operations:** Knowingly and intentionally causing obstruction of teaching, research, administration, safety and security, other College activities or other authorized activities which occur on campus (e.g. conferences, guest speaker's meetings).
12. **Abuse of the Student Conduct system, including;**
  - (a) Failure to attend meetings scheduled for student conduct administration purposes;
  - (b) Falsification, distortion, or misrepresentation of information;
  - (c) Failure to provide, destroying, or hiding information during an investigation;

- (d) Discouraging an individual's proper participation in or use of the student conduct system
- (e) Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding;
- (f) Influencing or attempting to influence another person to commit an abuse of the student conduct system.

### **Health & Safety Violations**

1. Creating a Dangerous Condition: Creation of a fire hazard or other dangerous condition.
2. Endangering Health or Safety: Conduct which threatens or endangers the health or safety of any individual.
3. False Reporting of Dangerous Conditions: Giving or causing to be given false reports of fire or other dangerous conditions.
4. Interference with Safety Equipment or Alarms: Tampering with, disabling, or causing malfunction of fire and safety equipment or alarms.
5. Violation of state, local, or campus fire policies, including;
  - (a) Failure to evacuate a College-owned or managed building during a fire alarm;
  - (b) Tampering, improper use, misuse, or abuse of College fire safety equipment;
  - (c) Unwarranted dispatch of "first responder" and/or fire emergency services;
  - (d) Tampering with or improperly engaging a fire alarm in a College building;
  - (e) Intentionally, recklessly and/or negligently causing a fire which damages College or personal property or which causes injury to any member of the community;
  - (f) Intentionally causing or ignoring any condition which creates a substantial fire/safety risk upon college properties.
6. Possession of Firearms or Weapons: Possession or misuse of firearms, explosives, or other dangerous weapons.
7. Restricting Traffic Flow: Restriction of normal traffic flow into or out of College facilities.
8. Use or Possession of Chemicals or Explosives: Unauthorized use or possession of explosive components, chemicals, etc., such as fireworks, explosives, gas or compressed air.
9. Violation of Health or Safety Policies: Violation of College health or safety regulations.
10. For the 2020-2021 academic year and for so long as a global pandemic or regional epidemic related to COVID-19 or other infectious disease exists, endangering the health or safety of any individual by failing to follow the safety plans and related rules set by the College.

## **Offenses Involving Drugs/Alcohol**

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

## **Offenses Involving Other People**

1. **Discrimination, Harassment and Bias-Related Incidents Policy:** Paul Smith’s College affirms the belief that guests, visitors, students, faculty and staff have a right to be free from any type of discrimination or harassment by any member of the College community or their guest(s) with respect to nationality, national origin, racial or ethnic background, religious beliefs, disability, sex, sexual orientation, gender, gender identity, gender expression, age, marital or veteran status. Discrimination, harassment, and any bias-related incident, in any form, that is sufficiently severe that it interferes with, limits, or denies the ability to participate in or benefit from Paul Smith’s programs or activities is unacceptable conduct because it creates a hostile environment by depriving the recipient of educational or employment access and/or opportunities, including peaceful enjoyment of our campus. Harassment is a form of discrimination that is prohibited by law and College policy. Offensive conduct and/or harassment which is not on the basis of a protected status or is not otherwise prohibited under this policy may, nevertheless, be inappropriate and addressed by the College. Any member of the campus community, guest, contractor, or visitor who acts to deny, deprive, or limit the educational, employment, residential, and/or social

access, benefits, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the Paul Smith's College policy governing nondiscrimination.

2. **Display of Confederate Flag.** Any depiction of the Confederate battle flag is prohibited from display on College property. This includes depictions via bumper stickers, clothing, posters, flags, etc. The Confederate battle flag has become too closely linked to violent extremist and racists groups whose discriminatory and divisive beliefs are in conflict with the College's core values. Display of the Confederate battle flag will cause members of our College community to see the display as a communication of those discriminatory and divisive beliefs and so such display is not acceptable.
3. **Causing Fear of Physical Harm:** Intentionally or recklessly placing a person or persons in reasonable fear of imminent physical harm.
4. **Domestic Violence** means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
5. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this Policy, verbal and/or emotional abuse will also be considered by the College to violate this Policy.
6. **Sexual Misconduct:** The College has defined categories of sexual misconduct, as set forth in the Sexual Misconduct Policy in Chapter 3 of the Community Guide. Violations include, but are not limited to: Sexual Harassment, Sexual Assault, Sexual Exploitation, Domestic Violence, Dating Violence, Stalking, etc. Sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation, gender identity, or gender expression.
7. **Harassment or Intimidation:** Unwelcome behavior that creates a hostile or intimidating working, educational, or living environment or behavior that unreasonably interferes with an individual's academic or job performance and opportunities.
8. **Hazing:** The College defines hazing as any action taken or situation created, whether on or off College premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purposes of initiation into, affiliation with, admission to, or as a condition for continued membership in a group, team, club, or organization.

9. Interference with Residential Life: Significant interference with the normal residential life of others.
10. Invasion of privacy: A person is guilty of violation of privacy if that person intentionally: Commits a civil trespass on property with the intent to overhear or observe any person in a private place; Installs or uses in a private place without the consent of the person or persons entitled to privacy in that place, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in that place; Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein, any device for hearing, recording, amplifying or broadcasting sounds originating in that place that would not ordinarily be audible or comprehensible outside that place; or engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance.
11. Lewd or indecent behavior: Exhibition of the genitals, anus or pubic area of a person for the purpose of eliciting or attempting to elicit a sexual response in the intended viewer.
12. Public Exposure: Deliberately, recklessly, and publicly exposing private body parts, public urination, defecation, or public sex acts.
13. Sexual Assault includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent. Sexual assault consists of any of the following specific acts:
  1. Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.
  2. Fondling. The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving affirmative consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
  3. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  4. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.
14. Physical assault: Intentionally, knowingly, or recklessly causing bodily injury or offensive physical contact to another person.

**15. Sexual Harassment:** A form of sex discrimination. Conduct on the basis of sex that satisfies one or more of the following:

- (1) an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo").
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity (commonly referred to as a sexually or gender-based "hostile environment").

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

**16. Sexual Exploitation:** Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy. Examples of sexual exploitation include, but are not limited to: prostitution, acts of incest, observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) without the affirmative consent of all involved; taking intimate pictures of another, but then distributing the pictures to others without the photographed person's affirmative consent; engaging in voyeurism, engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; or exposing one's genitals in non-consensual circumstances.

**17. Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of basis on which it occurs or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College's education program or activity at the time of the



complaint, or because the conduct did not occur in the context of the College's education program or activity).

18. Threatening or causing physical harm, extreme verbal abuse, or other conduct which endangers the physical or emotional health or safety of any person.
19. Intimidation: implied threats or acts that cause an unreasonable fear of harm in other.
20. Bullying: repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person physically or mentally.
21. Freedom of Expression: Interfering with the freedom of expression of others on College premises during College sponsored or approved activities.
22. Disrespectful or discourteous behavior to the residents of the surrounding community.
23. Retaliation means engaging in conduct that may reasonably be perceived to
  - a. Adversely affect a person's educational, living, or work environment because of their good faith participation in the reporting, investigation, and/or resolution of report of a violation of this policy; or
  - b. Discourage a reasonable person from making a report or participating in an investigation under this policy.

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

Acts of alleged retaliation should be reported immediately to Campus Safety or the Title IX Coordinator and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

The College forbids retaliation against anyone that is reporting sexual harassment or any other form of sexual misconduct, who is supporting a reporting individual, third party reporting individual or respondent, who is participating in a College investigative or conduct process (whether as reporting individual, respondent or witness), or otherwise who is assisting in providing information relevant to a claim of a violation. Retaliation is a serious violation of College policy and will be treated as another possible violation of this policy.

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

## **Offenses Involving Property**

1. Defacement, Destruction, or Misuse of College Property: Intentional or reckless misuse, destruction, or defacement of College property or of the property of other people while located on College property.
2. Knowingly taking possession of stolen property
3. Misuse of access privileges to College premises or unauthorized entry to or use of buildings or grounds.
4. Misuse of College Computers & Technology: Misuse of the College computer facilities, equipment, passwords, network or accounts including, but not limited to, theft of computer files or data, e-mail, or other electronically stored information, spamming, sending out computer viruses, or uploading or downloading copyrighted material for personal use or distribution without authorization. Students who connect their personal computers (or other technologies) to the campus network will be held responsible for any violation of the code of conduct that originates from that device.

Examples of misuse include:

- (a) Access, use, inspection, or modification of data or functions that are neither allotted nor authorized as a part of the user's account nor specified as public domain information;
- (b) Access, use, inspection, or modification of data that refer to computer utilization, computer access authorization, or security;
- (c) Abuse or improper use of hardware;
- (d) Installing or executing unauthorized or unlicensed software on any College owned or operated computer resource;
- (e) Causing disrupting noise, displaying abusive behavior toward other users, or creating other disturbances in any campus computing area;
- (f) Sending, displaying, printing, or storing obscene, pornographic, fraudulent, harassing, threatening, racist, or discriminatory images, files, or messages through the College's network;
- (g) Access and/or use of another user's account and the data contained in that account;
- (h) Theft, destruction, or removal of data or College-owned computer resources;
- (i) Unauthorized copying, installation, and/or distributing electronic media by any means;
- (j) Physical or electronic interference with other computer systems users;
- (k) Dissemination or distribution of a user account password to any other person;
- (l) Use of computing facilities to interfere with the work of another student, faculty member, College official, or the normal operations of the College computing system;
- (m) Any other practice or user activity that, in the opinion of the office of

Information Technology or the Vice President for Student Affairs, promotes illegal activities, results in the misuse of computer resources, or jeopardizes the operation of computer or network systems.

5. Motor Vehicle Violation: Violation of motor vehicle policies established by Paul Smith's College.
6. Tampering, Destruction, or Falsification of Records: Tampering with, destroying or falsifying official records.
7. Theft or Unauthorized Use: Theft, attempted theft, or unauthorized acquisition, removal, or use of property.
8. Trespassing: Trespassing or unauthorized presence on any College held or related property, including residence halls.

### **General Infractions**

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

## **2. Paul Smith's College's Conduct Office**

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

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

Conduct sanctions are imposed to:

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

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

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

### **3. Jurisdiction**

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

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

- A. Incidents that constitute a criminal offense as defined by New York State law. This includes alleged first time and repeat violations of any local, state, or federal law.
- B. Incidents where it appears the student may present a danger or threat to the health or safety of themselves or others.
- C. Incidents that significantly infringe upon the rights, property of self or others or significantly breach the peace and/or cause social disruption.
- D. Any situation that is likely to have an impact on campus or otherwise harmful to the educational interests of the College.

The Student Code of Conduct may be applied to conduct that takes place during the time a person is enrolled as a student, including all College breaks and between semesters.

Further, the Student Code of Conduct applies to guests of community members; hosts may be held accountable for the misconduct of their guests. Visitors to and guests of Paul Smith's College are also protected by the Student Code of Conduct and may initiate grievances for violations of the Student Code of Conduct committed by members of the Paul Smith's College community against them.

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

#### **4. Definitions**

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

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

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

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

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

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

**Preponderance of Evidence** – The standard of proof used in all cases adjudicated by the Student Conduct Office, which asks whether it is “more likely than not” that the alleged violation occurred. If the evidence presented meets this standard, then the respondent must be found responsible.

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

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

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

## **5. Violations of the Law**

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

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

Alleged violations of federal, state, and local laws may be investigated and addressed under the Code. When an offense occurs over which Paul Smith’s has jurisdiction, the Paul Smith conduct process will usually go forward notwithstanding any criminal proceedings that may arise from the same incident.

### **Interim Suspension**

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

furtherance of an ongoing investigation into a conduct code violation and/or a violation of state law.

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

## **6. Organization of the Student Conduct System**

### **Coordinator of New Student Orientation and Student Conduct**

The Conduct Office at Paul Smith's College is within the division of Student Affairs. The Coordinator of New Student Orientation and Student Conduct is charged with the responsibility for seeing that appropriate process is provided to students accused of violating College regulations and, to accomplish this task, has the following duties:

1. Assists in revising, as needed, a Student Code of Conduct which details those College regulations for which all students will be held accountable through the College Conduct System.
2. Solicits and selects faculty/staff for the Conduct Board pool from which Student Conduct Boards are impaneled to hear cases, unless the alleged violation(s) fall under the conduct described in Chapter 3.
3. Receives all reports for alleged violations of college regulations, by Resident Assistants and Campus Safety
4. Determines which policies are alleged to have been violated, unless the alleged violations fall under those described in Chapter 3.
5. Sets up meetings with each student so referred to discuss the charges and the student's rights.
6. Schedules Conduct Hearings or Student Conduct Board hearings as required, unless the alleged violation(s) fall under those described in Chapter 3.
7. Determines the sanction to be applied if the student is found Responsible in all Conduct Hearing cases, except for those described in Chapter 3.
8. Officially communicates all Conduct charges, rationales, and decisions to each student so charged.
9. Notifies College officials whose relevant interest necessitates their being informed of a violation of College Policy.
10. Maintains the College's official conduct records.

The Coordinator of New Student Orientation and Student Conduct has discretionary authority to interpret and construe any uncertain or disputed aspects of the student conduct process.

## **Hearing Bodies/ Student Conduct System Procedures**

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

### **1. CONDUCT HEARING**

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

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

#### **Conduct Hearing Procedures**

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



## 2. CONDUCT BOARD HEARING

A Conduct Board Hearing will be used to adjudicate alleged violations referred to by the Coordinator to the hearing body, or to hear any violations listed in Chapter 3. Any or all sanctions described below are available in the event of a finding of responsibility by the Conduct Board. The Conduct Board is composed of trained staff and/or faculty and has three to five members in total.

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

The Conduct Board has the following responsibilities:

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

### Conduct Board Hearing Procedures

1. Conduct Board Hearings are hearings with full presentation of evidence and witnesses, if required. A list of intended Advisors/Witnesses along with any typed and signed witness statements must be submitted to the Student Conduct Office or Title IX Coordinator no later than 3 business days before the hearing in order to be permitted at the hearing unless otherwise authorized by the Conduct Coordinator, Title IX Coordinator or designee. The College will have performed its own investigation of alleged disciplinary violations, and the parties are therefore, not required to conduct their own investigations or obtain evidence. However, should a student seek to introduce a written witness statement at a hearing not obtained as part of the College's investigation, the statement must include the following: date the document is signed, printed name of author, and signature of the author. Such witness statements must either be scanned and emailed to the Student Conduct Office or delivered to the Student Conduct Office.
2. In the case of a student who offers a plea of Not Responsible, the Conduct Board makes a final decision, based on a preponderance of the evidence presented, of Responsible or Not Responsible.
3. Upon recommendation of the Board, the Coordinator or designee may consider a charge that involves an equal or lesser conduct sanction. This will not apply to alleged violations described in Chapter 3.

4. A majority of the votes decides the issue.
5. All members of the board have a vote.
6. When responsibility has been determined by the Conduct Board, the Coordinator shall assess appropriate sanctions. The Coordinator shall consider, among other things, the student's record of disciplinary action or other violations of College policy in determining sanctions. The Coordinator will communicate the outcome and sanction to both the complainant and the respondent within three (3) business days. Failure to attend a scheduled Conduct Board meeting, without prior notification to the Coordinator of extenuating circumstances, will result in the case being heard with information available at the time. This will not apply with Board Hearings described in Chapter 3.

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

### **CONDUCT REFERRAL**

Any member of the College community may report when it is believed that a student may have violated a college policy by contacting Campus Safety, the Coordinator of New Student Orientation and Student Conduct, the Vice President for Student Affairs and Campus Life, and/or, when appropriate, the College's Title IX Coordinator. Campus Safety will investigate all reports and concerns, gathering all pertinent information. When they feel all relevant information has been gathered, it will be turned over to the Coordinator of Student Conduct in the Report Exec program. (For cases involving allegations of sexual harassment, sexual assault, dating violence, domestic violence, stalking or sexual exploitation, see reporting and investigation procedures set forth in the Sexual Misconduct policy),

### **APPEAL PROCEDURES**

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

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

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

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

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

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

The Vice President for Student Affairs and Campus Life may:

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

If it is determined that the sanctions imposed are disproportionate to the severity of the violation, the Vice President for Student Affairs and Campus Life may return the report to the Student Conduct Office for modification or the Vice President for Student Affairs and Campus Life may increase, decrease or otherwise modify the sanctions. This decision is final.

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

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

The Appeals Panel may:

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

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

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

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

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

### **REMEDIAL ACTION**

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

The College reserves the right to issue Remedial Actions to address relational or

interpersonal conflicts or misconduct, or when considered necessary to meet the needs of a specific situation (e.g. “No Contact Orders” or relocation), whether or not disciplinary action is taken or required. The purpose of this form of Remedial Action is to simply limit or restrict the interaction between individuals to help promote a safer and healthier environment.

### **ACCESS TO INFORMATION AND RECORDS**

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

### **Policies Pertaining to the Conduct System**

1. All students attending Paul Smith’s College are responsible for knowing and complying with these policies. This includes students living on and off campus.
2. A student who withdraws or is granted a leave of absence from the College during the Student Conduct Process, or after being charged with a violation of the Student Code of Conduct, may, at the College’s discretion, have their case suspended pending return to the College. In such event, any return to the College is subject to and contingent upon resolution of the applicable charges. Alternatively, the College may elect to proceed with the Student Conduct Process notwithstanding the withdrawal or leave.
3. A student who is charged with a violation just prior to the termination of a semester, where there is not sufficient time for the Conduct Process to occur, will

have their case adjudicated as soon as they return to campus in the following semester.

4. All Student Conduct Board Hearings will be recorded. All recordings will be preserved and maintained for a minimum of 7 years.
5. All Student Conduct Board Hearings and Conduct Hearings are closed. A student who is charged may request, in writing, with justification, permission from the Coordinator of Student Conduct for the hearing to be open to a particular person or persons. The sole discretion lies with the Coordinator of Student Conduct or designee to determine whether to grant such permission. If the number of people exceeds space limitations, if circumstances interrupt the hearing, or if a group's or an individual's behavior is disorderly, the Coordinator of Student Conduct or designee may require some or all people to leave the hearing.
6. Cameras and other recording devices other than the College recorder are not permitted at a hearing.
7. All forms of conduct hearings will generally take place in the Student Conduct Office unless notified otherwise. Any person acting in the role of advisor or as support for the student may talk quietly with the party but will have no right to actively participate in the meeting or hearing or be disruptive to the meeting or hearing. The party is required to speak on their own behalf. The advisor will act as a silent observer (except to advise and support the student) and will be asked to leave the meeting or hearing if this is not observed, at which point the meeting or hearing will continue without opportunity for the party to secure a new advisor. Investigations, meetings and hearings will not be delayed based on the unavailability of a party's desired advisor.
8. A student's written conduct record will be maintained for a period of seven years from the end of the academic year in which the violation occurred.
9. Students who are suspended or dismissed/expelled for offenses constituting crimes of violence (defined for these purposes to include criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft and arson, each as defined for purposes of the Jeanne Clery Act) will have the following statement placed on their transcript as appropriate: "suspended after a finding of responsibility for a Code of Conduct violation" or "expelled after a finding of responsibility for a Code of Conduct violation." Students who withdraw while such charges are pending will have the following statement placed on their transcript: "withdrew with conduct charges pending." Transcript notations for suspensions may be removed at the discretion of the college, but no earlier than one year after the conclusion of the suspension. Transcript notations for students who are expelled are permanent.
10. Students who are suspended or dismissed will be liable for all tuition and fees for that semester, except to the extent otherwise provided by applicable law.
11. Individuals who have been suspended or dismissed and who are found on campus without being granted prior permission by the coordinator or the Vice President for Student Affairs and Campus Life will be subject to arrest for trespass.
12. When a student is relocated off campus as a result of a conduct violation, that student's housing license with Paul Smiths' College will be considered cancelled by the student and any penalties associated with this cancellation of the contract

will be the responsibility of the student, except to the extent otherwise provided by applicable law.

