



## Clarkson Undergraduate Regulations 2017-2018

These are the University regulations and official policy statements for undergraduate students at Clarkson University. Students, for their own benefit, should be familiar with this material and also with the academic standards and curriculum information given in the Clarkson catalog. Certain portions of the Clarkson Regulations are applicable to faculty, administration and staff, as well as visitors to the University.

The Dean of Students Office is responsible for the dissemination of the Clarkson Regulations. Clarkson University reserves the right to amend this entire document from time to time as deemed necessary.

Questions about the regulations or their interpretation may be directed to the following individual:

### **James Pittman, Dean of Students**

Educational Resources Center, Suite 1100, Room 1102 Telephone: 315-268-6620 • E-mail: [jpittman@clarkson.edu](mailto:jpittman@clarkson.edu) or [deanofstudents@clarkson.edu](mailto:deanofstudents@clarkson.edu)

### **Clarkson University Non-Discrimination Policy**

Clarkson University does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national or ethnic origin, age, disability, veteran status, predisposing genetic characteristics, domestic violence victim status, marital status, parental status, ancestry, source of income, or other classes protected by law in provision of educational opportunity or employment opportunities.

Clarkson University does not discriminate on the basis of sex or disability in its educational programs and activities, pursuant to the requirements of Title IX of the Educational Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and the American Disabilities Act of 1990 respectively. This policy extends to employment by and admission to the University.

Inquiries concerning Section 504 and the American with Disabilities Act of 1990 should be directed to [ADA504@clarkson.edu](mailto:ADA504@clarkson.edu)

Inquiries concerning Title IX, the Age Discrimination Act, or other discrimination concerns should be directed to the Chief Inclusion & Human Resources Officer/Affirmative Action Officer at (315) 268-6497, Room 104 Graham Hall, Clarkson University, Box 5542, Potsdam, NY 13699-5542 and/or the Title IX Coordinator, Room 124 Snell Hall, Clarkson University, Box 5750, Potsdam, NY 13699-5750; or telephone (315) 268-4208.

Information on the procession of grievances and charges relating to the above policies can be obtained from the Human Resources/Affirmative Action Office.

*Clarkson University is making a special effort to identify for employment opportunities and participation in its educational programs a broad spectrum of candidates including women, minorities, and people with disabilities.*

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# **I - Statement on Rights & Responsibilities of Students**

## **I -A PREAMBLE**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of these goals. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in a sustained and independent search for truth.

Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community. To foster such conditions, Clarkson may regulate the conduct of its students when such conduct constitutes a hazard or an infringement on the rights of others, violation of the law, or a disruption of the academic and administrative processes of the University. Student organizations recognized by the University are subject to the same regulations as individual students.

## **I-B RIGHTS AND RESPONSIBILITIES OF STUDENTS AT CLARKSON**

### **In the Classroom**

The professor in the classroom and in conference encourages free discussion, inquiry and expression. Student performance in the classroom is evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards.

- **Protection of Freedom of Expression**

Students are free to take reasoned exception in a reasonable manner to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

- **Protection Against Improper Academic Evaluation**

Students have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

### **Student Records**

Clarkson has a carefully considered policy as to the information that is a part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records are separate. Transcripts of academic records contain only information about academic status. Information from transcripts, disciplinary

or counseling files is not available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved, in accordance with applicable law. Provision is also made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members will respect confidential information about students that they acquire in the course of their work.

## **Student Affairs**

In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

### **a. Freedom of Association**

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

- The membership, policies, and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the University community.
- Affiliation with an extramural organization should not of itself disqualify a student organization from University recognition.
- Each organization should be free to choose its own adviser. Campus advisers may advise organizations in the exercise of responsibility, but they do not have the authority to control the policy of such organizations.
- Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, a current list of officers, and name of adviser(s). They are not required, except in the case of social fraternities and sororities, to submit a membership list as a condition of University recognition.
- Campus organizations, including those affiliated with an extramural organization, are open to all students without respect to race, creed or national origin, except for religious qualifications that may be required by organizations whose aims are primarily sectarian to the extent permitted by applicable law.

**Freedom of Inquiry and Expression** • Students and student organizations are free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They are free to support causes by orderly means that do not disrupt the regular and essential operation of the University. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations students or student organizations speak only for themselves.

- Student organizations are allowed to invite and to hear any person of their own choosing. Only University-recognized organizations, academic departments, faculty, and administration are permitted to use University facilities to hold meetings and sponsor speakers. During the nonacademic periods of the fall and spring semesters, community nonprofit and politically nonpartisan organizations may be permitted to use the University

facilities at the discretion of the Student Activities director. Those routine procedures required by the University before a guest speaker is invited to appear on campus are designed only to ensure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The University's control of campus facilities is not to be used as a device of censorship. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the University.