13. Failure to appear as scheduled at a scheduled conduct meeting, or at any subsequent Hearing, Administrative or Conduct Board, without prior approval from the Coordinator (or designee) for the absence will result in the College proceeding in absentia. Sole responsibility of whether or not a reason is satisfactory rests with the Coordinator (or designee). The student is permitted to reschedule their appointment one time.
14. Students, who are arrested for a felony or misdemeanor, after having been admitted to the College, are required to notify the Coordinator of said arrest within 5 business days of that arrest.
15. Retaliation means engaging in conduct that may reasonably be perceived to
  - a. Adversely affect a person's educational, living, or work environment because of their good faith participation in the reporting, investigation, and/or resolution of report of a violation of this policy; or
  - b. Discourage a reasonable person from making a report or participating in an investigation under this policy.

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

Acts of alleged retaliation should be reported immediately to Campus Safety and will be promptly investigated. The College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

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

## Conduct Sanctions

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

**REPRIMAND** – A written, or oral reprimand is an official statement from the Coordinator of New Student Orientation and Student Conduct or designee to a student

that a College regulation has been violated. This reprimand officially advises the student of a violation and warns that further violations may result in a more severe disciplinary action.

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

- Educational program or task – Assignment of educational program and/or appropriate task.
- Loss of privileges – Removal of privileges or restriction of activities for a designated period of time.
- Restitution – Reimbursement by the student to cover the cost of damage or loss or property or services. Reimbursement may be partial or complete depending on circumstances, e.g. number of people involved or degree of responsibility.
- Referral – A student may be referred for counseling or other appropriate professional help if it is believed that this can assist in avoiding further violations.
- Community Service- a student may be assigned to “give back” to the community whose rights they may have violated.
- Monetary fine assessed to your student account
- Certain alleged violations that result in a student feeling unsafe in any way may result in the respondent being temporarily moved to another location pending the conduct outcome.
- Fines of \$500 may be imposed for tampering with any fire equipment or smoke detectors.
- No Contact Orders

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

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

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



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

**EXPULSION/DISMISSAL** – Permanent separation from the College. Dismissed students are barred from the College campus and College sponsored events and they may not visit the campus unless with prior permission from the Vice President for Student Affairs and Campus Life and/or the Coordinator of New Student Orientation and Student Conduct has been granted. If found on campus without such permission, the dismissed student will be subject to arrest for trespassing. Dismissed students will not receive academic credit for the semester in which the dismissal occurred.

### **Sanctions for Pandemic Safety Protocol Violations**

Students found to have violated Paul Smith's College pandemic safety protocol will be subject to a combination of conduct sanctions. Students who violate this policy will receive progressive conduct sanctions including warnings, conduct hearing, fine of up to \$100, and/or suspension from the physical campus, returning home to complete the semester remotely.

Students who are suspended from the College for any length of time should be aware that this action may impact the following as suspension does not forgive financial obligation: tuition, residence hall cost and fees, student financial aid and scholarships, athletic participation and eligibility, health insurance (contact your personal health care provider), on-campus housing and board plans, access to college services and facilities, immigration status, or veteran's benefits. This is not an exhaustive list. The campus may take such action given the serious health and safety concerns of the pandemic.

### **Academic Integrity Procedures**

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

### **Medical Intervention Policy**

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

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

## Chapter 3

### Sexual Misconduct Policy

#### 3.1 Introduction

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

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

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

**Teresa Grosskopf**  
**Phelps Smith Administration Building, 001**  
**Paul Smiths, NY 12970**  
**518-327-6451**  
**[tgrosskopf@paulsmiths.edu](mailto:tgrosskopf@paulsmiths.edu)**

This policy sets forth expectations of conduct and applies to conduct on campus and in connection with any College-sponsored program or activity, regardless of where it

occurs. Additionally, off-campus conduct may violate this policy if the conduct creates a threatening or uncomfortable learning environment on Paul Smith's College campus or within any College program, or if the incident causes concern for the safety or security of the College's campus. Non-community members visiting campus or participating in any College program or activity are expected to abide by the behavioral expectations of this policy. A Student's Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking is attached at the end of this policy.

### 3.2 Education

Educational programs on sexual misconduct, domestic violence, dating violence, stalking and the code of conduct will be provided for new students. Whenever possible, this will occur within the first four weeks of each semester. Sessions for first-year students will typically occur during Welcome Week. Training and education on sexual misconduct, domestic violence, dating violence, stalking and the code of conduct will be provided annually for resident assistants (RAs), athletes, club advisors, club leaders, peer leaders, and faculty and staff. Information on this topic is also offered to the student body during Sexual Assault Awareness Month, through the Counseling Center, and Wellness and Residence Life programs. The Student Counseling Center will present programs in Residence Halls upon request, maintains a variety of informational materials, and emails information to the student body on this topic. The college will also arrange for training sessions throughout the year for our campus community through the New York State Police Campus Sexual Assault Victim's Unit and other available community resources. In addition, the college will provide or arrange for specific training for members of groups that the college identifies as high-risk populations. This policy applies equally to all students regardless of sexual orientation, gender identity or gender expression).

### 3.3 General Definitions

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

**Affirmative Consent** – a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.”

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no

longer be given, sexual activity must stop. A current or previous dating relationship will not constitute consent. It is the responsibility of the person initiating the sexual contact to gain affirmative consent. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

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

**Coercion** – The use of non-physical verbal, emotional, or psychological pressure that compels another individual to initiate or continue unwanted or rejected sexual activity. Coercion is a threat, undue pressure, or intimidation to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.

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

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

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

**Incapacitation** – describes a state when an individual lacks the ability to knowingly choose to participate in a specific activity. Incapacity may be caused by mental disability, involuntary physical restraint, lack of consciousness or being asleep, drug or alcohol use, or if an individual otherwise cannot consent. A person's state of incapacity is a subjective determination that is based on all the facts available because persons reach incapacitation at different points and as a result of different stimuli. Depending on the

degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Use of alcohol or other drugs does not, in and of itself, negate a person's ability to give consent. Administering any substance to another person, without their knowledge, for the purpose of inducing incapacity is a violation of this Policy.

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

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

**Preponderance of Evidence** – The standard of proof used in all cases adjudicated under this policy, which asks whether it is "more likely than not" that the alleged violation occurred. If the evidence presented meets this standard, then the respondent must be found Responsible.

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

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

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

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

### **3.4 Definitions of Specific Violations**

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

### **Title IX Category Violations**

Title IX of the Education Amendments of 1972 provides: “No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” In accordance with Title IX as interpreted by the Department of Education, the College recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX, including but not limited to that the Complainant was in the United States at the time of the alleged conduct, that the Complainant was participating in or seeking to participate in the college’s education program or activity at the time of the complaint, and that the conduct occurred in the context of the College’s education program or activity:

**Sexual Harassment-** “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- (3) an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (commonly referred to as a “quid pro quo”).
- (4) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that is effectively denies a person equal access to the College’s education program or activity (commonly referred to as a sexually or gender-based “hostile environment”).

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

- 1) Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.
- 2) Fondling--The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

- 3) Incest—Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 4) Statutory Rape—Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.

**Dating Violence-** “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this Policy, verbal and/or emotional abuse will also be considered by the College to violate this Policy.

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

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

### **College Category Violations**

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

**Sexual harassment.** “Sexual harassment” means unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic, or physical. The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a “reasonable person” standard and takes

into account the totality of the circumstances. The College considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community.

**Sexual assault.** “Sexual assault” includes any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving affirmative consent, but that does not constitute sexual assault as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity). Sexual assault consists of the following specific acts:

5. Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.
6. Fondling. The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving affirmative consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
7. Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
8. Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Dating violence.** “Dating violence” means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship; but that does not constitute dating violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example, because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity).

**Domestic violence.** “Domestic violence” means violence committed by a former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under



the domestic or family violence laws of the jurisdiction where the College is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

**Stalking.** "Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of basis on which it occurs or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

**Sexual Exploitation.** Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy. Examples of sexual exploitation include, but are not limited to: prostitution, acts of incest, observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) without the affirmative consent of all involved; taking intimate pictures of another, but then distributing the pictures to others without the photographed person's affirmative consent; engaging in voyeurism, engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; or exposing one's genitals in non-consensual circumstances.

**Retaliation.** Retaliation is an adverse act perpetrated to "get back" at a person because the person reported sexual misconduct, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this policy by the College or by an external agency. An act of retaliation may be anything that would tend to discourage an individual from reporting sexual misconduct, pursuing an informal or formal complaint, or from participating in an investigation or adjudication as a party or a witness. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good-faith; a person may provide inaccurate information believing it is accurate, which is still good-faith. If a person who makes a statement knowing that it is false, the person has acted without good faith.

### **3.5 Reporting Sexual Misconduct & Supportive Measures**

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

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

- **Compliance Coordinator, Title IX Coordinator, Assistant to the Vice President for Finance and Administration, Teresa Grosskopf  
(518)-327-6451 or [tgrosskopf@paulsmiths.edu](mailto:tgrosskopf@paulsmiths.edu)**
- **Director of Campus Safety, Holly Parker  
Title IX Investigator  
(518) 327-6300 or [hparker@paulsmiths.edu](mailto:hparker@paulsmiths.edu)**

Students may also report to any other responsible employee, including members of the Office of Campus Safety, the Director of Housing and Residence Life, the Coordinator of New Student Orientation and Student Conduct, the Vice President for Student Affairs and Campus Life, the Director of Human Resources, faculty member, or any athletic coach. When a report is made to any of these individuals, the Title IX Coordinator will discuss with the Complainant available avenues and options. Options include contacting law enforcement (if the incident involves a crime) and/or filing a formal complaint with the Title IX Coordinator, which may result in a disciplinary proceeding against the accused and/or informal resolution.

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

### **Supportive Measures**

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

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

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

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

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

### **Emergency Removal**

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

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

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

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

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

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

How confidentiality and decisions about taking action are handled: A report to any of the individuals listed above or any other responsible employee is not a confidential report and may or may not lead to an investigation or disciplinary action. The decision about what action(s) to take depends on many factors, including the complainant's wishes. A complainant may make a report but choose not to file a formal complaint and request that the College take no investigatory or disciplinary action. Alternatively, a person may make a report and file a formal complaint intending for the College to investigate and take disciplinary action, but then later request that the report and formal complaint be withdrawn. The College will try to honor the complainant's wishes to not initiate or to stop an investigation or disciplinary process. However, that is not always possible.

If a complainant does not file a formal complaint and requests that no action be taken against the respondent (i.e., no investigation or disciplinary action or that the investigation or disciplinary process cease), this will be discussed and considered by and between the Title IX Coordinator and the other appropriate administrators. The College will consider whether an investigation and/or disciplinary process is necessary to ensure a safe, non-discriminatory environment for all members of the College community. The College's decision as to responsive action will depend upon the violation reported, whether there is a single respondent or multiple, whether the incident represents escalation in unlawful conduct on behalf of the respondent from previously noted behavior, whether the available information reveals a pattern of behavior at a given location or by a particular person, whether the circumstances suggest an ongoing or future risk to the campus community or the complainant, whether the act was perpetrated with a weapon or force, whether the complainant is a minor, and similar considerations. A decision will be made and shared with the complainant. Ultimately, the College retains the right to act upon any information that comes to its attention. If the College determines that it must take action in the absence of a formal complaint by the complainant, the Title IX Coordinator will file a formal complaint.

Similarly, a complainant may desire to file a formal complaint and go forward with an investigation and adjudicatory proceedings but may wish to have their identity as the complainant kept confidential. Depending on the circumstances, this may or may not be possible. In addition, if a complainant declines to participate and answer questions in a disciplinary proceeding the College may not consider the complainant's statements in determining whether the accused committed a violation. If a complainant requests that their name be kept confidential (or if a reporting individual makes an anonymous report), the College's ability to respond to the report may be limited. The appropriate administrators will discuss the situation and the complainant's request for confidentiality, and a decision will be made and shared with the complainant.

### **3.6 Reporting to Law Enforcement**

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

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

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

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

In situations where a student is arrested for sexual assault, domestic violence, dating violence or stalking, the Vice President for Student Affairs and Campus Life and the Title IX Coordinator will work in conjunction with the Office of Campus Safety and the New York State Police to support any relevant court mandates which affect the campus or respondent's status. However, student conduct proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Vice President for Student Affairs and Campus Life and the Title IX Coordinator (subject to limitations on delay as described above in this section).

Determinations or sanctions will not be subject to change because criminal charges arising out of the same facts giving rise to the alleged violation of College rules are later dismissed, reduced, or resolved in favor or against the criminal law defendant.

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

### 3.7 On Campus Confidential Resources

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

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

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

**Counseling Center** – Members of the College community may choose to contact the College's Counseling Center for additional emotional support and can assist in making decisions about the reporting process. Such decisions include whether to report the

sexual misconduct to the College administration, whether to file a confidential report for statistical purposes, whether to file a formal complaint under this policy, and whether to bring criminal charges. At the individual's request, the counselor may accompany the student to report the incident.

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

Members of the College community who believe they have experienced sexual misconduct may receive confidential counseling from the College counselors by contacting the Counseling Center, which is located in Room 17 of the Joan Weill Student Center, from 9 a.m. to 4:30 p.m. Monday through Friday, at (518)327-6358. On Saturday and Sunday, consultation is available by calling Campus Safety at (518)327-6300. The College's counseling services are available to students free of charge.

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

### 3.8 Off-Campus Confidential Resources

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

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

- Adirondack Medical Center 1-518-891-4141
- Planned Parenthood, Saranac Lake, NY Office 1-518-891-0046
- Citizen's Advocates, Inc. 24-hour Crisis Line 1-518-483-3261
- Planned Parenthood Sexual Assault Services Hotline 1-877-212-2323
- New York State Police Campus Sexual Assault Victims Unit
  - [consentfirst.troopers.ny.gov](http://consentfirst.troopers.ny.gov)
- NY Sexual Assault Hotline 1-844-845-7269
- RAINN National Sexual Assault Hotline 1-800-656-4673
  - [rainn.org/get-help](http://rainn.org/get-help)
- New York State Coalition Against Sexual Assault (NYCASA)
  - [nyscasa.org/get-help](http://nyscasa.org/get-help)
- New York State Hotline for Sexual Assault and Domestic Violence 1-800-942-6906
- Pandora's Project [pandys.org/lgbtsurvivors.html](http://pandys.org/lgbtsurvivors.html)
- STOP Domestic Violence Hotline 1-888-563-6904
- National Domestic Violence Hotline 1-800-799-7233
- LGBTQIA+ Domestic Violence Project 1-800-832-1901

- The Trevor Project 1-866-488-7386
- National Center for Victims of Crime 1-202-467-8700
- Safe Horizon (stalking resource) 1-800-621-4673

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

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

**If you are interested in pursuing legal action...**

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

**If you are interested in pursuing a Sexual Assault Forensic Examination....**

- A. The purpose of sexual assault forensic exam is to collect DNA evidence immediately after a violation. DNA evidence from sexual assault can be collected from the scene, and it can be collected from a person’s body, clothes, and other belongings. An exam, sometimes known as a “rape kit,” also connects a person to important medical care. A person who has an exam does not need to report to police, though the process gives the opportunity to safely store evidence should a report be made in the future. In most cases, DNA evidence needs to be collected within 72 hours to be analyzed by a crime



lab—but a sexual assault forensic examination can reveal other forms of evidence beyond this time frame.

- B. Exams are performed at local hospitals by **Sexual Assault Nurse Examiners (SANEs)**, registered nurses who receive specialized education and fulfill clinical requirements to perform the exam. The sexual assault forensic examination is free. If a person is charged for the exam, they should immediately contact the local Sexual Assault Services hotline (877-212-2323) to pursue receiving compensation.
- C. Travel to a nearby hospital to have the exam performed. Alice Hyde Hospital, in Malone, and CVPH, in Plattsburgh, both employ Sexual Assault Nurse Examiners (SANEs). Adirondack Medical, in Saranac Lake, can also provide exams, though they do not employ a SANE. There is no telling how long the wait period may be, nor how long the exam may take. Individuals should expect to be occupied for a few hours
  - a. Individuals interested in pursuing a sexual assault forensic examination can contact the Office of Campus Safety for assistance. Additionally, Campus Safety can arrange for transportation.
- D. Sexual Assault Services of Planned Parenthood (24 HOUR HOTLINE SERVICES – 1-877-212-2323) offers advocates who accompany individuals to the hospital for emotional support. People who have an advocate present generally report better experiences compared to those who do not have an advocate present.
- E. It is recommended people avoid activities that could potentially damage evidence, as listed below. Though an exam can still be performed regardless.
  - a. Bathing
  - b. Showering
  - c. Using the restroom
  - d. Changing clothes
  - e. Combing hair
  - f. Cleaning the area on the body
- F. Place belongings, including clothes wore during the sexual assault, sheets, tissues, or any other relevant materials in a (ideally) paper bag to safely preserve evidence.
- G. The steps below outline the general process for the exam. A person **can stop, pause, or skip a step** at any time. It is entirely their choice.
  - a. **Immediate care.** Injuries that need immediate attention will be taken care of first.
  - b. **History.** A person will be asked about current medications, pre-existing conditions, and other questions pertaining to your health history. Some of the questions, such as those about recent consensual sexual activity, may seem very personal. They are designed to ensure that DNA and other evidence collected from the exam can be connected to the offender.
  - c. **Head-to-toe examination.** This part of the exam may vary based on the experience, which is why it is important to give an accurate history. It may include a full body examination, including internal examinations of the mouth, vagina, and/or anus. It may also include taking samples of blood, urine, and swabs of body surface areas. The trained professional performing the exam may take pictures to document injuries and the examination. They may also collect items of clothing, including undergarments. Any other forms of physical evidence that are identified during the examination may be collected and packaged for analysis. A person can opt out of any step throughout the exam.

- d. **Follow up care.** Treatment may be offered for sexually transmitted infections and other forms of medical care that require a follow up appointment with a medical professional.

### 3.9 Grievance Process

#### Filing a Formal Complaint

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

A formal complaint is a document filed by a complainant or signed by the College's Title IX Coordinator alleging one or more violations of this policy committed by a respondent and requesting that the College investigate the allegation. The respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the College. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail to: Teresa Grosskopf, Phelps Smith Administration Building, 001, Paul Smiths, NY 12970, [tgrosskopf@paulsmith.edu](mailto:tgrosskopf@paulsmith.edu). or by submitting a complaint electronically via <https://www.paulsmiths.edu/campussafety/online-reporting/> or email to Title IX Coordinator. In order to qualify as a formal complaint, the document must contain the complainant's physical or electronic signature, or otherwise indicate that the complainant is the person filing the formal complaint.

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

The Title IX Coordinator will consider the wishes of the complainant not to proceed with the investigation and adjudication process. However, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that the allegations are such that it would be unreasonable not to proceed despite the wishes of the complainant.

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

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

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

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

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

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

### **Informal Resolution**

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

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

The Informal Resolution Process is not available if the respondent in a sexual misconduct complaint is a faculty or staff member of college and the complainant is a student. The Informal Resolution Process is also not available in a complaint involving more than two parties unless (1) all parties consent to use the Informal Resolution Process, (2) there is an

understanding among all parties about what happens when the right of any party to stop the Informal Resolution process and return or proceed to the formal grievance and hearing process is invoked, and (3) there is an understanding among all parties about whether some parties, but not all, can agree to a resolution.

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

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

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

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

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

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

outside the Informal Resolution process through the investigation or otherwise (but not learned through a violation of the confidentiality agreement).

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

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

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

### **3.10 Sexual Misconduct Investigations**

If a report appears to allege a violation of this policy and the Complainant wishes to pursue a formal complaint or the Title IX Coordinator decides that the College wishes to pursue a formal complaint, the College will conduct an investigation. The College shall conduct a prompt, thorough, and impartial investigation. An investigation generally should be completed within 50 days of the date the formal complaint is filed. An investigation may be extended for good cause, such as witness unavailability, breaks in the academic schedule, or other similar circumstances. The Title IX Coordinator may determine that cases where the allegations arise out of the same set of facts should be consolidated for purposes of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single complainant against a respondent, or multiple complaints by a single complainant against multiple respondents.

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

- the identities of the involved parties.
- the date, time, location, and factual allegations concerning the alleged violation.
- the policy provisions allegedly violated.
- a description of the investigation and adjudication process.
- potential sanctions.
- the right to an advisor of their choice, who may be, but is not required to be, an attorney.

- their right to inspect and review evidence in accordance with this policy.
- notice that knowingly making false statements or knowingly submitting false information is prohibited under the Code of Student Conduct; and
- that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process

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

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

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

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

The College will appoint an investigator, who may be a person internal or external to the College. When it is deemed appropriate, the Title IX Coordinator may appoint a team of two investigators. A Title IX Investigator will meet with the Complainant, the Respondent, and any available witnesses. The investigator may also work with Campus Safety Officers to obtain additional available information. The Complainant and Respondent will be given an equal opportunity to present information. This includes the opportunity to present fact or expert witnesses and other evidence that the party believes tends to prove or disprove the allegations. Respondents have a right to a presumption that the Respondent is 'not responsible' until a finding of responsibility is made pursuant to the process set forth in this policy. However, at all times, the burden of gathering evidence remains with the College. The investigator may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the

respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator will determine the order and method of investigation.

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

### **The Investigation Report**

At the conclusion of the investigation, the investigator will write a report setting forth the relevant facts of the investigation. The investigator need not include information in the investigative report that the investigator determines not relevant or otherwise excludable. The investigator will submit the investigative report to the Title IX Coordinator. At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the Complainant and Respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law. .

### **3.11 Hearing Procedures**

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

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

of a disability. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s).

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

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

### **Procedural Matters**

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

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

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



preceding sentence, other than the investigative report itself and any responses to the investigative report submitted by the parties as described above,

### **Advisors**

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

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

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

### **Questioning Procedures**

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

Only relevant questions may be asked by a party's advisor to a party or witness. Before the party or witness answers a question posed by an advisor, the Chair of the Hearing Panel will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Such decisions by the Panel Chair are final and not subject to objection or reconsideration during the hearing.

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

If a party or witness does not submit to cross-examination at the hearing by a party's advisor as described above, the Hearing Panel may not rely on any statement of that party or witness, during the hearing or otherwise, in reaching a determination regarding responsibility. The Hearing Panel will not draw an inference as to responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination questions.

### **Hearing Determinations**

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

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

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

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

### **Notification of Outcome**

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

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

The Title IX Coordinator will provide the written determination to the parties simultaneously.

### **3.12 Timeframe for Resolution**

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

### **3.13 Sanctions**

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

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

- Warning: A formal statement that the behavior was unacceptable and that further infractions of any policy, procedure, or directive may result in more severe disciplinary action.
- Probation: A written reprimand for violation of the Policy, providing for more severe disciplinary sanctions in the event that the Respondent is found in violation of any policy, procedure, or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified privileges, exclusion from extracurricular activities, no-contact orders, and/or other measures deemed appropriate.
- Suspension: Cessation of student status for a definite period of time and/or until specific criteria are met.

- Expulsion: Permanent termination of student status.
- Withholding Degree and/or Diploma: The College may withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.
- Other Actions: In addition to or in place of the above sanctions, the Hearing Panel may assign any other sanctions as deemed appropriate, including but not limited to the following:
  - Mandated counseling so the Respondent has the opportunity to gain more insight into their behavior.
  - A “no contact” directive (including but not limited to continuation of a no contact directive imposed as a supportive measure) prohibiting contact with one or more identified persons, in person or through telephonic, electronic, written or other means.
  - Requiring the Respondent to write a letter of apology.
  - Requiring unpaid service to the campus or local community stated in terms of type and hours of service.
  - Restitution for damage to or misappropriation of property, or for personal injury, and other related costs.
  - Loss, revocation, or restriction of housing privileges (e.g., exclusion from specified locations or alteration of status in the housing lottery or other selection system).
  - Monetary fines.

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

- Expelled after a finding of responsibility for a Code of Conduct violation; or
- Suspended after a finding of responsibility for a Code of Conduct violation.

For the respondent who withdraws while such charges are pending, the transcript shall include the following notation:

- Withdrew with conduct charges pending.

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

### 3.14 Appeals

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

up of trained members of the College community. A Respondent or Complainant may appeal on the following bases:

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

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

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

A decision responding to the written appeal will be issued to the parties and the Title IX Coordinator within a reasonable time. The appeal process does not rehear complaints but ensures that rights are protected, appropriate procedures are followed, and sanctions are reasonable. The decision-makers for the appeal will not be the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. A preponderance of the evidence standard will be applied on appeal. The Appeals Panel will issue a written decision describing the result of the appeal and the rationale for the result. This decision will be provided to both parties simultaneously and in writing.

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

### **3.15 Amnesty Policy for Individuals Who Report Sexual Misconduct**

The health and safety of every student at Paul Smith's College is of the utmost importance. Paul Smith's College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that

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

### **3.16 Students' Bill of Rights**

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

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

### **3.17 Coordination with Other Policies**

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

### **3.18 Information about Registered Sex Offenders**

As required by the Campus Sex Crimes Prevention Act, the college community is advised that law enforcement agency information provided by the State of New York concerning registered sex offenders may be obtained at the following web site:

[www.criminaljustice.ny.gov/nsor](http://www.criminaljustice.ny.gov/nsor) or by phone at 1-800-262-3257

In addition, Cam

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

### **3.19 Records & Training**

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

### **3.20 Delegation of Authority**

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

## Chapter 4

### Title IX Compliance

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. It reads:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." -- Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX)

Sex discrimination includes sexual misconduct, including sexual assault, sexual harassment, dating violence, stalking, etc. While it is often thought of as a law that applies to gender discrimination in athletic programs, Title IX is much broader and applies to many programs at Paul Smith's College. While compliance with the law is everyone's responsibility at the college, listed below are the staff members who have primary responsibility for Title IX compliance.

#### Title IX Coordinator & Investigator(s)

**Teresa Grosskopf**  
**Title IX Coordinator**  
**Compliance Coordinator, Assistant to the Vice President for Finance and Administration**

Phelps Smith Administration Building, 001  
Paul Smiths, NY 12970  
518-327-6451  
tgrosskopf@paulsmiths.edu

**Holly Parker**  
**Title IX Investigator**  
**Director of Campus Safety Office of Campus Safety**  
(518) 327-6300



hparker@paulsmiths.edu

Inquiries and reports may be made externally to:

**Office for Civil Rights (OCR)**  
**U.S. Department of Education**  
**400 Maryland Avenue, SW**  
**Washington, DC 20202-1100**

Customer Service Hotline #: 800-421-3481

Facsimile: 202-453-6012 TDD#: 877-521-2172

E-mail: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

## Chosen Name Policy

This policy is consistent with Title IX federal law protecting students against discrimination based on gender identity and expression. This service is available to certain individuals who use a chosen name on a daily basis other than their legal/primary first name. The purpose of the chosen name policy is to foster a campus environment that both encourages self-expression and affirms identity. Policy Paul Smith's College supports that current students, former students, faculty, and staff may use names other than their legal name to identify themselves, regardless of whether they have legally changed their name.

### What qualifies a student to use a chosen name?

Any student who uses a name other than their legal name. Examples of reasons to use a chosen name can include:

- Student's legal name is inconsistent with their gender identity
- Student primarily uses their middle name instead of their first name
- Student goes by a nickname significantly different from their first name
- International students or other students who wish to adopt an English language nickname during their course of study Note: Nicknames that are common abbreviations of first names (such as "Joe" for "Joseph" or "Kate" for "Kaitlyn") are not covered under this procedure.

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

### Where will my chosen name appear?

After the appropriate form is processed, these are places and technology systems where a chosen name will be used or will appear as a person's display name:

- ID Badges (Campus Safety)
- Email Account and Active Directory Authentication: display name (IT)
- Pyramid (Health Services and Counseling Center)
- Report Exec (Campus Safety)

- Sirsidynix (Library)
- Canvas: display name
- Office 365: display name

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

- Background Checks
- Employment information and timecards
- Responses to enrollment inquiries such as verification requests
- Official Transcripts
- Licensure Paperwork
- Student Billing/Accounts
- Financial Aid & Scholarship Records
- Medical Records
  - Immigration Documents
- Admissions Records
  - Email Account and Active Directory Authentication: username Because of some technological barriers, there are some technology systems where a student’s legal name will still appear.
- Starfish
- Self service
  - Target X
- Raisers Edge
- PowerFAIDS

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

**What is a chosen name?**

For the purposes of this procedure, a chosen name is a first name used on a daily basis that is significantly different from the student’s legal first name.

**Other Related Information**

**What if I have made a legal name change?**

Students who have completed a legal name change should submit documentation to the Registrar’s Office. Class Rosters Paul Smith’s College is currently unable to add the chosen name to class rosters. This is a project under review.

In the meantime, students can utilize the below letter to assist in having this conversation with their class faculty.

Dear [name], I am a student in your [insert class name]. The purpose of this email is to inform you that I would appreciate it if you referred to me as: CHOSEN NAME:  
 \_\_\_\_\_ PRONOUN: \_\_\_\_\_ On your class roster,  
 you’ll see \_\_\_\_\_, which is my legal name. Please refer to me by my chosen name instead of by my legal name. If you have any questions regarding this request, please contact the Title IX Coordinator. Thank you for your understanding, and I look forward to seeing you in class. Sincerely, [chosen name]

**Pronouns**

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

**Procedures**

How can I request the use of a chosen name?

Students who use a chosen name may submit a request form, found here:

<https://www.paulsmiths.edu/title-ix/>

directly to Title IX and Compliance Office, located in Administration 001, for review. Be sure to fill out all fields before submitting it. Students will be notified once the review has been completed. The Title IX and Compliance Coordinator will then notify all relevant departments and system administrators. Those departments and system administrators will then input the chosen name into the respective technology systems. While some of these systems can be updated immediately, others may have a delay.

Your chosen name can be changed no more than once per academic year and twice during your tenure at Paul Smith's College (barring extenuating circumstances).

## Chapter 5

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### Alcohol and Illegal Drug Policies

#### 5.1 PSC's Response to Violations of Alcohol and Drug Policies

The College recognizes that when alcohol or illegal drugs are abused, the health and safety of students are the primary concerns. Consequently, when students make the choices that violate the College's policies, an educational response is the ideal approach to help students to think about their options and the decision-making process. Therefore, when there have been incidents that place the student and/or others at the risk of harm or when college policy regarding drugs and alcohol has been violated, the student may be and most likely will be required to attend an educational program (Additional information on programs may be found in Chapter 7 under Student Counseling Center). Outside assistance by a local treatment facility or a leave of absence from the College in order to gain some insight into what might be contributing to the unhealthy behavior are also possible outcomes. Students violating our alcohol or drug policy will also face other sanctions as part of the College's conduct process.

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

The Student Counseling Center (x6358) offers counseling, education, and referral for students having trouble with substances, who have family members who are substance abusers, or who want more information.

Counselors are happy to work with individuals or groups whose lives are affected by substances. Our own Student Counseling Center staff also works closely with and refers

students to such agencies and providers as North Star Substance Abuse and St. Joseph's Outpatient Clinic. For more information about prevention and treatment, visit [www.newyorkrehabilitation.com](http://www.newyorkrehabilitation.com).

## 5.2 Alcohol and Alcohol Abuse Policy

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

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

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

## 5.3 Legal Context

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

- A. Legal Minimum Age for Use or Possession  
It is illegal for a person under the age of 21 to consume alcohol or to possess alcohol with the intent to consume it.
- B. Selling or Giving Alcohol to a Person Under 21  
It is illegal to sell, deliver, or give away alcoholic beverages to any person actually or apparently under the age of 21. (Anyone causing or permitting this to occur is likewise guilty of a crime and violation.) This is a Class B misdemeanor.
- C. Selling or Giving Alcohol to an Intoxicated Person  
It is illegal to sell, deliver, or give away any alcoholic beverage to any

intoxicated person or any person under the influence of alcohol. (Again, causing or permitting this to occur is also unlawful.)

D. Using False Identification

It is illegal for any person under the age of 21 to present or offer identification of age which is false, fraudulent, or not their own, for the purpose of purchasing or attempting to purchase alcoholic beverages. It is also illegal for another person to misrepresent the age of someone under 21 for the purpose of helping the person under 21 obtain alcohol.

E. Dram Shop Liability

Any person who is injured by an intoxicated person has a legal right of action against anyone who has unlawfully sold alcohol to the intoxicated person or unlawfully assisted the intoxicated person in obtaining liquor. In any such legal action, the injured person has a right to recover both actual and punitive damages.

F. Social Host Liability

Any person who furnishes alcoholic beverages to an individual under the age of 21 is at risk of civil liability if the intoxication of the person under age 21 results in injury or damages to a third party.

G. Drinking and Driving

It is illegal to operate a motor vehicle with a blood alcohol content .05 percent or higher. This is known as "Driving While Ability Impaired," or DWAI. "Driving While Intoxicated" (DWI) is defined by a blood alcohol content of .08 percent or greater.

H. Zero Tolerance (Under Age 21 Drinking and Driving)

A person under the age of 21 who operates a motor vehicle while having a blood alcohol content of .02 percent or greater (a very low threshold) is guilty of an offense that results in substantial fines and license revocation.

I. Alcohol Permit Required for Sale

An alcoholic beverage control license or permit is required for any sale of alcoholic beverages. "Sale" has been interpreted by the courts to include payment of an admission charge or collection of a donation at the door of an event at which alcohol is distributed free of charge.

## 5.4 Additional Rules Governing Individuals and Groups

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

- A. Members of the College community should avoid excessive alcohol consumption.
- B. The College's alcohol and illegal drug policy applies to all aspects of student

life, including the academic classroom, where zero tolerance is the standard. Coming to class or other academic functions under the influence of alcohol constitutes a misuse of alcohol for students under or over 21. Coming to class under the influence of illegal substances is also prohibited and will not be tolerated. Students who, in the opinion of their instructor, fail to abide by these expectations may face academic and conduct discipline. The instructor will report any violation of the above to the appropriate parties.

- C. It is legal to allow a student under the age of 21 to taste or sample alcoholic beverages provided it is used for instructional purposes during an academic class.
- D. Consumption of alcoholic beverages is not allowed during College-sponsored student activities or intercollegiate or intramural athletic events.
- E. Devices which encourage irresponsible drinking, such as funnels and beer bong, are not permitted and will be confiscated and not returned.
- F. Students are responsible for any alcohol in their rooms. If underage students are present in a room where alcohol is being consumed, it is understood that all parties in the room are consuming the alcohol.
- G. Students may not possess alcohol in open containers, regardless of age, in the common areas of residence halls (lobbies, lounges, suite lounges, stairwells, bathrooms, hallways, and laundry rooms, or on exterior steps and ramps), or in and around any other College buildings or on other College-owned property, including the Forestry Cabin. An open container is defined as any container that holds or has held alcoholic beverages such as cups, glasses, beer containers, cut soda cans or any other receptacle that holds liquids.
- H. Students over the age of 21 may not possess open alcohol containers or consume alcohol in the presence of a minor.

### **5.5 Institutionally Sponsored Events on Campus**

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

### **5.6 Events and Social Occasions Off-Campus**

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

Parties and events sponsored by student organizations or funded in whole or part by student activity funds are governed by the policies and procedures described in this

policy, regardless of location on- or off-campus.

### **5.7 College Policy on Drugs**

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

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

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



## Chapter 6

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### Jeanne Clery Disclosure Act

#### 6.1 Crime Awareness and Campus Security

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

This act requires institutions to disclose information about campus safety policies and procedures and to provide statistics concerning whether certain crimes took place on campus. During the 1990 New York State Legislative session, the legislature passed, and the Governor signed into law as chapter 739 of the Laws of 1990 new requirements for post-secondary institutions regarding campus security. This law requires post-secondary institutions to provide specific information to incoming students about sexual assault prevention. The law also requires that the information be reviewed by an advisory committee on campus security. In 2008 The Higher Education Opportunity Act was passed and in recent years a number of changes were made to the original HEA as they relate to campus safety and security reporting requirements. The new provisions include changes in hate crime reporting, emergency response and evacuation procedures, missing student notifications, and fire/safety issues.

Most recent changes to the Clery Act were made as a result of the Violence Against Women Act, The Campus SAVE Act and Title IX clarifications which include reporting and policy provisions for domestic violence, dating violence, sexual assaults and stalking on campus. In addition, New York State made changes to Education Law Article 129-B and in 2015

added additional requirements to address domestic violence, dating violence, sexual assaults and stalking on campus.

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

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

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

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

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

**Confidential:** This report is used solely for tracking statistics and general information about the incident. No formal action will be taken against the suspect and the reporting individuals name will remain anonymous. The information from a confidential report is used in the reporting of statistical data for the Annual Security Report (Clery Report) only and does not identify any individuals involved in the incident. You may report confidentially here: <https://www.paulsmiths.edu/campussafety/online-reporting/>

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

**Criminal Procedures:** Any individual experiencing sexual misconduct, including, domestic violence, dating violence, stalking, or sexual assault has the right to notify the

appropriate law enforcement officials of an incident and pursue criminal charges. The New York State Police can be contacted by calling 911 from any phone. If requested, Campus Safety (518)327-6300, as well as the College or off campus advocate, will promptly assist in notifying law enforcement officials.

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

If the complainant chooses not to participate in the investigation process, the College's ability to respond to the report may be limited. The Title IX Coordinator will advise the Complainant and Respondent that an investigation is taking place in writing, and the parties will receive written notice, in advance of any interview or other meeting they are required or entitled to attend, of the known date, time, location and factual allegations concerning the violation, the specific policy provisions alleged to have been violated, and the possible sanctions. Please see Chapter 3 for more information.

The Complainant and the Respondent each may be assisted by an advisor of their choice during any investigation meeting, preliminary review, or student conduct hearing. The role of the advisor is to accompany the student and assist them with any hearing or conference preparations. The advisor may talk quietly with the party but may not participate in the interview or be disruptive to the meeting and the party is required to speak on their own behalf. If an advisor is not adhering to these or other ground rules of any meeting, then the advisor may be removed from the meeting and the meeting will continue without opportunity for the party to secure a new advisor. Investigations and hearings will not be delayed based on the unavailability of a party's desired advisor. Please see Chapter 3 for more information.