- **Student Participation in University Government**

As constituents of the academic community, students are free, individually and collectively, to express their views on issues of University policy and on matters of general interest to the student body. The student body has clearly defined means to participate in the formulation and application of University policy affecting academic and student affairs. The role of the student government and both its general and specific responsibilities are explicit, and the actions of the student government within the areas of its jurisdiction should be reviewed only through orderly and prescribed procedures.

### **Student-Edited and -Written Publications**

Student publications, including literary publications and the student press, are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the University authorities and of formulating student opinion on various issues on the campus and in the world at large.

The student newspaper is independent financially and legally separate from the University. Clarkson is not responsible in any way for the contents or format of the student newspaper. Students have editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community.

University authorities, in consultation with students and faculty, may provide guidance as to the role of the student publications, the standards to be used in their evaluation, and the limitations on external control of their operation. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

- The student press is free of censorship and advance approval of copy, and its editors and managers are free to develop their own editorial policies and news coverage.

- Editors and managers of student publications are protected from arbitrary suspension and removal because of student, faculty, and administrative or public disapproval of editorial

policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers is the agency responsible for their removal.

- All University-published and -financed student publications should explicitly state on the editorial page that the opinions there expressed are not necessarily those of the University or student body.

## **Off-Campus Freedom of Students**

- **Exercise of Rights of Citizenship**

University students are both citizens and members of the academic community. As citizens, students enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations that accrue to them by virtue of this membership. Faculty members and administrative officials ensure that University powers are not employed to inhibit such intellectual and personal development of students as is often promoted by the exercise of the rights of citizenship both on and off campus.

- **University Authority and Civil Penalties**

Activities of students may upon occasion result in violation of the law. Students who violate the law may incur penalties prescribed by governmental authorities, but University authority will never be used merely to duplicate the function of general laws. Only where the University's interests as an academic community are distinct and clearly involved is the special authority of the University asserted. University action is independent of community pressure and is based on impairment of or interference with the missions, processes, safety or functions of the University.

- **Procedural Standards in Disciplinary Procedures**

In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance and admonition. At the same time, educational institutions have the duty and the corollary disciplinary powers to protect their educational purpose through the setting of standards of scholarship and conduct for the students who attend them and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, proper procedural safeguards should be observed to protect the student from the unfair imposition of serious penalties.

The administration of discipline should guarantee procedural fairness to an accused student. In all situations, procedural fair play requires that the student be informed of the nature of the charges against them, that they be given a fair opportunity to refute them, that the institution not be arbitrary in its actions, and that there be provision for appeal of a decision.

# II - Course Policies

## II-A COURSE ENROLLMENT

1. Within the published course enrollment period, students who are returning to Clarkson for the following semester must, with approval of their adviser, enroll themselves into classes to be taken the next semester. A \$50 late fee will be charged to any student who does not complete class enrollment by the end of the enrollment period.
2. A superior upper division undergraduate student may enroll in graduate courses with the approval of their advisor and the course instructor. To enroll in a 500-level course, the student's cumulative quality point average must be 3.000 or higher; to enroll in a 600level course, the student's cumulative quality point average must be 3.500 or higher. A form is available on the Student Administrative Services webpage for use in qualification certification and enrollment approval.

When such courses are completed beyond the normal credit-hour requirements for the bachelor's degree, credit for such graduate-level courses may be applied toward a graduate degree with the written permission of the undergraduate student's department chair, program director or designee and the Dean of their School. School of Business graduate courses are open on a limited basis to students pursuing an undergraduate business degree with approval of the Dean of the School of Business

## II-B FINANCIAL CLEARANCE AND CHECK-IN

1. Each student is required to complete the financial clearance and check-in process each semester as defined by Student Administrative Services. An undergraduate student who has not completed check-in by the end of the fifth day of class in any term may be charged a \$50 late fee and may be officially dropped from the Registrar's record of active students. Any undergraduate student who has been dropped and wishes to continue at Clarkson is required to contact Student Administrative Services and request to be readmitted to the University. See III-P Continuance/Readmission Process for Undergraduate Students for process.

To return to their program, the student must be readmitted following current university procedures. Per these procedures, readmission must be one month prior to the start of the term. Students requesting admission after the two-week deadline will be considered for admission to the next term.