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

If you would like more information, please see Chapter 3. If you would like to make a report, please contact the Title IX Coordinator, Compliance Coordinator, Phelps Administration Building Room 001, Paul Smith's College, Routes 86 & 30, Paul Smiths, NY 12970 (518) 327-6451.

### **Immediate Support**

**Student Health Services** – Individuals may get confidential support from our nurse in the Student Health Center during the Spring and Fall semesters, clinic hours for SHS are Monday Friday 0730-1530 (7:30 AM to 3:30 PM) at (518)327-6319.

**Counseling** – Individuals may receive confidential counseling from College Counselors by contacting the Counseling Center from 8 a.m. to 6:00 p.m. Monday through Friday, at (518)327-6358. On Saturday and Sunday consultation is available by calling the Office of Campus Safety at (518)327-6300. The survivor will be referred immediately to a source of help.

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

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

**Other Campus Sources of Support** - A person may choose to seek support from other members of the college community, such as students, resident assistants, or faculty. Any “campus security authority” must report to the administration, information concerning the incident that is not personally identifiable. In cases where a member of the college community is at risk, faculty and staff members may be required to report personally identifiable information concerning the incident to Campus Safety and/or appropriate administrators. RAs are required to report cases of sexual misconduct to the appropriate offices immediately.

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

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

### **Sexual Assault Forensic Examination**

The purpose of sexual assault forensic exam is to collect DNA evidence immediately after a violation. DNA evidence from a violation like sexual assault can be collected from the scene, and it can be collected from a person’s body, clothes, and other belongings. An exam, sometimes known as a “rape kit,” also connects a person to important medical care. A person who has an exam does not need to report to police, though the process gives the opportunity to safely store evidence should a report be made in the future. In most cases,

DNA evidence needs to be collected within 72 hours to be analyzed by a crime lab—but a sexual assault forensic examination can reveal other forms of evidence beyond this time frame.

Travel to a nearby hospital to have the exam performed. Alice Hyde Hospital, in Malone, and CVPH, in Plattsburgh, both employ Sexual Assault Nurse Examiners (SANEs). Adirondack Medical, in Saranac Lake, can also provide exams, though they do not employ a SANE. There is no telling how long the wait period may be, nor how long the exam may take. Individuals should expect to be occupied for a few hours. Individuals interested in pursuing a sexual assault forensic examination can contact the Office of Campus Safety for assistance. Additionally, Campus Safety can arrange for transportation.

Exams are performed at local hospitals by **Sexual Assault Nurse Examiners (SANEs)**, registered nurses who receive specialized education and fulfill clinical requirements to perform the exam. The sexual assault forensic examination is free. If a person is charged for the exam, they should immediately contact the local Sexual Assault Services hotline (877-212-2323) to pursue receiving compensation.

Sexual Assault Services of Planned Parenthood (24 HOUR HOTLINE SERVICES – 1-877-212-2323) offers advocates who accompany individuals to the hospital for emotional support. People who have advocates present generally report better experiences compared to those who do not have an advocate present.

It is recommended people avoid activities that could potentially damage evidence, as listed below. Though an exam can still be performed regardless.

Place belongings, including clothes wore during the sexual assault, sheets, tissues, or any other relevant materials in a (ideally) paper bag to safely preserve evidence.

The steps below outline the general process for the exam. A person **can stop, pause, or skip a step** at any time. It is entirely their choice.

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

- **Follow up care.** Treatment may be offered for sexually transmitted infections and other forms of medical care that require a follow up appointment with a medical professional.

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

## 6.2 Reporting Emergencies and Criminal Activity

All students, employees, and guests must immediately report criminal incidents, accidents, and other emergencies to the Office of Campus Safety by calling (518)-327-6300. Individuals may also report incidents in person at the Campus Safety Building located on Apollos Road next to the U.S. Post Office.

The College has installed emergency two-way call boxes at the entrances to each residence hall and at various other locations on campus. By pressing the red button on the stations, users can communicate directly with the Campus Safety Dispatcher on duty. It also sends a digital display to the phones located in the Campus Safety Building to identify the exact location that the call is coming from. In addition, the college has installed blue light emergency phones in strategic locations around the campus. These phones have one emergency button on the front which when pressed will first call Campus Safety and then 911. If criminal activity is taking place off campus, dial 911 for the New York State Police or local police department.

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

The campus also has an Emergency Management Plan, which provides for the dissemination of information and response to any critical incident or disaster

## 6.3 Monitoring Off-campus Criminal Activity

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

If the office of Campus Safety is notified of a crime or other incident occurring off campus involving Paul Smith's College community members they will forward, for disciplinary action, any information to the Coordinator of New Student Orientation and Student Conduct.

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

#### **6.4 Campus Law Enforcement**

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

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

#### **6.5 Security of Building and Grounds**

Security and access to on-campus facilities are controlled by key or card access. Currently, 10 out of our 15 residence halls have key access, while the rest are on a card system. Residence halls are locked 24 hours a day.

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

Campus Safety Officers provide 24 hour-a-day vehicle and foot patrols on our campus patrol area as described in our Annual Security Report (ASR). This is the property that is maintained by the college's facility staff and is the primary area that student's access. Campus facilities are open to the public during the day and evening hours when classes are in session. The general public can attend cultural and recreational events on campus. Access is limited only to the facilities in which these events are held.

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

#### **6.6 Crime Prevention Programs**

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

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

reports are submitted to appropriate personnel for review and action. New employees receive a campus orientation and are provided with information on personal safety, crime prevention, emergency procedures, and other prevention measures. Educational programs about crime prevention are offered throughout the year.

### **6.7 Programming on Security and Safety**

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

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

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

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

### **6.8 Alcohol and Drugs**

The privilege of using alcoholic beverages, narcotics, and dangerous drugs is governed by laws of the State of New York and college policy as detailed in the Community Guide. Every alcohol policy violation will be met with disciplinary action. There is a need to send both a consistent and strong message that illegal consumption of alcohol, alcohol abuse as well as drug abuse and the resulting behavior will not be tolerated.

Any issue related to alcohol; narcotics and dangerous drug violations that are reported receive immediate attention and are thoroughly investigated.

### **6.9 Drug and Alcohol Abuse Education**

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



## 6.10 Definitions of Clery Reportable Crimes

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

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

**Negligent manslaughter:** The killing of another person through gross negligence.

**Sexual Offenses:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim/survivor is incapable of giving consent. Such offenses include:

- Rape
- Fondling
- Incest
- Statutory Rape

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

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

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

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.

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

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

**Domestic Violence:** Any felony or misdemeanor crime of violence between current or former spouses, current or former intimate partners, persons who are cohabitating, or who

have cohabitated, with one another as spouses or intimate partners, individuals who share a child in common, or individuals who are similarly situated to spouses and/or individuals who are protected from the other person's acts under the domestic or family violence laws of the jurisdiction in which the acts of violence occurs

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

- A. Course of conduct means two or more acts, including, but not limited to, acts by which the stalker directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
- B. Substantial emotional distress means significant mental suffering or anguish that may, but need not necessarily, require medical or other professional treatment or counseling.

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

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

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

### **Liquor Law Violations**

The violation of 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).

## 6.11 Timely Warnings/Emergency Notifications

In the event that a situation arises, either on- or off-campus, that, in the judgment of the Vice President for Student Affairs and Campus Life, Director of Campus Safety, or the Compliance Coordinator constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued. The warning will be issued through the college BOBCAT-ALERT System by e-mail, phone call and text message system to students, faculty, staff, as well as on the call-in ALERT line at (518) 327-6219 and by postings.

Depending on the particular circumstances of the event, especially in all situations that could pose an immediate threat to the community and individuals, the college may also post a notice on the campus-wide electronic bulletin board on the College’s web site at: [www.paulsmiths.edu/emergency-information](http://www.paulsmiths.edu/emergency-information), providing the community with more up to date and detailed information.

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

## 6.12 Missing Student Policy & Protocol

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

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

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

### **Missing Student Full Policy**

Paul Smith’s College takes student safety very seriously. To this end, the following policy and procedure has been developed in order to assist in locating Paul Smith’s students living within on-campus housing, who, based on the facts and circumstances known to the College, are determined to be missing. This policy is in compliance with Section 488 of the Higher Education Act of 2008 (Clery Act).

Most missing person reports in the college environment result from a student changing their routine without informing their roommates and/or friends of the change. Anyone

who believes a student to be missing should report their concern to Campus Safety or Student Affairs/Residence Life. Every Report made to the campus will be followed up with an immediate investigation lasting up to 24 hours of the initial report. Depending on the circumstances presented to College officials, parents of missing students will be notified. In the event that parental notification is necessary, the Vice President for Student Affairs and Campus Life (or designee) will place the call.

At the beginning of each academic year, residential students will be asked to provide, on a voluntary basis, emergency contact information in the event they are reported missing while enrolled at Paul Smith's College. This emergency information will be kept in the Student Affairs Office and will be updated annually.

### **GENERAL PROCEDURE:**

1. The Paul Smith's College official receiving the report will collect and document the following information at the time of the report:
  - a. The name and relationship of the person making the report.
  - b. The date, time, and location the missing student was last seen
  - c. The general routine or habits of the suspected missing student (e.g. visiting friends who live off-campus, working a job away from campus) including any recent changes in behavior or demeanor
  - d. The missing student's cell phone number (if known by the reporter)
2. The Paul Smith's College official receiving the report will contact Campus Safety and the Vice President for Student Affairs and Campus Life in order to update them on the situation and to receive additional consultation. The Vice President for Student Affairs and Campus Life and Director of Campus Safety will ascertain if/when information must be communicated to the Provost, Compliance Coordinator, and President.
3. Upon notification from any entity that a student may be missing, Paul Smith's College may use any or all of the following resources to assist in locating the student.
  - a. Call the student's room.
  - b. Go to the student's residence hall room.
  - c. Talk to the student's RA, roommate, and floor mates to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen.
  - d. Secure a current student ID or other photo of the student.
  - e. Call and text the student's cell phone and call any other numbers on record.
  - f. Send the student an email.
  - g. Check all possible locations mentioned by the parties above including but not limited to library, residence hall lounges, student common lounges, fitness center, etc. Campus Safety will also check Paul Smith's College parking lots for the presence of the student's vehicle, if one is so registered.

- h. Contact or call any other on-campus or off-campus friends or contacts that are made known. This could include checking a student's social networking site, such as Facebook and Twitter.
4. The Paul Smith's College Information Technology Staff may be asked to obtain email logs in order to determine the last log-in and/or access of the Paul Smith's network.
5. Once all information is collected and documented, and the Vice President for Student Affairs and Campus Life (or a designee) is consulted, Paul Smith's College will contact the local police to report the information. (Note: If, in the course of gathering information as described above, foul play is evident or strongly indicated, the police will be contacted immediately.) If it is necessary to contact the local or state authorities, police procedures and protocol will be followed by the College.
6. Every report made to the campus will be followed up with an immediate investigation, lasting up to 24 hours of the initial report. If it is determined that the student is missing, Paul Smith's College will notify local law enforcement within 24 hours of that determination.

### **6.13 Notice of Availability of 2020 Annual Security Report & 2020 Annual Fire Report**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, a copy of Paul Smith's College 2020 Annual Security Report and 2020 Annual Fire Report is available to anyone by December 31, 2020 who requests a copy of the report. It is also available at several on campus offices including Compliance Office, Human Resources, the President's Office, and the Office of Campus Safety. This report includes statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by Paul Smith's College and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security and campus fire safety, including policies concerning sexual assault, domestic violence, dating violence and other matters. The Annual Security Report/Fire Report is usually published each year by October 1st by the Paul Smith's College Clery Compliance Officer, Compliance Coordinator. This edition of the Annual Security Report covers the years 2017, 2018 and 2019.

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

[http://www.paulsmiths.edu/campusafety/files/2016/03/campus\\_security\\_report-11xsg44.pdf](http://www.paulsmiths.edu/campusafety/files/2016/03/campus_security_report-11xsg44.pdf)

You can also request a printed copy of the report by contacting the Director of Campus Safety at (518)-327-6300 or the Compliance Coordinator at (518)-327-6451

## Chapter 7

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### Motor Vehicles and Parking

#### **PARKING AND VEHICLE REGISTRATION POLICY**

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

#### **GENERAL**

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

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

#### **VEHICLE OPERATION ON CAMPUS**

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

## TRAFFIC CONTROL

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

## MOTOR VEHICLE ACCIDENTS, DAMAGE, AND OTHER INCIDENTS

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

## LIABILITY

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

## VEHICLE REGISTRATION, PERMITS, AND LOT ASSIGNMENTS

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

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



## STUDENTS

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

for permit placement on motorcycles and in other special circumstances.

Students living on campus are permitted to park in any designated student lot.

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

### **Student Lots**

- 2 Hillside/Lower and Upper St. Regis/Alumni Halls Facilities
- 3 Currier/Livermore Halls Office
- 5 Clinton/Essex/Franklin Halls/Lambert House
- 6 LMS/Lakeside Halls
- 11 Blum House
- 12 Saratoga Hall
- 14 Overlook Hall

### **Commuter Lots**

- 4 Lot between Freer and
- 7 Two-tiered lot by US Post

## **EMPLOYEES**

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

- 8 Front Half of LMS Hall, across from Freer Hall and Cantwell Hall
- 9 Administration Building
- 11 Sporek Admissions Center
- 13 Facilities Building
- 15 Paolozzi Center
- 16 Freer Science Hall

## **OPEN PARKING**

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

- 1 Large lot behind the Facilities Building and lot 13
- 10 Lot behind Saunders Sports Complex

## **VISITOR PARKING**

- 17 Student Center/Library/Pickett Hall

### **Visitor Parking**

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

### **Parking Map**

The parking map, which can be obtained during the registration process and any time at the Campus Safety Office, indicates the designated areas where students, employees, and visitors may park. The map should be reviewed, and drivers should only park in their designated lots. It is the responsibility of each motorist to be parked within a clearly marked designated parking space. The map should be kept for reference when needed. Drivers should contact Campus Safety for any questions or clarifications on where they are permitted to park.

### **Recreational and Other Motor Vehicles**



Other motor vehicles (trailers) and recreational vehicles (ATVs, dirt bikes, go carts, snowmobiles, boats, etc.) must be registered with Campus Safety. Recreational vehicles must be stored on a trailer or in the bed of a truck. Trailers must be parked in the rear row of lot 1. Recreational vehicles cannot be operated on campus property. Motorized boats cannot be launched from the campus shoreline. Students may not leave these items on College property during the summer or between semesters without prior permission from the Director of Campus Safety.

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

### **Disabled Vehicles**

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

### **Special Parking and Permits**

Special parking permits are issued for special parking spaces. These spaces include, but are not limited to handicap parking spaces, low emission fuel efficient parking spaces, Relay for Life parking spaces, MERT (Medical Emergency Response Team) parking spaces and PSGVFD (Paul Smiths Gabriel's Volunteer Fire Department) Member parking spaces. Any vehicle that possesses a state issued handicap parking permit may park in any handicap parking space without additional authorization. Those who do not have a state issued handicap parking permit but would like to request a campus issued handicap parking permit for medical reasons must present a doctor's note or a note from the College nurse to Campus Safety. Vehicles that are certified as low emitting and fuel efficient are eligible to park in the College low emission fuel efficient parking spaces, but must first request a LEFE parking permit from Campus Safety; the permit must be displayed next to their regular parking permit. Winners of the Relay for Life parking spaces will be issued Relay for Life parking permits, which are only valid for the period stated. Students who are active members of MERT will be issued MERT parking permits, which allows them special parking when on duty for quick response to medical calls. Students who are active members of the Paul Smiths Gabriel's Volunteer Fire Department, registered with Campus Safety, and designated as the daily/nightly carpool vehicle will be issued a permit to park in a PSGVFD Member Parking space for quick response to the fire department for fire calls. Anyone parked in special parking spaces without a current authorizing permit will be ticketed, and subject to be towed at the owner's expense.

### **Contractors/Vendors**

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

### **Weekend Parking**

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

### **Event Parking**

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

### **Snow Removal & Maintenance Needs**

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

### **Loading and Unloading Vehicles**

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

### **Parking Signs**

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

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

## **PARKING AND MOVING VIOLATIONS AND FINES**

Citations will be issued to those who violate campus parking and moving regulations. Parking and Moving Violations, and the associated fines are listed below.

<b>Parking Violations</b>	<b>Fine</b>
Failure to Register/Display Permit	\$20.00
Parking in Wrong Lot	\$20.00
Improper Parking	\$20.00
Parking on Grass, Sidewalk, Loading Zone or Other Restricted Area	\$50.00
Fire Lane	\$100.00
Handicap Zone	\$100.00
Unauthorized or Fraudulent Use of a PSC Parking Permit	\$100.00
<b>Moving Violations</b>	<b>Fine</b>
Stop Sign	\$20.00
Unsafe Operation	\$50.00
Speeding	\$60.00
Operating on Walk or Grass	\$100.00
Operating so as to Endanger Lives or Cause Property Damage	\$100.00
Refusing to Give Name or Giving False Name	\$100.00
Other	\$ _____ Other \$ _____

**Payment of Fines**

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

**Students**

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

**Employees**

All fines shall be paid to the Student Accounts office within fourteen (14) business days.  
Any fines not paid may be referred for collections and parking privileges on campus may be suspended.

**Towing**

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

1. Any illegally parked vehicle that poses a traffic and/or safety hazard.
2. Any vehicle parked in an area designated as “No Parking “or “Fire Lane”.
3. Any vehicle impeding snow removal during extreme weather conditions.
4. Any vehicle that has not been registered with Campus Safety.

5. Any disabled vehicle that has not been removed from campus property within a reasonable amount of time.
6. Any vehicle that has been abandoned.

### **Vehicle Searches**

All registered vehicles operated and parked on College property are subject to search by the Office of Campus Safety if an illegal item or violation of campus policy is seen in plain view or there is reasonable belief an illegal item is contained in the vehicle. If a student or employee fails to cooperate with the search, the vehicle must be immediately removed from College property and the incident will be referred to Student Conduct or Human Resources for review; the New York State Police may also be contacted.

### **Revocation of Parking Privileges**

Any student issued 10 or more parking/moving violations during the academic year will be referred to Student Conduct for adjudication. The results of the student conduct hearing may include suspension of parking privileges for the semester or revocation of parking privileges for the remainder of the academic year.

Any employee issued 10 or more parking/moving violations during the academic year will be referred to Human Resources for disciplinary review. Results of the review may include suspension of parking privileges for the semester or revocation of parking privileges for the remainder of the academic year. Outstanding fines that are 30 days overdue may result in the suspension of parking privileges and place the vehicle in jeopardy of being towed. Parking privileges will be reinstated upon payment of all outstanding fines.

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

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

### **TICKET APPEAL PROCESS**

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

### **Ticket Appeal Exam**

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

The ticket appeal exam consists of 10 questions related to the parking policy. The Ticket Appeal Exam will be reviewed by the Director of Campus Safety and the ticket will be voided. Notification will be made to the person submitting the Ticket Appeal Exam via their PSC email, notifying them of the outcome.