2. Check-in cannot be completed and the student cannot be officially admitted to class unless payment or satisfactory arrangements for payment for all tuition, fees, housing and meal expenses have been made through Student Administrative Services.
3. Undergraduate Student Status:
  - a. Part time - enrolled for less than 12 credit hours

- a. Less than half time - enrolled in less than 6 credit hours
- b. Half time - enrolled for 6 but less than 9 credit hours
- c. Three quarter time - enrolled for 9 but less than 12 credit hours
- b. Full time - enrolled for 12 but less than 20 credit hours
- c. Full time (overload) - enrolled for 20 or more credit hours. Refer to section IX-Y, #2 for information pertaining to tuition for each status.

## **II-C COURSE SYLLABUS**

Within the first week of classes, the instructor will provide all students with a course syllabus, and will post an electronic copy on at least one of the following: the course site on the University's course management software (e.g., Moodle, etc.), a course web site, a course folder on the University's shared drive (e.g., the S drive, etc.), or an area reserved for class web pages on the University web site. The instructor will also submit a copy of this syllabus to the department chair or appropriate academic officer for archival purposes. The content of the syllabus should include, as a minimum, the following information:

1. Topical outline,
2. Course learning objectives (expected learning accomplishments),
3. Demonstrable course outcomes,
4. Attendance requirements and policies for making up missed course work, laboratory and project work, tests, and examinations,
5. An explanation of the method used to determine the course grade,
6. Designation of the course as a non-final exam course, or not,
7. Policy on granting A or B exemptions from the final exam,
8. Tentative dates for all tests and other major components of course work, and
9. Contact information for the course instructor.

2. If changes/revisions are made to the syllabus, they should be explained to the class, and the revised syllabus should be posted in the same place(s) as the original, as well as submitted to the department chair or appropriate academic officer for archival purposes. Revisions in attendance policy, course work and course grading policies, and due dates should not become effective until after a reasonable notification period.

## **II-D CREDIT HOUR DEFINITION**

Clarkson University adheres to the U.S. Department of Education's definition of "credit hour:"  
 .... A credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than—

1. One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or



2. At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours. (34 CFR 600.2)

Lecture/discussion courses follow Option (1) above. Laboratory, independent study and research, and internship courses, among others, follow Option (2). For example:

- For 2 hours of credit in a laboratory course – 15 class periods with 3 hours of combined direct instruction and supervised lab work + 2 hours of out-of-class work each week for 15 weeks. In this example, supervised lab work is being weighted more heavily than out-of-class preparation, but less heavily than direct instruction.
- A 1-credit independent study course – 3-4 hours of supervised and/or independent study per week for 15 weeks. In this example, the range of hours recognizes that there will be differing degrees of supervision.

The Course Change/Approval Form (<http://www.clarkson.edu/sas/forms/courseapproval.pdf>) includes a certification by the Chair of the department offering the course that it complies with this credit hour definition. Questions regarding the application of this definition to specific courses or educational activities should be directed to the Provost's Office.

## **II-E RESCHEDULING OF CLASSES**

1. After the beginning of the semester, instructors may reschedule classes only in exceptional circumstances. The instructor's department chair (or designated School administrator) must approve the proposed change. The department (or School) will then work with Room Reservations to effect the change. In making such changes, instructors must consider the rights of the individual. If such a change is inconvenient to even one student, the right of that student to attend class at the regularly scheduled time must outweigh the desires of the rest of the class.
2. For each of their courses, instructors will not cancel or reschedule the last class that meets before, or the first class that meets after, a break in the semester schedule (i.e., long weekend, Thanksgiving recess, spring recess).

## **II-F FIELD TRIPS**

A field trip is a trip off-campus organized for the purposes of educational value. The instructor will obtain the approval of the Dean of the School involved and will provide the Dean a list of participants.

## **II-G COURSE AUDIT POLICY - UNDERGRADUATE LEVEL**

Certain Clarkson undergraduate courses may be audited on a space-available basis by currently enrolled Clarkson students. They may also be audited on a space-available basis by faculty and staff, and by their domestic partners and immediate families, (as defined by Clarkson's medical benefit plan), provided the family members have completed their high school level education.

Courses that include laboratory activities, group or teamwork, collaborative learning, international study, or that satisfy the Professional Experience Requirement cannot be audited. Written permission from the instructor and department chair is required on a Course Audit Form (available from the Student Administrative Services web site). Course auditors are not expected to do any written or oral course work, nor are faculty expected to evaluate any work that auditors may elect to do. Auditors do not receive course grades, and an audit is not transcribed and does not receive any other formal recognition.

# III - Academic Regulations

## III-A DROPPING OR ADDING A COURSE

1. A student may add a course through the 10th day of classes with the approval of their academic adviser, department chair, program director or designee. The course add may be done by the student online.
2. In order to add a course after the 10th day of classes, a student must obtain written approval from the following persons: their academic adviser, their department chair or program director, the instructor of the course that is being added late, and the Dean of the School in which the student is majoring. These approvals will be shown by signatures on the add-drop form.
3. A student may change class sections of the same course on-line, if there are seats available, or with permission of the class instructor, through the 10th day of classes. During the third and fourth weeks of class, section changes may be made with the approval of the instructors of the sections being added and dropped via an add-drop form brought to Student Administrative Services. After the fourth week of class, section changes will require the same approvals that are listed in sub-section 2 above.
4. A student may drop a course through the 10th day of classes of a semester after consultation with their academic adviser, department chair, program director or designee. Course drops may be done by the student on-line through the 10th day of classes.
5. After the first two weeks of classes and not later than the last day of classes (i.e. the business day preceding the first day of final examinations in the fall semester; business day preceding the first reading day in the spring semester), a student may drop a course. A student must consult with their academic adviser to obtain their signature on the drop form, and then the student must obtain the signature of either the instructor, department chair, program director or designee of the department offering the course. These signatures are required for verification only, and do not denote approval. After the fourth week of classes, Student Administrative Services shall make a permanent notation on the student's transcript assigning the course a grade of W (withdrew between 5th and 10th week) or LW (late withdrawal after the 10th week).
6. Students should be aware that adding or dropping a course might change their tuition charges (see Regulations IX-Y and IX-Z).
7. A course affected by academic integrity sanctions cannot be dropped.

## III-B CHANGING MAJORS AND DECLARING MINORS

1. Written permission of the department chair or program director of the major the student is changing to is required to change to a different major. Students should meet with the department chair or program director of the major they wish to change to, and then complete the appropriate form online.
2. The department chair or program director of the major to which the student is transferring will notify Student Administrative Services in writing of the conditions of the transfer.

Student Administrative Services will copy this information to the student, the old department or program, and the new department or program.

3. When a student transfers from one major to another, pre-transfer grades in identical courses required in the new curriculum must be transferred without change or omission from the cumulative average. Courses previously omitted but now required in the new major must be reinstated. Other courses in the record may be disregarded in computing the cumulative average at the discretion of the chair or program director of the major to which the student is transferring.
4. Certain departments, schools, and programs offer an opportunity to minor in a field of study other than the major field. A minor is optional, and if successfully completed, is indicated on the university transcript. A minor consists of fifteen or more credits as determined by the academic unit offering the minor.
5. To select a minor, a student must notify the academic unit offering the minor and complete the appropriate form online. It is suggested that this be done as early as possible, preferably by the beginning of the student's junior year. The student will be advised by the offering department in regard to completing the requirements of the minor.
6. At least one-fourth of the credit hours required for the minor must be completed at Clarkson, unless an exception is approved by the dean of the minor program. Only zero credit hour courses may be taken pass/no credit. A student who, upon matriculation at Clarkson, was assigned to the Class of 2004 or later must achieve a GPA of 2.000 in the minor [see III-U, # 3-d].

### **III-C CLASSIFICATION OF MATRICULATED, UNDERGRADUATE STUDENTS**

1. A student shall be classified as a freshman, sophomore, junior or senior based on the total number of hours passed. Only credits appearing on the student's official university record at the time of classification will be considered. Classifications are reviewed and updated periodically according to the following schedule:
2. **Hours Passed**

Seniors	84-
Junior	54-83
Sophomore	24-53
Freshman	0-23
3. Whenever a student is readmitted, continued or changes majors, the classification will be reviewed by Student Administrative Services and be subject to change according to existing rules.
4. The Registrar shall have final authority in determining a student's classification.

### **III-D NON-DEGREE STUDENTS**

1. An individual may enroll at Clarkson University for special study on either a full-time or part-time basis. Although such individuals are classified as non-matriculating, they are provided an opportunity for academic study with concentration in a particular area of interest. This status may be used to obtain exposure in a particular area as a foundation for further academic work. Many persons with a degree use this status to gain exposure to

another discipline without pursuing a degree. Students who are enrolled as non-degree students may not earn a degree from the University without gaining admission to a degree-granting program. Admission is obtained through the Office of Freshman Admission or Transfer Admission. Non-degree students may accumulate up to 15 hours of coursework credit while in this status and must matriculate into a Clarkson degree program to earn credit beyond this.