### **Ticket Appeal**

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

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

## **PARKING COMMITTEE**

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

## Chapter 8

### On-Campus Living at Paul Smiths

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

#### **MISSION**

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

#### **VISION**

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

#### **VALUES**

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

#### **RESIDENCE LIFE AND HOUSING**

**Location:** Joan Weill Student Center

**Office Hours:** 8:00am-4:30pm, Monday through Friday  
**Telephone:** 518-327-6493  
**Web:** paulsmiths.edu/housing  
**Email:** [residencelifeandhousing@paulsmiths.edu](mailto:residencelifeandhousing@paulsmiths.edu)

## COLLEGE HOUSING

### 1.1 COLLEGE HOUSING AND MEAL PLAN REQUIREMENT

As a residential college, Paul Smith's believes that students learn much about themselves, others, and the world around them through on campus community living.

By stressing care for the individual, the living environment, academics, and a good social atmosphere, we develop a strong sense of community values among residents. Community living also helps students experience diverse cultures and ways of thought, making them more tolerant of people with different views.

For these reasons, all students are required to live on campus and take their meals in the College dining hall on one of the approved meal plans. In certain cases, and after meeting specific standards, students may reside off campus.

Placement is based on a first-come first-served basis and availability of appropriate housing, with current students receiving primary consideration and availability of appropriate housing. Prospective students that send in their deposits early will receive preferential consideration among their class, while students who neglect the housing process and students who have been readmitted after being academically suspended will receive last consideration. Housing within Paul Smith's College Residence Halls is not guaranteed to any student.

### 1.2 THE COLLEGE HOUSING CONTRACT

#### A. Legal and Binding

**a.** The Housing Contract is a legal and binding document between full-time, registered students and Paul Smith's College. Contracts are extended to students as single individuals, as no family or married housing is available on campus.

**b.** The Office of Residence Life and Housing has the authority to change the room assignment of any student as the result of space consolidation, response to the Paul Smith's emergency/pandemic plans, or concerns related to student behavior within a

living space. The contract period extends throughout the academic year; however, the halls officially close during breaks and holiday periods, with the exception of our October break. Students are notified in advance of all such periods, during which their presence in the residence halls is prohibited.

## **B. Contract Termination**

**a. The College has the right to terminate** the Housing Contract with 24 hours prior to the effective date of the termination in the event that a student should violate any terms of this agreement or any policies of the College as found in the Community Guide and other College documents.

**b. The Student has the right to terminate** the Housing Contract prior to the expiration of The Term for the following reasons:

- Withdrawal from the College.
- Academic or disciplinary separation from the College (Student surrenders any rights to their housing assignment. No refunds of housing charges paid to the College will be returned or refunded in such cases.).
- Disciplinary removal from College housing (Student surrenders any rights to their housing assignment. No refunds of housing charges paid to the College will be returned or refunded in such cases).
- Graduation from the College.
- Receiving approval from the Office of Residence Life and Housing to live off campus. Off-campus permission is granted on an academic year basis. No student may move off-campus during a given semester. Students who move off-campus without permission will be charged in full for the duration of the entire semester.

***Students are expected to read and understand the content of the contract, which must be signed by every residential student prior to check-in.***

## **1.3 HOUSING ELIGIBILITY**

### **A. Eligibility:**

To be eligible for residency, the student must:

- a. Be admitted and enrolled as a full-time student
  - i. *Students who drop below a minimum credit hour load of twelve credits and are not part of an approved academic plan will be required to vacate their room within 24 hours.*
- b. Have fulfilled all mandatory immunization requirements through the Office of Student Health Services.
  - i. *Students who do not meet all mandatory immunization requirements upon move-in will be required to vacate their room within 24 hours.*
- c. The College offers units on a single, double, triple, or quadruple occupancy basis. Certain restrictions and conditions apply.
- d. A student agrees to all conditions of the Residence Hall they reside in.



- i. For example, if the building is 24-hour quiet, they need to be quiet 24 hours, if they are in a gender neutral room, themed community, Living Learning Community or, otherwise, they agree to abide by all rules and regulations of that community.*

**B. Unit Assignment:**

- a. The Housing Contract does not promise or guarantee the student assignment to a particular building or room. The College will attempt to fulfill the Student's roommate and housing selection request to the best of its ability.
- b. The College will assign roommates on the basis of information provided on the Paul Smith's College Application/Agreement. In the case that a vacancy occurs in a Unit, Student agrees to accept an assigned roommate or move to another room at the request of the College.
- c. Where there is a vacant space, the room must be maintained by the Student in a manner that will allow another roommate to move in immediately.
- d. The College reserves the right to re-assign the Student(s) or remove the Student from housing based upon the inability to be an effective roommate and/or positive member of a community, according to the process set forth in the Paul Smith's College Community Guide.

**C. Services:**

Each room will be equipped with cable television and internet service.

**D. Occupancy:**

The student is granted a nonexclusive license to use the furnished, residential unit assigned by the College, or such other unit as the College may assign or reassign (the "Unit") during the Term, subject to all provisions of this Housing Agreement. This license is personal, and it is neither assignable nor transferable. Student acknowledges that Student's use of the Unit may be in common with that of another student, sometimes referred here in as "roommate." **Nothing in this Agreement shall be construed as an obligation of the College to offer housing outside the Term.**

## 1.4 RESIDENT AND COLLEGE OBLIGATIONS

**A. Code of Conduct:**

Students are expected to follow all sections of the Code of Conduct both on and off campus. These guidelines, along with others pertaining specifically to the residence halls, are enforced to ensure that all students are provided with a living environment conducive to academic and social success.

**B. Housing Fee:**

In consideration of the use of the Unit for the term, the student agrees to pay the room fee published by the College.

**C. Care of Rooms:**

- a. Students are required to file a Room Condition Report (RCR), provided by the Student's Resident Assistant, with The Office of Residence Life and Housing upon occupancy of such room. It is up to the student to ensure that the condition of their room is accurately recorded in the RCR within the first week of occupancy.

- b. If any damages are discovered after the first week of occupancy that were not noted on the RCR, the student will be responsible for those damages and appropriately charged.
- c. Students shall maintain the Unit and adjacent facilities in a clean, sanitary, and non-hazardous condition throughout the Term and return those areas to the College in the same condition as received—reasonable wear and tear accepted.
- d. In the event the Student fails to return the Unit and adjacent facilities (i.e. conjoining or connected bathrooms) in the condition provided for herein, then Student shall pay to College on demand the reasonable cost for repairing such damages. The cost of repairing the damages to adjacent facilities may be assessed proportionately among all students residing in a residential facility or portion thereof, when appropriate. The College will charge Student for the cost to repair such damage.
- e. **Facilities reserves the right to add additional charges pending their final hall/room evaluations.**

**D. Loss or Damage to Personal Property:**

The College accepts no liability for the theft, loss, or damage by fire or otherwise of money, valuables, computers, or any personal property. Students are encouraged to enroll in a personal property insurance plan (PPIP). The College recommends that the Student remove all valuables during vacation periods.

- E. Vacant Space:** The Student must keep an available space ready for a roommate to move in should they not have a current roommate. Assigned furniture needs to be available, and the room needs to be kept in a clean, orderly, and sanitary fashion, which is satisfactory with the Offices of Residence Life and Housing.
- F. Unit Maintenance:** Maintenance requests should be submitted to either the Resident Assistant (RA) of such building or to The Office of Residence Life and Housing. If the reported problem has not been corrected within one week (five business days), the Student should contact The Office of Residence Life and Housing to follow up.
- G. Notices:** Notices regarding housing will be presented to the Student in email form as that is the official means of communication for Paul Smith's College. The Office of Residence Life and Housing may occasionally choose to additionally inform students through the use of posters, mailings, flyers, and bulletin board postings.
- H. Gender Neutral Housing:** Students must specifically request a gender-neutral housing assignment with the Residence Life and Housing Office, and no student will be placed in a gender-neutral housing assignment until that request has been made. Only students that have elected to participate in gender neutral housing will receive a roommate that has requested the same. Bathroom and shower facilities within residence that currently have a gender designation will maintain that designation and are not considered gender neutral. Gender neutral housing options are space dependent and are not guaranteed.

## RESIDENCE LIFE AND HOUSING PROCEDURES

### 2.1 OFF CAMPUS HOUSING PROCEDURES

#### A. Criteria:

Students who wish to live off-campus must meet at least one of the following criteria and be prepared to show documentation for said criteria:

- **Entry Year Before Fall 2019**
  - 21 years of age or older
  - Living at home with parents or guardians within 40 miles
  - Living with a dependent child
  - Married or entered into a civil union
  - A veteran with at least one year of active military service
  - Lived in a residence hall for at least 4 consecutive semesters
    - *Summer does not count towards consecutive semesters*
- **Entry Year during or After Fall 2019**
  - 26 years of age or older at time of application
  - Living at home with parents or guardians within 20-40 miles
  - Living with a dependent child
  - Married or entered into a civil union
  - A veteran with at least one year of active military service

#### B. Application:

Students who wish to live off-campus must submit an application online to Residence Life and Housing Office by July 1<sup>st</sup> for the fall semester and by December 1<sup>st</sup> for the spring semester.

#### C. Approval/Denial:

The Residence Life and Housing Office will notify applicants via their PSC email of approval or denial. If the request is denied, a written appeal must be submitted to the Housing Appeals Committee, whose decision is final. A completed off-campus application/verification form must be on file at check-in, or a student will need to complete one before registration and classes begin.

#### D. Off Campus Student Responsibilities:

- a. Students residing off-campus must provide address of their off-campus unit on their application. Off-campus students are expected to abide by all

College policies and regulations while they are on College-owned property and must act with good moral character as a member of the local community.

- b. Students moving from on-campus to off-campus status will be charged for their meals until their board plan has been invalidated by the College. Off-campus students who wish to eat in the College's dining facilities may either purchase a limited board plan or can purchase meals on a cash basis. If space permits, students wishing to move off-campus will be eligible for an on-campus student mailbox. If they desire one; interested off-campus students must reach out to the Office of Residence Life and Housing to initiate this process.

## 2.2 ROOM CHANGES

Through the housing application process, the Office of Residence Life and Housing makes every attempt to place students in roommate situations where they will be compatible. Despite this, occasional situations arise where roommate incompatibility issues develop. Room changes are on a case-by-case basis and must be approved by the Office of Residence Life and Housing.

### A. **Timeline:**

Room changes are not considered before the beginning of the third week of each semester unless otherwise announced. The Office of Residence Life and Housing must approve such changes prior to the moving of any belongings. If there is no available space, requests for changes will not be considered.

### B. **Roommate Mediation:**

If roommate compatibility problems emerge, students are expected to address these issues first with their Resident Assistant and then with the Area Coordinator.

### C. **Special Requests:**

Requests that are documented by Student Health Services and/or Accommodative Services may be given a higher priority. After the initial two-weeks of each semester, changes will be made on a first-come first-served basis and only if there is space available.

### D. **Office Moves:**

The office of Residence Life and Housing Office has the right to fill any vacancy on campus in a way it deems acceptable. This includes but is not limited to the consolidation of spaces.

### E. **Room Consolidation:**

The Residence Life and Housing Office reserves the right to assign and reassign students to any vacant spaces in the residence halls or consolidate students to free up a double room. All students in designed doubles without a roommate will have the following options: find a roommate to move into their room or welcome a new student to be placed with them. If students choose neither option, they may be reassigned or receive a new roommate. The Housing and Student Conduct Office reserves the right to utilize this procedure at any time during the academic year with prior notice given to the student when possible.

## 2.3 CHECK-IN AND CHECK-OUT PROCEDURES

### **A. Check-In Procedure:**

- a. New students will receive check-in information at least one month before first year student move-in day. Returning students will receive check-in information at least one month before returning student move-in days.
- b. Students should follow their designated move-in times. Only students who receive prior authorization from Residence Life and Housing may check into their rooms prior to the opening date and time.

### **B. Check-Out Procedure:**

- a. Students are expected to comply with check-in and check-out procedures and dates as published by the Residence Life and Housing Office. Written and electronic materials outlining check-out procedures will be given to all students living on campus. Students who do not follow the check-out procedures may be held financially accountable through fees. All College-owned furniture must be reset to its original state. Students are expected to check-out within a given time frame after the last final exam.
- b. Residents who live out-of-state or internationally, have transportation problems, or have extenuating circumstances may request extensions through Residence Life and Housing, but permission for extensions is not guaranteed. Students who refuse to leave the halls at their designated time will risk late stay charges, having their housing contract rescinded for the coming year, and/or possible disciplinary action.

### **C. Early Arrival to and Late Departure from the Halls:**

- a. Students are expected to comply with check-in and check-out procedures and dates as published by the Office of Residence Life and housing.
- b. Only students who receive official authorization from the Division of Student Affairs may check into their rooms prior to the opening date and time and/or remain in their rooms after the closing date and time.
- c. Students who are on campus early or are on campus late for any reason are expected to follow all College and Residence Life and Housing policies. Failure to do so could mean removal from the residence halls.

## 2.4 HEALTH AND SAFETY INSPECTIONS

### **A. Timeline:**

Residence Life and Housing staff will conduct Health and Safety Inspections once each month and again after residence halls close for each college break. During these inspections, Residence Life and Housing staff will complete an “open eye” or “plain sight” evaluation of each room on campus in an effort to identify items or conditions that are not conducive to a safe and healthy living environment.

### **B. Resident Responsibility:**

Students should check their housing assignment for a “Health and Safety Slip”. If a “pass” slip is received, continue on as before the inspection. If a “fail” slip is received, students should correct the violation prior to the follow up inspection, which will take place 24 to 48 hours after the initial inspection. Depending on the severity of the violation, residents may receive communication from the Office of Residence Life and Housing and/or the Conduct Office.

### **C. Violations and Item Confiscation:**

Should Residence Life and Housing staff identify items or conditions that are in violation of the college's Guide to Residential Living and/or the college's Code of Student Conduct, or are potentially a violation of local, state, and or/federal law, the Office of Campus Safety will be contacted to conduct a full search of the unit. Students will be documented, notified of said search and potentially sent through the Conduct Process.

## **RESIDENCE HALL GUIDELINES**

### **3.1 General Guidelines**

#### **A. Alcohol**

- a.** Students 21 years of age or older are permitted to consume alcohol in the privacy of their own housing assignment as long as no minors are present and the door to the hallway is closed. The possession and use of alcohol is prohibited in all designated "First Year" or "Wellness" residence halls or within any room or suite that is occupied by a student under the age of 21.
- b.** A room or suite that consist of a student of legal drinking age and a student under legal drinking age, the room or suite is considered "dry". No alcohol may be stored or consumed at these locations. The term "dry" – for this and for all student policy documents published and governed by the Division of Student Affairs – shall mean the prohibition of alcohol and/or alcohol containers (empty or full) within a student's housing assignment and/or, on their person should said student be under the age of 21 and/or, should said student be aged 21 years or older but resides in or is visiting a residence hall that prohibits the possession and/or use of alcohol.
- c.** Students under the age of 21 may not be present in a room where there are open alcohol containers, and no individual may possess amounts of alcohol that would be considered by the College to be unreasonable. In addition, students under the age of 21 may not store empty alcohol containers in their room under any circumstances.
- d.** Students under the age of 21 may not possess any objects that aid in the promotion of underage drinking, the mass consumption of alcohol (binge drinking), including but not limited to shot glasses, posters, flasks, signs, banners, etc.
  - a.** The consumption of alcohol is prohibited within all community-shared spaces (i.e. hallways, lounges, stairwells, community bathrooms, and kitchens). Alcohol may be consumed within the kitchen and living room areas of apartment style residence halls (Overlook and St. Regis Halls) as long all occupants or guests of these apartments are of legal drinking age and the door to the main hallway is closed. Consumption of alcohol is not permitted in any outdoor spaces on campus.
  - b.** Supplying alcohol to minors by students of any age is strictly prohibited, and such behavior will yield severe sanctions, including dismissal from the College.

## **B. Bicycles**

Bicycles may be stored outside on college provided racks. Bicycles cannot be left in hallways, stairwells, or common areas because of fire code regulations. Bicycle storage is not permitted in the residence halls' rooms unless agreed upon by all students residing in that room.

## **C. College Furniture**

All College furniture that is placed in a room will remain the responsibility of the occupants of that room. Furniture must stay in its original location. The College provides a bed, dresser, desk, desk chair, and, in some rooms, an armoire for every room. Whenever a student vacates his or her room, all furnishings must be in the room and in the original condition. Residents are not to remove furniture from lounges or public spaces.

## **D. Common Areas, Lounges, Kitchens, Laundry Facilities, and Shared Bathrooms**

Residents are expected to keep all common area spaces clean for themselves and for the other students in their communities. Students will be charged for excess cleaning or damage done to these areas.

## **E. Compliance & Respect**

To ensure safety for all community members at all times, residents and their guests must follow the directions of Paul Smith's College staff (Residence Life and Housing, Dining, Facilities, Campus Safety, etc.). Providing false information or failing to provide information to staff, interfering with staff while they are performing their duties, and/or being uncooperative or verbally abuse is a violation of the PSC Code of Conduct.

## **F. Damages**

- a. The student shall be personally responsible for the cost of repair for any damage which they personally inflicted upon their room or any other area of College-owned property, normal wear and tear excepted. A student is responsible for damages inflicted by their guest(s). A listing of the charges assessed for various damages or inadequate conditions is provided with the Housing Agreement to each student.
- b. Damage assessments made during the academic year, at the end of the academic year, when a student withdraws from College housing, and/or upon graduation from the College are the legal responsibility of the student and must be paid by the student upon presentation of the bill by the College. Failure to pay must result in a hold on a student's transcript or diploma and could result in the student's account being referred to a collection agency.
- c. When vandalism or damages not due to ordinary wear and tear occur in the residence halls, and the person/s responsible cannot be identified, the entire wing, floor, or building shares the cost of the repair or replacement. The following procedures apply:
  - i. The exact cost for repair or replacement as assessed by the Facilities Department will be divided by the number of residents in the housing unit.
  - ii. When vandalism or damage to Paul Smith's College property is deemed to have been done maliciously or with the intent to bully,

intimidate, or disrupt normal College operation, the person(s) responsible will be responsible for paying all charges assigned and may be removed from College housing, suspended from the Paul Smith's College campus, or both.

### **G. Drugs**

Possession, use, manufacturing, promotion, and/or sale of illegal drugs, mind altering substances, controlled substances, illegally obtained prescription drugs, or drug paraphernalia (bongs, bowls, pipes, hookahs, etc.), or any other substance banned under federal or state law is prohibited and grounds for termination of this agreement.

### **H. Hunting**

Hunting either in the Adirondack Park or on campus property may only occur in designated hunting areas. Dressing or butchering of any animals may not occur anywhere on the main campus or in the residence halls. Animals may be hung on campus but must not be visible from any road or walkway and remains must be disposed of properly. We have a rack behind the sawmill that student can use. The storing of non-processed fish or wild game is prohibited within all residence halls.

### **I. Keys**

All keys are the property of the College and are loaned to the students for their use while residing in the halls. A resident is not allowed to loan, sell, duplicate, or transfer any housing key to any person for any reason. Students are advised to keep their rooms locked and have their keys with them at all times. Missing keys should be reported to the Residence Life and Housing Office immediately. The first replaced key will result in a \$5 charge to the student's account. A second replaced key will result in a core change and a \$50 charge to the student's account. After a lock change has been recorded, the fee is not refundable even if the lost key is found. At the end of the year or when a student checks out of College housing, keys must be returned, or else the student's account is billed.

### **J. Lockouts**

In the event a student is locked out of their room, they should contact their roommate first to see if they can most easily be let in. Then, a Resident Assistant or Campus Safety.