2. Persons interested in admission as a non-degree student should contact Student Administrative Services. Non-degree students must obtain approval for the courses they want to take from the Director of University Studies. This approval is given on the basis of the student's academic background and personal goals.
3. Such students have no class standing, are not eligible for financial aid and are not eligible to participate in any extracurricular activities involving intercollegiate competition.

### **III-E CROSS-REGISTRATION POLICY**

Cross-Registration is open only to full-time, matriculated students within the member institutions of the Associated Colleges of the St. Lawrence Valley (ACSLV). Undergraduate students must be enrolled in at least 12 credits at Clarkson, excluding the cross-registered course, to be eligible to cross-register. As long as the total number of credits taken, including cross-registered courses, does not exceed 19 during the regular semester, there will be no additional tuition charged for undergraduates. Eligible students may cross-register for a maximum of two (2) courses per academic year (fall and spring semesters only), totaling no more than 8 credits.

Students will be enrolled as non-matriculated students at the host institution and the course(s) will be transcribed at the host institution. At the end of the semester, an official transcript will be sent to the student's home institution and credit will be posted as transfer credit on their Clarkson transcript. Undergraduate students must receive a grade equivalent to a C (2.000) or higher at Clarkson. Grades in such courses are not used in computing a student's GPA.

Cross Registration Regulations and forms can be found at ACSLV web page at <http://www.associatedcolleges.org/services/crossregistration.htm>

### **III-F ATTENDANCE**

1. Instructors will include in their written course syllabi [see section II-C], at the beginning of the semester, their individual attendance requirements, including their policies for making up missed course work, laboratory and project work, tests, and examinations.
2. Absences never exempt a student from the work required for satisfactory completion of the course(s). Students have the responsibility for discussing absences with their instructors, and making arrangements for completing work as necessary and possible. Instructors are encouraged to be reasonable in making accommodations.
3. In cases where a student is seriously ill for several days, has been hospitalized, is called home suddenly because of family emergency, or when the student considers the circumstances of an absence to be too personal or confidential to be discussed with the instructors, the student may contact the Dean of Students' office. The Dean of Students

will assess the circumstances, and if warranted will notify the instructors of the absence for the student. This does not alter the student's responsibility to work with the instructor eventually to make up missed work. In cases of prolonged absence, in which completion of a course on schedule has been jeopardized, refer to Regulation III-I-3 on Incomplete grades.

4. An instructor may request from the Dean of Students' office verification of a student's cause for an absence from examinations or tests. Such requests will be fulfilled as deemed reasonable and practicable. In those special cases where the Dean has been asked to notify instructors of absences (see section 3 above) the Dean may also request appropriate documentation or verification concerning the reason for the absence.
5. Instructors are requested to report three consecutive absences to the Dean of Students' office in order to provide a minimal check on the physical and academic well being of the student.
6. Religious Observance  
New York State Law mandates that Clarkson accommodate students who, for religious reasons, are unable to register for classes, take an exam, or attend a class. No student shall be expelled from Clarkson or refused admission because they are unable to register for classes, attend a class, or participate in any examination because of religious beliefs. Students are required to notify instructors of their impending absence in advance so that arrangements can be made for making up missed assignments, quizzes or tests. The provisions of this policy are:
  - a. That faculty and administrative officials make available an equivalent opportunity to register for classes, make up an exam or study or work requirements.
  - b. If registration, classes, or exams are held on Friday after four o'clock or on Saturday, alternatives shall be made, where it is possible and practical to do so.
  - c. That a student may take action with the State Supreme Court if the institution does not make a good faith effort to comply. The only remedy is that Clarkson must comply with the legislation.
  - d. That the provisions of this legislation be made known to the students.

### **III-G TESTS**

1. In accordance with regulation II-C concerning preparation of a course syllabus, each instructor will provide within the first week after the start of each semester, a course outline to all students. This outline shall include at least tentative dates of "hourlies." Instructors are encouraged to be flexible with examination dates whenever a substantial number of students request a change.
2. A student who fails to take a scheduled test may be marked as failed if they have not made alternative arrangements with the instructor. Make-up tests, if required, shall be held at the instructor's convenience, without charge.
3. Undergraduate exams, excluding the ABC exam series, and review sessions are to be scheduled during regularly scheduled class periods. When necessary, Evening exam administration is primarily reserved for courses with multiple sections that don't share a common meeting time, courses scheduled for 50 minute periods for which 75 minute exam periods are needed, or courses where the number of students exceeds the capacity of

available space for administering the exam as determined by the room reservation administrator(s) or course instructor. Tests or exams outside the regular class periods will be scheduled in one of the following three approved evening time blocks: **Tuesday 6:30-7:45, Tuesday 8:00-9:15, and Thursday 7:00-8:15**. The Provost may also approve other evening time blocks on a semester by semester basis. If a faculty member wishes to give a test or exam outside the regular class periods that is not in one of the approved evening time blocks, they must receive permission from the Provost.