### **K. Maintenance and Repair**

Facilities in need of repair or replacement should be brought to the immediate attention of the hall staff by filling out a maintenance request form. A work order will be completed and processed through The Office of Residence Life and Housing, and Facilities. Facilities personnel have the right to enter a student's room to make repairs during reasonable hours of the day. Given the nature of some repairs, staff may need access to a student's room immediately regardless of time of day. Every effort will be made to notify students in advance if immediate access to a student's room is necessary.

### **L. Noise**

Rules of common courtesy and respectful community living are in effect at all times. Members of the community may be asked at any time to limit the amount of noise they are creating. If noise can be heard in the hallway two doors away from the room creating it, the noise is too loud for the residential community. The Office of Residence Life and Housing considers "courtesy hours" to be in effect at all times. Should any student have a problem with the noise level in the residence halls,



their prerogative receives preferential treatment. During study days and final exam periods, 24-hour quiet hours are in effect in all College-owned halls and dwellings. Speakers or other amplified systems must be kept out of windows and not played in a manner that is disturbing to the community at large. Violations of the noise policy will result in conduct action and possible removal from the residence hall.

#### **M. Pets**

Only pets that can survive underwater 24 hours a day, seven days a week, in a fish tank 10 gallons or under are permissible in the residence halls or select pets in pet friendly housing in Saratoga Residence Hall. No other pets are permitted unless they are approved service or support animals, both of which must be approved by the Accommodative Services Office before an animal can be present in any residence hall.

#### **N. Room Décor**

Rooms must be left in the same condition as they were upon arrival. Room damages or decorating violations may be assessed at the resident's expense. Students are encouraged to add their own personal touches to their rooms, subject to the guidelines listed below. Materials that may create fire or health hazards and/or damage the facilities, such as dartboards, are not allowed. Students will be asked to remove any such materials.

- d. Screws and nails are not to be used to attach any items to any surface.
- e. Self-adhering cork boards or tile may not be used on any surface.
- f. Students are not permitted to paint their rooms. Students who paint their rooms will be charged to return the room to the original color.
- g. Students are permitted to use adhesive strips (such as command strips or hooks), and/or tack putty (commonly known as Fun Tac) to hang pictures or posters, provided they remove it when checking out of the room. Charges will be assessed for tape removal or any damage done to walls because of tape or adhesive. Double sided tape, duct tape or carpet tape may not be used.
- h. Objects may not be hung from the ceiling.
- i. Hanging or extending anything outside the windows is prohibited. Internal cables may not be spliced and/or run to individual rooms.
- j. Natural evergreen trees, boughs, and wreaths are not permitted in the residence halls.
- k. Any perishable items used for decoration must be properly disposed of in a timely manner. Residents must remove all winter seasonal decorations before leaving for December break.
- l. Taxidermies of any kind are not allowed within the residence halls.
- m. Furniture that has not been approved by Residence Life (e.g. futons) are not permitted within the residence halls.

#### **O. Smoking/Vaping**

All public campus buildings including residence halls are tobacco-free and smoke free, which includes vaping. Students found to be smoking and/or vaping or having smoked and/or vaped in a residence hall room will be subject to disciplinary action through the Office of Student Conduct.

#### **P. Storage**

If academic instruments such as culinary knives and drained, unassembled chain saws must be stored in a student's room, the items must be stored in a locked box and kept out of view from the roommate and any other person. White gas or any other forms of fuel are banned from the residence halls. Please contact your instructor or Campus Safety for storage options. The College is not responsible for providing storage for students during or between semesters. Students are encouraged to call local storage facilities early if storage options are needed.

#### **Q. Trash and Recyclables**

Each residence hall is equipped with a place to deposit bagged garbage and, in some cases, recyclable products as well. Students are responsible for disposing of trash and recyclables at the assigned collection points in their residence halls. Unsafe or unhealthy conditions from excessive amounts of trash in a resident's room or odors from trash emanating from a room may result in disciplinary actions.

#### **R. Visitors/Overnight Guests – due to COVID-19 only resident students will be able to visit each other with roommate approval. No outside guests will be permitted to visit on campus students in their rooms.**

A guest is defined as an individual not a part of the Paul Smith's Resident Student Community or any student desiring to stay in another student's room overnight. Guests must be of minimum age of 16 unless otherwise approved by the Vice President for Student Affairs and Campus Life. All guests must provide proper identification; however, potential guests under the age of 18 must submit an emergency contact number for a parent or guardian that will be contacted by a college official to verify the guest's identity and parental/guardian permission to stay on-campus as a guest.

Residents are responsible for the behavior of their guests and for informing their guests of all College policies and procedures. Guests are permitted if they do not constitute a problem for roommates or other residents. Should a roommate express concern about guests in their room, they will be given preference, and the guest will be asked to leave in a reasonable amount of time. All resident students are limited to hosting guests for no more than four days in a calendar month with at least one full week (7 days) between visits. Overnight stays are limited to two days at one time. Students are required to discuss guests with their roommates before they make definite plans. All roommates must agree to house an overnight guest by signing the overnight guest form in advance of the guest's stay. Paul Smith's College requires all guests to be under the supervision and care of their host at all times. Paul Smith's College prohibits infants or children to remain overnight in the residence halls, even under the direct supervision of a host, parent, or guardian.

A visitor is defined as a non-member of the Paul Smith's College student community who are allowed on campus between the hours of 6:00AM and 11:59PM. Upon their arrival to campus, a visitor must sign in with Campus Safety and obtain a parking pass if one is needed. Visitors are welcome to enjoy the beauty of Paul Smith's College as long as they maintain their actions with respect and civility. A visitor can be asked to leave the college at any time if they are found to be disruptive to our community. A visitor may not spend the night on campus unless they are hosted by a

Paul Smith's College resident student who has filed the proper overnight guest paperwork.

Former Paul Smith's College students are treated as outside guest/visitors and are bound by the above-mentioned policies. Overnight guests may not sleep in common areas such as lounges, hallways, laundry rooms, or suite living rooms. Guests are not permitted during early arrival, pre-season, and post-season times. Students who are suspended from the residence halls or removed by the disciplinary system for any reason are not permitted as guests in any residence hall at Paul Smith's College.

### **S. Windows**

**a.** Screens are not to be unhooked or removed from windows for any reason. Students will be charged for the re-installation of removed screens. This is enforced for the safety of the individuals living in the residence halls. If a screen is removed from weather or inanimate means, it is up to the student to contact their RA. If the student does not notify the RA it will be assumed that the student removed the screen and will subsequently be charged. Windows are not to be used as entrances or exits to and from buildings. If this action is found to have occurred, the student responsible will face disciplinary action through the Office of Student Conduct.

**b.** Items and objects are not to be thrown or poured from windows in any building. Items such as banners or sheets cannot be hung from roofs or windows or attached to the exterior of any residential building. Opening of residence hall windows during winter may cause damage to building water pipes. Students may be responsible for the costs associated with repairing damage from frozen pipes if they leave windows open for prolonged periods during the winter.

## **3.2 RESIDENCE HALL PROHIBITED ITEMS \*EXPANDED\***

This is a list of items that are prohibited within all on Campus Residence Halls. Students found with these items in their Residence Halls will be documented and referred to the Student Conduct System.

- Furniture
  - Lamps
    - Multi bulb lamps (Medusa lamps)
    - Halogen Lamps
    - Lava Lamps
  - Bean Bag Chairs
  - Recliners
  - Popasan (or wicker) Chairs
  - Resident Owned Mattresses/Bed Frames
  - Futons/Couches/Love Seats
- Fire Hazards
  - Fireworks
  - Power strips w/o fuse/circuit breaker
  - Multi-plug or cube adapters

- Air conditioners/ portable space heaters
- Electric Blankets
- Gasoline, Propane, and lighter fluid or any other combustible or flammable liquid or gas fuel
- Cooking Appliances
  - Cooking appliances including, but not limited to:
    - Toasters
    - Toaster ovens
    - George Foreman grills
    - Single burners
    - Electric pans
    - Hot pots
    - Crockpots
    - Any other item that has an open heating element
    - In addition, any appliance not maintained in a safe and approved manner is prohibited.

### **Exceptions for Suite Style Residence Halls**

In residence halls that are deemed Suite Style students are allowed to have the following appliances in the kitchen area of their suite as long as they are UL© approved and in good working condition:

- Toasters
- Toaster Ovens
- Crockpots

## **SAFETY AND SECURITY**

### **4.1 GENERAL SAFETY PRECAUTIONS**

- **Appliances**

The use of hazardous electrical appliances is not allowed in student rooms. Hazardous appliances include any appliance not in good working condition, and/or not UL© approved, as well as any appliance with an open heating element such as hot plates, broiler ovens, etc. These appliances may be used in designated kitchen areas only. Approved appliances are: fully enclosed electric, coffee/tea makers (enclosed heating element), rice cookers, microwaves up to 700w, and refrigerators up to 4 cubic feet. All microwaves on campus requires the addition of a Safe-T-Sensor to help prevent and reduce microwave cooking fires. These can be purchased at the college store.

- **Business/Solicitation**

Conducting private business from residence hall rooms, or from anywhere on College-owned property that is not for academic purposes is strictly forbidden.

- **Firearms/Weapons**

Weapons are prohibited on campus, this includes but is not limited to firearms, bows and arrows, wrist slingshots, paintball and airsoft guns, and blow darts. Paul Smith's College students may store hunting rifles, shotguns, muzzleloaders, bows, arrows (not including crossbow) and ammunition in the Armory during the fall semester, when registered with

the Office of Campus Safety; all items must be removed prior to winter break. See the Armory brochure, the Paul Smith's College website, or Campus Safety for more details regarding the Armory policy and procedures. The Director of Campus Safety may authorize individuals to possess firearms under specific condition for educational purposes. In these cases, the authorization will be provided in writing at least 7 days prior to the presentation/event/program.

## 4.2 FIRE SAFETY REGULATIONS

- **Fire Alarm Procedures**

If a fire is seen or smoke is present, sound the alarm, call Campus Safety at 518-327-6300. If a fire alarm sounds, all occupants of the hall **must** leave the building via the nearest exit. Before leaving, residents should follow these steps:

1. Feel the door before opening it to determine if it is hot. If the door is hot, do not open the door. Place a towel at the bottom of the door to keep out the smoke. Hang a sheet out the window to attract the attention of fire fighters.
2. If the door is not hot, open it slowly. If there is excessive heat or smoke in the hallway, return to the room and close door.
3. Before leaving the room, put on shoes and a coat, close all windows, turn off the lights and shut the door.
4. Exit by way of the nearest useable stairway or door. If smoke conditions are present, stay as low as possible.
5. Once outside, stand clear of the building. Stay approximately 50 feet from the building. Meet at the designated location and follow the instructions of the Resident Assistant, Campus Safety Officer, or other College Official or authority. Do not leave the location without checking with the designee, as a headcount must be taken to account for occupants.
6. Do not re-enter the building until instructed by Campus Safety personnel.  
**Due to COVID-19, everyone must wear a mask when evacuating. Evacuees should evacuate in a single-file line, keeping 6 feet apart, unless it is unsafe to do so. While waiting at the meeting point, evacuees must continue to wear a mask, line up in a single-file line, and keep 6 feet apart.**

- **Fire & Security Devices**

Tampering with fire prevention and security devices creates a severe safety hazard; this includes alarms, exit signs, fire extinguishers, smoke, heat or CO detectors, sprinklers, manual pull station, emergency exit alarm, fire doors and automatic door closers. Any resident who tampers with these devices will be referred for disciplinary action and/or civil prosecution, which may result in termination of the resident's housing contract or affect the status of the student at the College. The cost incurred for any damage caused by the misuse of fire equipment will be passed along to the student(s) involved. Any fires no matter how quickly it is put out deliberately set constitute arson and will be grounds for disciplinary action and/or charges. Creating false fire alarms is a danger to the residents of the community. Disciplinary action will result from such behavior.

- **Fire Safety**

- Intentionally pulling a fire alarm when no known fire exists is against the law and will result in disciplinary action and could also result in criminal charges.

- Not evacuating a building during a fire alarm is against College policy. Staff members are not responsible for evacuating residents. Students will be fined for not evacuating and will be subject to disciplinary action.
- Doors must be able to open at least 90 degrees.
- There must be clear access from the door to the room and the window must be accessible for safe and quick evacuation from the room.
  - For example, an armoire cannot be set up in the middle of the room, which prevents clear sight into the room.
- Creating situations that endanger the quick evacuation of a room or building (tampering with locks or obstructing an exit) is prohibited.
- Hanging from or hanging anything on sprinkler heads or pipes is not permitted.
- Nothing can be hung from the ceiling or taped to the ceiling.
- Nothing can be run across or taped to the floor or door.
  - For example, cords cannot be running across the floor and/or taped to the floor.
- Tapestries cannot be hung on walls, doorways, windows, ceilings, or beds.
- The walls of residence hall rooms and suites cannot be overloaded with “combustible” materials.
  - For example, it is not permitted to cover an entire wall with posters.
- Items stored within a residence hall must be at least two feet from the ceiling.
- Outlets cannot be overloaded.
- Power strips with surge protectors that have a built-in fuse/circuit breaker are the only power strips allowed in the residence halls.
  - They cannot be linked together; purchase one cord that is long enough for your purposes.
  - Extension cords are not permitted.
- Fuel is not permitted in residence halls.
- No natural vegetation of a combustible nature (e.g. Christmas trees and evergreen boughs) will be permitted.
- The burning of candles or incense is not permitted in any College-owned residence. Additionally, candles, wax burners, and incense are not permitted in residence halls, including for decoration only. Students with religious observance needs should contact the Coordinator of Residence Life.
- Students are not permitted to use halogen lights or lamps in any College-owned residence.
- Lamps must have lightbulbs with the correct wattage for the lamp and cannot exceed the wattage limit for the specific lamp.
- Christmas lights are allowed in residence hall rooms, as long as they do not run across the windows, doorways, ceiling, or floors; and are not installed in any way that could cause a tripping hazard.
  - Vaporizers, including vape pens, e-cigarettes, and JUULs are not permitted in residence halls.

### 4.3 RESIDENCE HALL SECURITY

- **Personal Safety Tips**

The College's security program in the residence halls is a partnership between the student and the College. The College has the responsibility for maintaining a safe environment that includes but is not limited to working door locks, fire alarms and extinguishers, and education and awareness programming on issues of safety. Students have a similar responsibility to be aware of potentially dangerous situations. This requires their cooperation to always lock their doors, to report suspicious persons and activity, unsafe or damaged equipment, and to do their part in being aware of what is going on around them. Only individuals who are approved by the College may enter the residence halls. Students are not to allow unknown individuals into any residence halls.

Safety and security are important issues for students at any college. Paul Smith's College is located in a remote, rural area. When venturing out, either on- or off-campus, it is suggested that students walk with friends. Students are reminded that Campus Safety provides safety escorts to any student on campus. It is important that individuals take an active role in the safety and security on campus, in the residence halls, and on the whole campus. Report all crimes and violations, incidents and suspicious persons and activities to the Campus Safety Office immediately. Campus Safety Officers will assist you in making a report to the New York State Police, if needed or required.

#### **H. Room Entry and Search**

The College respects student privacy: however, the College reserves the right to enter any Unit without prior notification. The Paul Smith's College or its agent shall also have the right to enter a student's dwelling under the following stipulations:

- A. To make necessary repairs or maintenance at any time so as to prevent further damage.
- B. In emergency circumstances when imminent danger to life, health, safety, or property is reasonably feared or where emergency entrance is permitted.
- C. In circumstances when it is suspected that a violation of Paul Smith's College or Residence Life Policy is taking place.
- D. During the following vacation periods: Thanksgiving, Winter Break, and Spring Break.
- E. The College will make a general check of all rooms periodically throughout the year, including during monthly health and safety inspections and fire/evacuation drills mandated by state law.
- F. College and appropriate personnel have the right to search any Unit and all of its contents if it is suspected that a violation of College policy, law, or other housing regulations has occurred or is occurring. Students will be asked to open private bags, containers, lock boxes, or other holding devices. If the student declines this request, the item will be confiscated, and the declination will be seen as a presumption of guilt.

Illegal materials or items in plain view may be addressed with the resident(s) of the room if they are noticed in the course of room maintenance, room inspections, or in response to violation of College policy. Should such items be discovered during room inspections, these items may be confiscated by Campus Safety or the Resident Assistant staff, and a room search may be subsequently be conducted by Campus Safety. Disciplinary action will be taken.

In all cases involving suspected violation of College regulations where the resident of the room is not present, rooms will be entered by at least two individuals representing Residence Life and Housing professional staff, Residence Life and Housing student staff,

Campus Safety, or Student Affairs whenever possible. Additionally, it is preferred by those representatives of the areas noted above to enter a unit/housing assignment in partnership with another representative of a different office (EXAMPLE: Residence Life and Housing student staff with Campus Safety); however, the availability of such representatives will be the determining factor, and the health and safety of the student community is considered paramount. Confiscated items will be listed in the Campus Safety report, and any items that are legal, safe, and not part of an on-going investigation may be eligible to be returned to the student.

If students believe that their room has been entered inappropriately by a college official, they are encouraged to notify the Vice President for Student Affairs and Campus Life. Resident Assistants should be conducting “open eye” room reviews for items that may be in plain view.

**I. Theft**

The College does not cover cost of lost, stolen, or damaged personal property. Students should lock their rooms at all times when away, even for a few minutes. If a theft occurs in a residence hall, report it immediately to Campus Safety Office. Computers, stereos, bicycles, and other valuables should be engraved with a unique identifying number such as a PSC ID Number. An engraving tool is available at Campus Safety. Law enforcement officials suggest individuals do not use Social Security numbers for identification purposes. Students are strongly advised to assure that their personal property is insured either as a part of their family’s homeowner’s policy, by renter’s insurance, or by personal property insurance.

**K. Residence Hall Evacuation**

Students should become familiar with the residence hall evacuation procedures that will be made available to them. Each building has a designated meeting location. If students are unaware of this procedure, they should follow the directives of the residence hall staff and Campus Safety for their personal safety. Floor plans with evacuation routes are located on the inside of every room door. Removing, tampering, or damaging the floor plan will result in disciplinary actions.

**Available On Campus Housing for the 2020-2021 Academic Year**  
**5.1 2019-2020 Housing Costs**

Rooms – Tier 1: Currier, Livermore, LMS, Saratoga	\$7,040
Rooms – Tier 2: Hillside, Alumni, Essex, Franklin, Lambert	\$8,760
Suites/Room – Tier 3: Upper & Lower St. Regis, Overlook	\$10,840
Board (Tiers 1 and 2)	\$5,960
Board (Tier 3)	\$5,400

**5.2 2020-2021 Housing Availability**



- **Tier 1:**
  - Currier Residence Hall** – This co-ed hall houses approximately 100 first year students and is located in the center of campus. In traditional residence hall style, this building consists of long hallways and common bathrooms and lounges. Currier is often set aside for our incoming first-year students.
  - Lydia Martin Smith (LMS) Residence Hall** – This co-ed building houses approximately 100 students and provides its residents with a lounge, kitchen, and laundry service along with a common bathroom on each floor.
  - Saratoga Residence Hall** – Located at the highest elevation on campus, this building houses approximately 100 students in both double and large triple rooms and provides them with a lounge, kitchen, and laundry services

## B. Tier 2

**Alumni Residence Hall** – Located on the east end of campus, Alumni consists of 10 rooms, housing 4 students in each room. The rooms are carpeted, and internet and cable are provided.

**Blum Residence Hall** – Blum houses approximately 18 upperclassmen students. Each Room has either its own or a jack and jill bathroom. Blum Hall also offers a lounge, laundry room, a wrap-around deck, and a view of the lake.