If these tests or examinations are not included on the course syllabus (see Regulations II-C and III-G.1), instructors will ensure that written notice is given to students via email, posting to the course management system, or handout at least two weeks prior to the date of the test. At the discretion of the instructor, these tests or examinations given outside regular class periods may be considered rescheduled class meetings. Take-home exams are given at the discretion of the respective course instructor. Violations of the rule will be reported to the appropriate academic dean.

4. Tests and examinations cannot be given within one academic day following the end of a vacation.
5. Homework that is due on the first day immediately following a vacation cannot be assigned on the last day preceding the beginning of the vacation.
6. No tests or examinations of any kind can be given or be due (in the case of take-home exams) on any of the seven calendar days preceding the first day of final examinations, except for laboratory, physical education, aerospace studies, and military science courses. Permitted activities include homework assignments, projects (provided they are not substantively based on material covered during this week), and class presentations.

### **III-H FINAL EXAMINATIONS**

1. Students will take a final examination in every course in which they are enrolled except for courses where a final project, presentation, or other structured learning component is required in lieu of a final examination. In accordance with Clarkson University Regulations governing the definition of a credit-hour [see II-D], the final requirement of such courses should occur during the regular final examination period and be comparable to a final examination. For such courses, instructors should include the final requirement in the course syllabus provided to students at the beginning of each semester that the course is to be offered.
2. Final exams may be no more than three hours in length.
3. All final examinations are to be given only during the regular final examination period.
4. No student will be required to take more than three final examinations in one day, or more than four in two consecutive days. For students with conflicts between exams, including too many finals per this regulation:
  - a. Courses in the major department have first priority (the highest numbered of these first),
  - b. Non-major courses in the home school/institute have next priority (the highest numbered first), and
  - c. Non-major courses from other schools/institutes have last priority (the highest numbered first).

Students are responsible for bringing final exam conflicts to the attention of course faculty, and faculty and student will schedule a time for the student to take the exam.

5. A student who fails to take a final examination may be marked as failed if they have not made alternative arrangements with the instructor. A make-up examination, if required, shall be held at the instructor's convenience, without charge.
6. In the event of spring semester exam conflicts related to Liberty League and/or NCAA championships (which could impact students on three of the five exam days), student athletes will inform faculty of potential exam conflicts at least three (3) weeks prior to the date of the exam via both an email and a meeting with the involved faculty. Faculty and students are to identify a plan for an alternate exam date at a mutually convenient time during the final exam period. In this specific situation, the alternate exam date could include the two reading days prior to exams if this is acceptable to both parties. The NCAA Faculty Athletic Representative will be available to assist in scheduling and/or proctoring an alternative exam if necessary.

### **III-I GRADING SYSTEM**

#### **1. Undergraduate Letter Grades**

A+ Passed with 4.000 quality points per credit hour

A Passed with 4.000 quality points per credit hour

A- Passed with 3.667 quality points per credit hour

B+ Passed with 3.334 quality points per credit hour

B Passed with 3.000 quality points per credit hour

B- Passed with 2.667 quality points per credit hour

C+ Passed with 2.334 quality points per credit hour

C Passed with 2.000 quality points per credit hour

C- Passed with 1.667 quality points per credit hour

D Lowest passing grade with 1.000 quality point per credit hour

F Failure (0.000 quality points)

Earned F Grade. Student attended and completed the course: documentation of an earned F grade must demonstrate that the student completed the course.

Unearned F Grade. Student began the course and at some point during the semester stopped attending class and ceased participating in academically related activities. Documentation of an unearned F grade must support the last date of attendance or academically related activity as defined by Federal Regulations.

P Pass (see Pass-No Credit Policy III-N)

NC No Credit (see Pass-No Credit Policy III-N)

Incomplete grade: given only in cases described in #3, below. An I grade must



I be replaced by one of the above letter grades as required by the rules in #3, below.

Course dropped or student withdrawal from the University during weeks 5 through 10 of the regular fall and spring semesters. The Registrar sets

W

comparable dates for Summer School and other terms that are not a regular fall and spring semester.

Course dropped or student withdrawal from the University after week 10 through the last day of classes of the regular fall and spring semesters. The

LW

Registrar sets comparable dates for Summer School and other terms that are not a regular fall and spring semester.