**Essex Residence Hall** – Essex Hall houses approximately 36 upperclassmen students. Each room has its own bathroom, and there is a lounge and laundry facility located on the first floor.

**Franklin Residence Hall** – Housing approximately 38 transfer students. Each room has its own bathroom, and there is a lounge and laundry facility located on the first floor.

**Hillside Residence Hall** – Hillside houses approximately 50 upperclassmen students. Every two rooms are connected by a bathroom. A kitchen, lounge, and study area are also available to students in this hall.

**Lambert Residence Hall** – Lambert houses approximately 20 upperclassmen students. Each room has its own bathroom. Lambert Hall also offers a lounge, laundry service, and a wrap-around deck.

## C. Tier 3

**Upper / Lower St. Regis Halls**- These apartment-style residence halls offer students the opportunity to have their own bedroom within a four-person apartment. Each apartment is equipped with a full kitchen, living room, and two full bathrooms.

**Overlook Hall**- Overlook Hall is an apartment-style residence hall similar to both the Upper and Lower St. Regis residence halls.

## Chapter 9

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### Campus Offices and Student Services

#### 9.1 Student Affairs

The Vice President for Student Affairs and Campus Life oversees the offices of Residence Life and Housing, Student Activities, New Student Orientation and Conduct, Counseling Center, and Health Services. They ensure that students at Paul Smith's College are given every opportunity to succeed. It is the job of the Vice President for Student Affairs and Campus Life to provide students with a safe and healthy living and learning environment in collaboration with Campus Safety and other student service departments. They also represent the concerns of the students to the administration and works closely with the Title IX Coordinator and the Office of the Provost.

#### 9.2 Office of Residence Life and Housing

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

#### **Mission Statement and Values:**

The Mission Statement of the Office of Residence Life is to provide an environment which enhances student learning and individual growth by facilitating relationships and programs intended to develop characteristics desirable in a person educated at Paul Smith's.

These characteristics include: a commitment to civic responsibility, an appreciation for diversity, critical thinking skills, an appreciation for life-long learning, and the ability to

be in healthy, productive relationships. This learning should occur within a secure living environment that encourages cooperation and responsible decision making.

The Office of Residence Life and Housing is committed to the following values:

- Facilitating an environment that allows students to be academically successful
- Providing leadership opportunities for residents and other opportunities for involvement
- Providing inclusive programming that enhances classroom learning and challenges students intellectually, spiritually, physically, and socially
- Creating communities that are free of harassment and are based on respect and an appreciation of differences
- Providing activities that allow students to build relationships with each other and lead to tight-knit communities
- Providing an environment in which students do not have to suffer the second-hand effects of alcohol and other substance abuse.
- Creating opportunities for students to have fun
- Creating a disciplined community that is fair and just
- Maintaining facilities which are secure, healthy, and clean
- Working collaboratively with Maintenance, Security, Dining Services, Student Activities, and Campus Life departments, faculty, and other departments on campus to provide an environment that maximizes students' potential for personal and academic success.

### 9.3 Student Activities

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

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

All students are welcome at all Student Activities events, and the clubs recognized by

SGA and Student Activities are open to any students who wish to join. Only academic honor societies have a minimum grade point average required for membership.

### **Regulations for Clubs and Organizations**

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

*Club officers/advisors are required by the compliance office.*

- Every club or student organization must have a faculty or staff advisor to guide the club in its activities.
- Alcohol and/or drugs are not allowed at any College-sponsored Student Activities event, regardless of the age of the participants and/or where the event is held; except in the Bobcat café bar when it is open.
- Groups may not sponsor events at which alcohol is served, and no College funds may be used to purchase alcohol. Drugs are forbidden at any club-sponsored events.
- Clubs and student groups are welcome to sponsor activities and trips off-campus, as long as they are approved in advance by the Coordinator of Student Activities and comply with the College's regulations for approved drivers and long-distance travel. Overnight trips must be accompanied by a faculty or staff member for liability reasons.
- The College reserves the right to limit activities or events that create unacceptable risks for students or the College.
- All reasonable precautions will be taken to make all activities and events sponsored by the College as safe as possible, but students participate at their own risk.
- Clubs and organizations that are funded by Student Government or Student Activities must have advance approval for expenditures by the club's advisor and the Coordinator of Student Activities.
- All club-initiated or -sponsored fundraising efforts must be approved in advance by the Coordinator of Student Activities.
- No club or organization shall engage in hazing or hazing-type behavior, whether required as a condition for membership, expected as part of a group tradition, or carried out as a spontaneous action. Hazing is defined as: any activity or situation that recklessly or intentionally endangers the physical or mental health of anyone. This involves but is not limited to the forced or coerced ingestion of alcohol or any other substance or drug or that interferes with anyone's academic obligations. New York State law prohibits hazing. Any student who feels they have been subjected to hazing is encouraged to bring the matter to the attention of a member of the Student Life Staff.
- Recognized Student Clubs may not maintain an off-campus savings/checking account through any off-campus banking system.
- All Clubs and Organizations can be contacted through the Student Activities Office.

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

### **Soliciting Business**

The Vice President for Student Affairs and Campus Life must approve all acts of solicitation, sales and business ventures, and distribution of sales or advertising materials on the College grounds.

### **Credit Card Marketing**

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

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

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

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

- The marketer shall register with the Office of the Vice President of Business and Finance and receive express written authorization to be on campus property for the purpose of advertising, marketing, or merchandising of credit cards.
- The marketer shall be restricted to the hours specified by the college administration.
- There shall be no posting of flyers, posters, or other forms of information on any college property for the purpose of advertising, marketing, or

merchandising of credit cards, except on the day the marketer is on the campus, provided that it is limited to the immediate vicinity where the marketer has permission to operate.

- There shall be no inducement or gifts provided to the student in exchange for completing a credit card application.
- The marketer shall provide to each student applying for a credit card a pamphlet that provides students with information about good credit management practices, including how to access any information or services provided by the New York State Consumer Protection Board.

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

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

### **Advertisement Policy**

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

### **Hazing**

Is punishable under New York State Law as follows:

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

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

The College forbids hazing and all other activities that interfere with the personal liberty of an individual. The College defines hazing as any action taken or situation created,

whether on or off College premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purposes of initiation into, affiliation with, admission to, or as a condition for continued membership in a group, team, club, or other organization. Such actions and situation may include but are not limited to the following:

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

#### **9.4 Athletics; Recreation & Intramurals**

*Requires training from the Compliance Office before any athletic participation.*

Saunders Sports Complex is the home to not only the college's athletic teams but much of the campuses recreation and fitness opportunities. The two gymnasiums (Saunders and Buxton) anchor the complex are supported by several specialized spaces to allow varied use including: a 25-yard saline pool, fitness center, group movement space, rock climbing wall, athlete's lounge, classroom and locker rooms. Many group exercises sessions are scheduled in the pool and the dance room. You can simply "drop-in" and participate under the guidance of a qualified instructor.

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

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

other trips to help the campus get outside in our beautiful location.

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

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

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

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

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

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

## **9.5 Campus Dining Services**



Sodexo operates all of the College's dining services including the operation of the Lakeside Dining Hall and the Bobcat facility.

**A. Meal Plans Campus Dining Services**

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

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

- 25 meal plan blocks
- 50 meal plan blocks

Commuter students and visitors to the College may eat in the Lakeside Dining Hall and Hutchins' Café Simply-to-Go for cash or Bobcat Cash.

**B. Lakeside Dining Hall ID Cards**

All students must show a valid PSC ID card at the door in order enter Lakeside Dining Hall. If an ID card is lost or stolen, it must be reported to Campus Dining Services immediately. A replacement ID card may be obtained by the student at the Campus Safety Office.

**C. Special Meals**

Theme meals are provided on a regular basis, and to ensure that students are receiving services that adequate to their needs, the Student Food Service Committee is open to all students, to discuss changes and concern with the dining hall.

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

**D. Sick Pass**

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

**E. Food Take-Out Policy**

Lakeside Dining Hall is an "all you can eat" facility. Other than bag lunches and sick trays, food, beverage, and utensils may NOT be removed from the dining hall unless you are participating in the Eco-Wave program. A nominal \$10.00 buy in charge allows you access to reusable to go containers to take hot meals from the Dining hall.

To assure that meals are a pleasant and orderly experience for everyone, all students should respect the rules of the Dining Hall by taking their turns in line,

bussing their own plates and being polite to staff and other students. The Lakeside Dining Hall, Hutching's Café and Bobcat Café are all non-smoking areas.

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

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

## 9.6 Student Health Services

### A. Vision:

Student Health Services (SHS) envisions an environment for learning that fosters change and growth in students, with emphasis on increasing independence and self-determination; where the student becomes engaged in the process, assuming responsibility for their life choices.

### B. Mission:

Student Health Services (SHS) strives to keep the student fully engaged in the learning environment at PSC, while assisting with their health and wellness concerns and/or challenges. Great care is taken to not over assist the student, providing care only to the degree necessary, in order to promote self-care and growth. SHS enables rather than hinders the process of becoming a fully functioning, independent adult capable of making sound decisions and dealing with the consequences of those choices. SHS is an acute care clinic, providing assessment, testing, diagnosis, and treatment. It is not a specialty or chronic care facility but will work in concert with the student's primary and/or specialty provider to ensure continuity of care while away from home.

### C. Requirements:

Any new student, taking 6 or more credits at Paul Smith's college (PSC), is required to complete the onboarding process via the Health Portal, at least two weeks prior to the start of classes. The information needed includes a new physical, obtained within 1 year prior to their first day of classes, as well as an up to date list of NYSDOH mandated immunizations. If exemption on religious or medical grounds is sought, the appropriate paperwork must be completed by the student (or parent, if the student is underage) and submitted to the Chair of the MAP Committee, Vanessa Case, for review prior to the start of the semester. Any student that is granted religious or medical exemption from vaccination should know that they may be asked to leave the campus should an outbreak of vaccine preventable disease occur, until such a time that the Department of Public Health deems it appropriate for them to return. Please note that this may be in excess of two weeks.

Any student that either graduates or leaves the college, but decides to return, must submit new forms via the Health portal, and complete the onboarding process for SHS, prior to

the start of classes. A new physical obtained prior to 1 year of reentry, as well as up to date immunizations are part of the requirements.

Any student that is seeking a medical withdrawal, has medically withdrawn, or is seeking a medical single room, must submit the proper forms to the chair of the MAP Committee for consideration by the designated times. Any student, participating in a sport while at PSC, must complete a yearly sport physical after the initial entry physical provided for their freshman year. This may be obtained through SHS. It should be understood that SHS will share with the Athletic Director/specific coach/trainer, the date of last known physical, and/or ability to participate, and/or degree of restriction if any, and/or treatment to be followed, if any, should a health condition restrict and/or minimize ability, whether temporary or permanent.

If any student athlete has been injured, they must be cleared by the medical representative. A medical representative includes SHS or the sports trainer from Adirondack Health. The required paperwork from either office must be in place for a student to return to practice and/or play. If treatment was received from an off campus medical source, all documents for diagnosis, treatment, prognosis, and plan must be forwarded to SHS and an appointment made to review with the Director of Student Health Services and the in house medical representative, prior to return to practice and/or play.

**D. Contact Information:**

Mailing Address: Paul Smith's College  
Attention: Student Health Services  
7777 State Routes 30 & 86  
PO Box 265  
Paul Smiths, New York 12907

Office Manager: Annabelle Abbadessa  
(518)-327-6319 (P)  
(518)-327-6309 (F)  
[aabadessa@paulsmiths.edu](mailto:aabadessa@paulsmiths.edu)

Director of Student Health Services: Abigail Smith, RN  
(518)-327-6349(P)  
(518)-327-6309(F)  
[Asmith5@paulsmiths.edu](mailto:Asmith5@paulsmiths.edu)

**E. Basics of SHS:**

Student Health Services (SHS) is available for use by all PSC students regardless of insurance type. There is no charge to see the nurse or the doctor. However, there may be a nominal fee for optional items such as: medication, allergy serum administration, vaccination, supportive devices, or in-house labs. It is important to note that SHS does not bill insurance. Any fee incurred at SHS, will be billed to the student's account under "infirmery charge".

During the Spring and Fall semesters, clinic hours for SHS are Monday Friday 0730-1530 (7:30 AM to 3:30 PM). The Director of SHS is an RN, who is available to attend walk-ins daily during clinic hours. A medical representative from Adirondack Health, either a doctor or a physician's assistant, is available Monday, Wednesday, and Friday from 0900-1100 (9:00 AM to 11:00 PM). However, doctor hours appointment are scheduled after triage by the RN, and due to the tight scheduling, walk-ins are discouraged at this time.

Note: There are no office hours for the summer, weekends, or when the college is closed.

Some of the services that are offered at Student Health Services are:

- Basic assessment and treatment options
- Blood pressure screening/tracking
- Reproductive health care needs, including emergency contraception
- Basic OTC medications and supportive devices
- Allergy serum administration
- Immunizations (Influenza, Hep A, Hep B, Meningitis, Tetanus)
- Rapid tests (Mono, Strep, Pregnancy, Influenza, Urinalysis)
- Prescription processing
- Nebulizer treatment
- Tuberculosis screening and treatment (PPD)
- Nicotine Replacement Therapy/Tobacco cessation counseling
- Vision testing
- Glucose testing
- Confidential HIV and STI testing and counseling
- Sports physicals
- Coordination of care with other specialty offices and/or hometown practitioners
- Assistive devices that are able to be checked out while the need is present.

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

SHS strives to work hand-in-hand with the student's hometown provider to assure continuity of care. Orders for labs or change in treatment may be faxed to SHS at: (518)-327-6309. Orders for new prescriptions may be sent to either SHS or directly to the Post Office Pharmacy at: (518)-891-2233 (p) (518)-8917-069 (f) Should regular communication be required to share information back and forth, between SHS and a specialist or Primary Care Provider, the student should initiate a release of information form through SHS.

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

appropriate treatment, with a signed release.

#### **F. Medications/Substances:**

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

If a refill of medication is needed, the student should present to SHS with a minimum of 4 to 5 days' worth of medication remaining. This ensures that even if it is late on the start of a 3-day weekend, medications will arrive to the student before they run out.

Prescription medications and requested over-the-counter medications are dispensed from, Kinney's, in Saranac Lake.

Phone: (518)-891-3132, Fax: (518)-891-6811.

Medications come out to the campus Monday through Friday, on an as needed basis, in early morning, and must be picked up in the SHS office. It is up to the student to pick their medications in a timely fashion. Medications will not be returned to the pharmacy. If left in the office, they will be destroyed by SHS at the end of the semester. Any amount due, be it copay or cash amount, will be billed to the individual student's account as an "infirmarium charge".

If the prescription needing to be refilled was not originally dispensed from the Post Office Pharmacy, please bring the original bottle/box with the dispensing pharmacy's information to SHS when requesting a refill. If there are no more fills remaining on a prescription, allow time to be scheduled into an open doctor appointment or for your Primary Care Provider to be contacted to initiate a new prescription on your behalf.

Any student that administers injectable medication must use approved sharps containers to dispose of used needle/syringes. These containers should be stored safely away from others when in the dorms and may be dropped to SHS for proper medical waste disposal. A new one may also be obtained from SHS at that time.

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

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

#### **G. Insurance:**

All students are required to have health insurance. A copy of the insurance card, front and back, should be uploaded to the Health Portal as part of the onboarding process.

Whenever the insurance is changed or updated, the new card should be shared with SHS.

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

A secondary insurance coverage is provided by Paul Smith College for athletes who require medical attention as a direct result of their involvement in an approved athletics program. The student athlete's primary insurance must be used first before the college's secondary insurance will pick up. Any questions regarding this should be directed to the Athletic Director or risk management at: (518)-327-6226. Students, who have private insurance, are responsible for knowing what their policy covers, initiating their own claims, and following the requirements of their HMO or insurance carrier. It is suggested that prior to arrival at PSC, the student contact their insurance carrier to discuss how best to cover their need, if while at PSC they fall outside their network.

#### **H. Medical Transportation:**

There is no off-campus transportation provided to medical care by either SHS or Campus Safety. However, Campus Safety can be contacted at (518)-327-6300 and they will provide transport on campus to SHS during clinic hours. If the clinic is closed or the student desires, due to the nature of the injury, Campus Safety will call for a crew from the Paul Smith's-Gabriel's Volunteer Fire Department. All transports by the ambulance are to the Adirondack Health in Saranac Lake, New York. (518)-891-4141 (ext. 1 for ER).

SHS will help with scheduling any necessary specialty appointments off campus, such as: dental, mental health, physical therapist, and orthopedist. However, students are expected to arrange their own transportation for any off-campus appointment.

#### **I. Excused Absences:**

Class excuses are not the responsibility of SHS. The student's professor determines the acceptability of all absences from their class. They do suggest that if a student is ill and feels the need to miss their class, to go to SHS where they will be assessed, treated accordingly, and provided with a slip indicating the date and time they were at SHS. SHS is unable to back date notes, students must be seen within the office before or during their missed class. It is the student's responsibility to communicate with their instructor, their reason for absence, present the slip from SHS, and discuss when or if a makeup class is possible, as well as how this absence will affect their grade overall. On occasion, a doctor's note is given to excuse a student from class for a period of time due to the type and severity of condition diagnosed. SHS will assist with instructor notification if the student will be out of class for more than 2 days. If an outside doctor diagnoses and requests time away from class, it is the student's responsibility to ensure those clinic notes, complete with diagnosis and treatment, arrive at SHS to legitimize the absence, so that SHS can help confirm the need. It is also the student's responsibility to communicate

with their instructor(s) throughout any absence, keeping them updated on their progress and expected return date, and keeping up with assignments as they are medically able.

#### **J. Accommodation:**

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

#### **K. Medical Records:**

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

#### **L. Health Risks of Alcohol and Illegal Drugs**

**Alcohol**— Alcohol is an addictive drug that acts to depress central nervous system functioning. Although its effects vary among individuals, alcohol generally decreases alertness, impairs judgement, and reduces physical coordination and muscle control. People who consume larger quantities of alcohol can experience blackouts and severely impaired mental functions, including memory loss. Unconsciously, respiratory arrest, coma, and death are possible consequences of high level of alcohol consumption. Drinking is strongly associated with other high-risk conditions including being involved in car accidents or acquiring a sexually transmitted disease from risky sexual activity. Heavy drinking often increases the likelihood of violent behavior, which includes sexual assault, date rape and fighting. Long-term drinking can result in addiction and physical damage such as heart disease, liver disease and ulcers. Physical signs of alcohol abuse can include, experiencing temporary blackouts or short-term memory loss, feeling hungover when not drinking, gradual or sudden deterioration of a person's physical appearance and overall hygiene. Behavioral changes can also occur, these can include irritability and extreme mood swings, making excuses for their drinking, becoming isolated or distant from friends and family, switching friend groups, impairing interpersonal relationships, or beginning to drink alone or in secrecy. People abusing alcohol can also develop a level of dysfunction in their life, either in job performance or schoolwork; or by simply choosing drinking over other responsibilities and obligations. Be aware, these symptoms may be independent or co-existing. Signs of alcohol abuse will generally 'snow-ball' and often increase behavioral issues further on.<sup>1</sup>

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<sup>1</sup> Alcohol Rehab Guide

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

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

**Marijuana** – Marijuana, also known as cannabis, when used incorrectly can have a negative impact on a person’s life. Signs of marijuana use are rapid, loud talking with bursts of laughter in early stages of intoxication followed with sleepy or stupor in the later stages, as well as inflammation in the whites of eyes coupled with dilated pupils. People who use marijuana will eat outside of regular mealtimes or eat excessive amounts in one sitting. Signs of long-term marijuana abuse can include forgetfulness, diminished performance in school, at work or in other responsibilities. It can also include the withdrawal from friends, family, classmates, and coworkers; while also possibly changing friend groups to spend more time with people who also use marijuana or other drugs.