## 2. Incomplete Grades

- a. A student who is unable to complete the requirements of a course because of extenuating circumstances may seek an incomplete grade (I) for the course. Whether or not an "I" grade is given is entirely at the discretion of the faculty member for the course, although the faculty member may ask the Dean of Students Office if it has relevant information regarding students' requests. The conferring of an "I" grade carries the presumption that it is possible for the course to be completed with a passing grade; in cases where the missing work is such that it cannot be completed after the end of the semester, or where completion of the missing work could not possibly result in a passing grade for the course, an "I" grade should not be given.
- b. Requests for an "I" grade shall be made on a form available from Student Administrative Services. Faculty members indicate on the form whether they approve or disapprove the "I" grade request for their course(s) and return the completed form to Student Administrative Services. If the faculty member approves the request, they list on the form the work that must be completed to remove the "I" grade and the due date for this work and submits an "I" for the student on the course grade roster. If the faculty member disapproves the request, they submit a letter grade for the student on the course grade sheet. Unless otherwise stated on the form, or if no form is received, the work required to remove an "I" grade must be completed no later than the end of the 7th week of classes of the next semester in which the student registers at the University, otherwise a grade of "F" is recorded. All requests for "I" grades by a student in the same semester shall be made on a single form, and students seeking more than two "I" grades in the same semester must consult with the Dean of Students prior to seeking faculty approval for their requests.
- c. To remove an "I" grade, the instructor shall submit a completed Change of Grade form to the instructor's department chair (or comparable administrative officer), and upon approval, it is sent to Student Administrative Services. Then the specified grade shall replace the "I" grade in the semester(s) in which the student registered for the course.

### 3. Midterm Grades

Midterm Grade Rosters will be created on-line for all courses. Midterm grades are intended to inform students of their academic progress; they do not become part of a permanent student record. In courses in which student work has been evaluated before midterm, one of the following two grades will be awarded: S – Satisfactory or U – Unsatisfactory. For undergraduate students, a midterm grade of unsatisfactory (U) indicates performance below the level of a C grade (that is, performance at the C-, D, or F level). For those courses in which no student work has been evaluated before midterm, the report will show an N for each student.

### 4. Posting Grades

No grades are to be publicly posted by name, social security number or by student ID. Final grades are entered on-line by the faculty by the designated deadline. Only grades recorded by Student Administrative Services will be considered official.

### 5. Changes in Grades

Once grades have been submitted electronically and posted by the Registrar to the students' transcript, the following procedure will be followed by all members of the teaching staff when it becomes necessary, for any reason, to change a student's grade. Forms are available in departmental offices.

- a. Grades for a course must be based only on work performed before the end of each semester. Grade changes (except for the change of "I" grades) are permitted only in cases of errors in calculating or recording grades.
- b. The change of grade desired, together with adequate explanation, will be submitted by the faculty member concerned to their department chair (or designated School administrator).
- c. If the department chair (or designated School administrator) approves the request for change of grade, the request will be submitted to the Dean of the School.
- d. If the request is approved by the Dean of the School, the change of grade will be reported by the Dean of the School to Student Administrative Services. SAS will make the appropriate change on the student's record and notify the student and the staff concerned.

### 6. Computation of Quality-Point Ratio

- a. In the computation of the quality-point ratio, only work taken at Clarkson University will be included. The quality-point ratio is computed by multiplying the number of quality points corresponding to the grade in each course by the hours of credit for the course, adding these products for each course taken, and then dividing this sum by the total number of hours taken.
- b. Each student's quality-point ratio will be computed at the end of each semester and at the end of the summer session if they have been enrolled for summer work.
- c. **For undergraduate students**, Clarkson courses with grades below C (2.000) are repeatable (that is, grades of C- and lower). Neither credit hours nor quality points for a course in which a student has a C- or lower grade will be used in calculating the cumulative quality-point average (QPA) when the course is repeated at Clarkson University; only the credit hours and quality points of the repeated course will be used. In the case of a lower grade than the original being earned, the better grade will stand and the lower grade will be eliminated from calculation of

the QPA. However, the original grades remain on the student's transcript. When the student successfully completes an approved course off-campus with a grade of C (2.000) or higher, the original C- or lower grade will not be used in computing the QPA. However, in all cases, the original grades remain on the student's transcript.

- d. At the discretion of the chair of the department or director of the program in which the student is majoring, courses taken but not required for graduation may be omitted from the calculation of the cumulative average. Such courses, however, must remain on the transcript.
- e. Although GPA may subsequently change due to courses being repeated or omitted, academic standing will not change; academic standing is based solely on the original semester performance. See Section III-R.