The possibility of a marijuana overdose is rare, and while not life-threatening with the legalization of it in some states overdoses have increased in recent years; in illegal states, like New York, the inability to correctly label dosages can allow overdoses of marijuana to happen. Signs of marijuana overdose include paranoia and/or hallucinations, uncontrollable shaking or seizures, unresponsiveness, and extreme anxiety which can be in the form, or lead to, a panic attack.<sup>3</sup>

**Stimulants**—Stimulants, also called uppers, can temporarily increase alertness and energy. The most common types of can be stimulants are cocaine and amphetamines. College students generally will abuse prescription drugs such as Adderall.<sup>4</sup> Physical symptoms of stimulant abuse will include pupil dilation, dry mucus membranes of the nose, mouth and lip, excessive activity with the difficulty of sitting still with a lack of

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<sup>2</sup> American Addictions Center

<sup>3</sup> American Addiction Centers

<sup>4</sup> Drug-Free World



interest in food or sleep, weight loss, and increased blood pressure, heart rate and respiratory rate. People will experience behavioral changes such as nervousness, irritability, becoming argumentative, and/ or experiencing psychosis or paranoia.

It is possible to overdose on stimulants, facing not only stroke and heart failure, but also death.<sup>5</sup>

**Depressants**— Depressants, also called downers, are generally prescription drug tablets. Commonly abused depressant prescription drugs are Xanax, Valium, Ativan and many others. People who abuse depressants often have to increase their dosage in order to achieve the same high as before.<sup>6</sup> People experiencing a depressant high have similar comparisons to a person experiencing alcohol intoxication without the alcohol odor on their breath. Physical signs of depressant abuse are slurred speech, poor coordination, difficulty concentrating and forgetfulness, and low heart rate, blood pressure and respiratory rate. Behavior changes will include a lowered inhibition, much like alcohol.

Signs of a depressant overdose would be a decreased respiratory rate and loss of consciousness. When combined with alcohol use, depressants can become life threatening at much lower doses.<sup>7</sup>

**Hallucinogens**— Hallucinogen drugs, such as LSD, psilocybin and DMT, can disrupt a person's ability to think or communicate rationally, which can result in dangerous behaviors.<sup>8</sup> Someone who is using a hallucinogenic will have physical effects such as dilated pupils, warm skin and perspiration, impaired motor functions, loss of memory and neural functions, and distorted sense of sight, touch and a distorted sense of self and time. Behavioral changes will be dependent on the emotional state of the user, and unpredictable flashback episodes can occur long after withdrawal has taken place.

Abusing a hallucinogen to the point of overdose can have mental effects such as anxiety and nervous hysteria. The person will also experience traumatic, life-threatening physical effects such as seizures, coma, stroke, analgesia, loss of hemostasis (being unable to regulate body temperature), and rapid heart rate, so much so, that it can strain the heart/cardiovascular system.<sup>9</sup>

**Opioids**— This classifies that not only covers the illegal drugs heroin and fentanyl, but also prescription drugs like OxyContin, Vicodin and morphine.<sup>10</sup> Physical signs of Opioid abuse include constricted pupils, slowed and shallow breathing, signs of intravenous use (needle marks) which often leads to vein damage. Behavior changes include sudden and dramatic mood changes, increased depression and anxiety, hallucinations, impulsive actions, and decision making, increased dangerous behavior, including increased risk for exposure to HIV/AIDS.

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5 National Institute of Drug Abuse

6 Drug-Free World

7 National Institute of Drug Abuse

8 National Institute of Drug Abuse

9 Drug and Wellness Institute

10 National Institute of Drug Abuse

Overdosing on opioids can be fatal. A person who has overdosed on opioids would have a loss of consciousness and unresponsiveness, they would have a decreased respiration that would progress to no signs of breathing, a decreasing pulse rate and constricted pupils.<sup>11</sup>

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

If a student arrives to class under the influence and emits the smells of alcohol or pot, seems disorientated, uncoordinated/unsteady, is pale and sweaty, and has bloodshot eyes then this student may be in a state of acute substance intoxication or withdrawal from substances and needs attention immediately. Calmly suggest to the student that they should seek out Health Services instead of attending class that day. If the student's condition makes you feel uncomfortable with sending them alone, please accompany them or ask another student to do so.

### 9.7 Student Counseling Center

The Student Counseling Center, located in Joan Weill Student Center room #017, provides students with confidential counseling, personal development, and health education at Paul Smith's. All services are free to students of the College. The counseling activities are designed to help students better understand themselves, deal with important decisions, and resolve personal, social, career, and study problems that can interfere with their educational goals. Services include counseling (for issues such as depression, anxiety, relationships, family concerns, grief, academic concerns, harassment, etc.), crisis intervention, referrals, choice of major, setting career goals, and making career changes. Support and educational counseling for alcohol and other drug issues is available. Additional services include workshops on issues such as stress management, freshman transition issues, support groups, prevention campaigns, and residence hall programming. The office partners with Sexual Assault Services of Planned Parenthood of the North Country New York, Inc. to provide a confidential reporting source, advocacy, and supportive counseling for rape and sexual harassment, and education.

The Student Counseling Center also coordinates non-academic services to students with special needs. It aids in obtaining documentation and accommodations for psychiatric concerns, working closely with the Office of Accommodative Services to provide counseling and/or any non-academic accommodations that might be required. The office provides health education information and programs on issues such as substances, safer sex, mental health issues, and stress, as well as facilitating the peer educators. This group conducts programs on issues such as harassment, rape, sexual health, substances, relationships, and communication, etc. They also encourage wellness and healthy activities, and work to build community at the college.

The **SAFE Program** (Substance Assessment for Education) is a program of individual assessment and education for students who have had at least one alcohol or other drug

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<sup>11</sup> American Academy of Family Physicians

violation. The purpose of the program is to keep the student enrolled, and to prevent substances from interfering with the student's academic and life goals. The SAFE program is not considered to be an AA program, a punishment, nor an assumption that the student has a serious problem with drugs and/or alcohol. It enables a student to assess their use, look for possible problems, and receive some information about substances. SAFE is an assessment which helps students to look at their decisions to use either alcohol or drugs with a counselor, evaluate that use, make informed decisions, recognize abusive behavior, and give the student more information about alcohol and/or drugs. The program may individually or in a group setting help a student work on their personal needs around substance use. It may involve outside evaluation. Outside evaluation and treatment may be required and may necessitate dealing with this concern at home. SAFE program services provided through St. Joseph's Addiction Treatment & Recovery Center.

Options for the program are at the discretion of the counselor and may include:

- An initial assessment and online education
- An initial assessment and two hours of personalized education
- A referral for off-campus evaluation and treatment, if necessary (A list of our local agency resources are available through the Student Counseling Center.)

Students are generally allowed four weeks to complete these requirements. Failure to do so may result in further disciplinary action, such as a stop placed on the student's account.

## 9.8 Campus Safety

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

Located near the center of campus, next to the United States Post Office, the Office of Campus Safety is open 24 hours a day, 365 days a year. Campus Safety can be reached by calling (518) 327-6300 or by dialing 6300 from any campus phone. Campus Safety can and should be contacted for emergencies, calls for service, to report incidents, and for non-emergency calls.

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

Campus Safety Officers conduct patrols of the campus (including all parking lots, buildings, and other areas of campus) on foot, by bicycle, and in vehicles. Campus Safety Officers respond to calls for service, including room/office lock-outs, vehicle lock-outs, vehicle jump-starts, and safety escorts; respond to reports, incidents, and emergencies; conduct investigations; protect college property; and direct, control, and enforce traffic and parking.

The Office of Campus Safety is one of the rules and regulation enforcement agencies for the campus; however, Campus Safety is not a law-enforcement agency. While Campus Safety Officers enforce College policy, they do not make arrests or issue court appearance tickets. If anyone requires medical or law-enforcement assistance, Campus Safety Officers will assess the situation and make appropriate referrals. Neither the Office of Campus Safety nor Residence Life staff can transport students to the hospital.

#### Credentials

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

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

#### Mission

The mission of the Office of Campus Safety is to enhance the living, learning, and working experience at Paul Smith’s College by protecting life, maintaining order, and safeguarding property. We fulfill this purpose by providing our community with a full range of services that meet the highest professional standards of campus public safety. We are committed to working with the community to define our priorities and build lasting partnerships. Our core values guide us in this mission.

#### Core Values

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

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

**Professionalism** – We will continually develop our knowledge, skills, and abilities to the highest levels possible to enable us to provide the finest public safety services to the Paul

Smith's College community. Our approach is based on a commitment to excellence, innovation, and continuous improvement.

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

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

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

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

## 9.9 Student Financial Services

The Office of Student Financial Services provides students with comprehensive information about both their personal student accounts and financial aid. Students with questions or concerns about their financial standing with the College or financial aid awards and opportunities should visit the offices on the main floor of Phelps Smith Administration Building.

## 9.10 The Center for Academic & Career Success

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

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

**Academic Coaching:** Academic Success Coaches provide individualized academic and career support for all students through the Early Outreach Program, Voluntary Support Programs, and the Academic Recovery Program. If you need support

with time management, study skills, career exploration or connecting with additional support services please email [academic\\_success@paulsmiths.edu](mailto:academic_success@paulsmiths.edu)

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

**Career Services:** Our mission is to support PSC students in setting career goals, creating an academic and career action plan and mapping a clear path to career strategies and success. Collaborative partnerships are developed with faculty, staff, alumni, businesses, organizations, and graduate schools that connect students to relevant field experiences and career opportunities. We encourage and assist our students to identify jobs relevant to their field of study or to continue their education after graduation and beyond. Paul Smith's College career support services are available to our students and alumni. For career questions or assistance phone 518.327.6082 or email [ddutcher@paulsmiths.edu](mailto:ddutcher@paulsmiths.edu)

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

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

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

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

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

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

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

### 9.11 Emergency Management Office

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

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

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

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

- The Bobcat-Alert system will send an email, phone call, and text message to those individuals who have provided that information to the system.

- Accessing the ALERT voicemail at (518)-327-6219
- Visual displays throughout our buildings and website (e.g. posters and banners)
- At [www.paulsmiths.edu/emergency-information](http://www.paulsmiths.edu/emergency-information)

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

For more information please contact the Compliance Coordinator at (518) 327-6451 or [emergencymanagement@paulsmiths.edu](mailto:emergencymanagement@paulsmiths.edu). Or visit the office in Phelps Administration Building - Room 001.

## Chapter 10

### Student & Campus Employment

#### 10.1 Federal Work Study and Student Employment

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

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

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

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

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

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

#### 10.2 Non-Discrimination Notice

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



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

Title IX Coordinator: Compliance Coordinator, Phelps Administration Building, Room 001, (518) 327-6451, [tgrosskopf@paulsmiths.edu](mailto:tgrosskopf@paulsmiths.edu)

Coordinating Officer, Section 504/ADA Compliance: Director of Accommodative Services, (518) 327-6414, [vcase@paulsmiths.edu](mailto:vcase@paulsmiths.edu)

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

### 10.3 Sexual Harassment Policy and Information

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

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

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

#### **Title IX Category Violations**

Title IX of the Education Amendments of 1972 provides: "No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." In accordance with Title IX as interpreted by the Department of Education, the College recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX, including but not limited to that the Complainant was in the United States at the time of the alleged conduct, that the Complainant was participating in or seeking to participate in the college's education program or activity at the time of the

complaint, and that the conduct occurred in the context of the College's education program or activity:

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

- (5) an employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo").
- (6) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity (commonly referred to as a sexually or gender-based "hostile environment").

### **College Category Violations**

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

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

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

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

Incidents of harassment should be reported to the Campus Safety Office (518)-327-6300.

Human Resources Office (518)-327-6400 or Title IX Coordinator (518)-327-6451

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

#### **10.4 Drug Free Workplace Policy**

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

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

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

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

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

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

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

## Chapter 11

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### Accommodative Services & Students with Disabilities

#### Center for Accommodative Services (CAS)

##### 11.1 Students with Disabilities

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

Paul Smith's College has charged the Center for Accommodative Services with providing leadership for our efforts to assure equal access for our students. The college will support the authority of the Center for Accommodative Services in these efforts. The current best practices and compliance for disability support services are represented on the Center for Accommodative Services (CAS) website. The office is located in Joan Weil Adirondack Library, room 209.

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

- Self-disclose their disability by contacting the learning specialist.
- Request accommodations.
- Submit appropriate documentation to verify eligibility. Eligibility is determined on an individualized basis and is based upon documentation of a disability that currently substantially limits some major life activity.

All services are completely voluntary, and it is the student's responsibility to request them. Students are encouraged to identify themselves early to ensure timely accommodations. The first step is to submit a Disability Disclosure/Application for Accommodations & Services to: Learning Specialist, Center for Accommodative

Services, Paul Smith's College, Paul Smiths, NY 12970.

## 11.1 Philosophy

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

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

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

## 11.2 Policies & Procedures

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

- Students identify themselves by returning the disability accommodation services request included in their acceptance letter. Students may self-identify at any time by contacting the Center for Accommodative Services (CAS) directly.
- Complete the application for academic adjustments.
- Provide disability documentation which supports specific accommodations requested.
- Sign consent for release of information to the Center for Accommodative Services.
- The learning specialist reviews the application and disability documentation and determines eligibility.
- A letter or email is sent stating the status of the application.
- The student meets with the learning specialist to set up academic adjustments and begin the faculty notification process to request adjustments needed in classes for the semester. Academic adjustments may begin once the process is complete.
- The student takes the faculty notification form to each professor – the student completes a new faculty notification form each semester – explains the nature of their learning problem and the request for academic adjustments, obtains signatures to verify notification and understanding

and returns the form to the Center for Accommodative Services for placement in the student's file.

### 11.3 Acquiring Specific Academic Accommodations

Students with disabilities must initiate all requests for services. Academic adjustments are backed up by documentation on file in the Center for Accommodative Services and will be listed on your Faculty Notification Form. For a list of some of the most commonly requested accommodations, go to our Web Site Accessing Services page on the PSC website.

### 11.4 What You Can Do To Help Yourself

“You have a responsibility to yourself. This means refusing to let others do your thinking, talking, and naming for you, learning to respect and use your own brains and instincts, grappling with hard work. You refuse to sell your talents and aspirations short, simply to avoid conflict and confrontation. You have the right to expect your faculty to take you seriously [which means that you] seek criticism, reject attitudes of ‘take it easy’, and assume your share of responsibility for what happens in the classroom because that affects the quality of your daily life here.” –Adrienne Rich, author

Be your own best advocate. Rehearse your explanation so that you can explain why you need academic adjustments.

- Understand your own disability by learning all you can about it.
- Manage your time. Keep ONE calendar for all important dates. Keep “To Do” lists to match due dates.
- Attend all classes. Sit toward the front of the class.
- Ask questions.
- Review notes as soon after class as possible.
- Work with others to complete assignments and review for exams.
- Get help early. Use the Center for Accommodative Services, Academic Support Center, and other resources.
- Know your degree requirements. Set realistic goals.
- Every student is assigned a faculty member as an academic adviser. Your adviser will help you register for the right courses, explain the college catalog to you, help you with drop/add, and have a copy of your grades each time they are distributed. Get to know your adviser right away. Remember, your adviser can also be your advocate.

Each individual has the right and responsibility to make the decisions that shape their educational program and their lives. The individual has the right to take reasonable risks to test and stretch their limits of independence. In addition to the right of privacy, you have the right to refuse services. Each individual has the right to request, deny, refuse, and dispute services.

## 11.5 Informed Consent

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

## 11.6 Handling Disputes

Disputes involving students receiving services through the Center for Accommodative Services use the dispute-resolution plan outlined on the Handling Disputes page on the PSC web site.

## Appendices

### PSC Annual Drug & Alcohol Notification

As part of the Drug Free Schools and Communities Amendments of 1989, Paul Smith's College is required by law to provide every employee and each student who is taking one or more classes written materials that adequately describe and contain the following:

- Standards of conduct that prohibit unlawful possession, use, or distribution of drugs and alcohol;
- A description of the health risks associated with the use and abuse of drugs and alcohol;
- A description of applicable counseling, treatment, or rehabilitation programs offered;
- A clear statement of disciplinary actions the institution will impose on students and employees;
- A description of applicable legal sanctions under local, state, or federal law.

The abuse of alcohol and the use of illegal drugs by members of the Paul Smith's College community are incompatible with the goals of the institution. In order to further the College's commitment to provide a healthy and productive educational environment, and in compliance with the Drug-Free Schools and Communities Act Amendments of 1989, the College has established the following policy on alcohol and other drugs

### Student Misconduct

Paul Smith's College student conduct regulations prohibit the unlawful possession, use, or distribution of alcohol and other drugs by students and student organizations. These regulations also prohibit other alcohol-related misconduct. All students under the age of 21 are prohibited from possession and consumption of alcohol. All students are prohibited from the use and possession of illegal drugs. Sanctions for violations of these student conduct regulations are set forth in the next section of this policy.

The Family Educational Rights and Privacy Act (FERPA) has given colleges and

universities the option to notify parents/guardians about specific types of information from a student's conduct record. The Office of Student Affairs will notify parents/guardians the first time and any subsequent time a student is found to have violated Code of Conduct policies on the use or possession of alcohol or other drugs when they are under the age of 21.

### **Paul Smith's College Sanctions for Alcohol and Drug Violations**

Students found to have violated Paul Smith's College drug or alcohol policies will be subject to a combination of conduct sanctions. Students who violate this policy may also be charged with violating the College's policy as well as local, state, or federal law because the College expects all students to abide by those laws. The evidence, any particular circumstances, and prior record of the student will be factors considered when determining sanctions. Some examples of conduct outcomes include:

- **Underage Drinking** – Parent Letter ~ Enrollment in Paul Smith's College substance education program ~ Monetary fine assessed to your student account ~ Community Restitution/Service ~ up to suspension
- **Providing Alcohol to a Minor**- Police called ~ Parent Letter ~ suspension or dismissal from the College
- **Using/Possessing Illegal Substances**- Parent Letter ~ Enrollment into Paul Smith's College substance education program ~ Monetary fine assessed to your student account ~ Community Restitution/Service ~ up to suspension
- **Selling, Growing, Trafficking Illegal Substances**- Police called- Dismissal from the College

Students who are suspended from the College for any length of time should be aware that this action may impact the following: tuition, residence hall cost and fees (suspension does not forgive financial obligation), student financial aid and scholarships, athletic participation and eligibility, health insurance (contact your personal health care provider), on-campus housing and board plans, access to college services and facilities, immigration status, veteran's benefits, internships, assistantships, and study abroad. This is not an exhaustive list.

### **Employee Misconduct**

Employee misconduct related to alcohol or other drug abuse will not be tolerated. The unlawful manufacturing, distribution, sale, use, or possession of a controlled substance, marijuana, or a dangerous drug by employees of Paul Smith's College is prohibited by federal and state law. Violation of this policy will result in appropriate disciplinary sanctions, including but not limited to dismissal, demotion, or suspension of employment and/or referral to the appropriate state agency for legal prosecution.