### **III-J TRANSCRIPTS**

Transcripts will not be issued for any current student, alumnus, alumna or former student of Clarkson University who has a past-due account or loan with the University until an approved arrangement has been made through Student Administrative Services.

### **III-K OFF-CAMPUS COURSES FOR CLARKSON CREDIT**

Courses taken through an academically accredited higher education program—college, university, or other educational entity may receive Clarkson credit upon review and approval.

1. **Courses taken by a Clarkson student through cross-registration at one of the Associated Colleges of the St. Lawrence Valley.** Credit for approved undergraduate courses taken by cross-registration at one of the Associated Colleges will be accepted and posted as transfer credit on the Clarkson transcript upon receipt of an official transcript indicating a grade equivalent to a C (2.000) or higher at Clarkson for undergraduate students. Grades in such courses are not used in computing a student's GPA. The Cross-Registration Form is posted on the Associated College web site at <http://www.associatedcolleges.org/services/crossregistration.htm>. See Clarkson Regulations Section III-E, Cross-Registration Policy, for additional information.
2. **Courses taken by a Clarkson student at an accredited college or university.** A Clarkson student may be granted approval to take a course at another college, university, or educational institution for Clarkson credit, provided the other institution has been accredited by a recognized accreditation body. For US institutions, the US Department of Education designates the nationally recognized accreditation agencies (for a current list of these see <http://ope.ed.gov/accreditation/>). To avoid the possibility of having a completed course disapproved, a student should obtain approval before taking a course. **Undergraduate students** obtain approval by completing an Off-Campus Permission Form available from the Student Administrative Services web site at <http://www.clarkson.edu/sas/forms/>. A catalog description of the course should accompany the Off-Campus Form, and the Form must have approval signatures by the Clarkson department or school responsible for the

subject of the course and by the student's department or program. Credit will be awarded for approved courses upon receipt of an official transcript indicating a grade equivalent to a C (2.000) or higher at Clarkson. Grades in such course are not used in computing a student's GPA.

3. **Courses transferred into Clarkson for accredited non-collegiate instruction.** A special case of transfer credit is credit granted by Clarkson for accredited non-collegiate instruction. Example of this are: credit recommendations by the American Council on Education on a Joint Services Transcript issued by the Department of Defense and satisfactory work as certified by an approved non-collegiate program listed in The Directory of the National College Recommendation Service (formerly known as the National Program on Noncollegiate Sponsored Instruction).
4. **Courses transferred into Clarkson by an incoming transfer student.** Clarkson reviews prior course work at the college level as part of the transfer admissions process. Credit is granted on the basis of official transcripts from accredited institutions (see #3 above). Credit at the undergraduate level will be approved only for courses that are passed with grades equivalent to a C (2.000) or higher at Clarkson. Grades in such courses are not used in computing a student's GPA.
5. **Course credit for an incoming first-year student.** Clarkson grants credit to incoming first-year students through its Advanced Placement program. See Section III-L below for detailed information.

### III-L ADVANCED PLACEMENT

Advanced placement credit, defined as college-level credit earned either in high school or college prior to matriculation at any college, may be awarded by high attainment on College Level Examination Program (CLEP) Examinations, College Board Advanced Placement (AP) Examinations, examinations specially prepared or approved by the Clarkson departments involved, or by transfer of college courses taken elsewhere. Consideration will also be given for International Baccalaureate (IB) High Level Course examinations. Academic credit for noncollege work done outside the framework of nationally recognized programs such as CLEP, AP, and IB will not be granted unless students can show proficiency by testing. Advanced placement credit may be counted toward graduation requirements, but it will not be used in computing a student's GPA. Additional information including standards and required scores can be found at Clarkson's Advanced Placement web site

[http://www.clarkson.edu/sas/student\\_records/ap\\_exam/new\\_students.html](http://www.clarkson.edu/sas/student_records/ap_exam/new_students.html). The following conditions apply:

1. College Level Examination Program (CLEP) credit for those courses applicable to the curriculum will be given to an applicant with a score of 60 and above in the examinations that cover individual subjects. Credit will not be given for the four general examinations – Humanities, College Mathematics, Natural Sciences, and Social Sciences and History.
2. An applicant successfully completing a College Board Advanced Placement (AP) Examination with a score of four (4) or better may receive credit for those courses applicable to the University curriculum. Refer to

<http://www.clarkson.edu/sas/registrar/apcredit.html> for scores required in specific tests and Clarkson course equivalency.

3. The University offers advanced standing and/or credit for scores of 5 through 7 on the International Baccalaureate (IB) Higher Level Examinations for those courses applicable to the University curriculum.
4. Advanced placement credit based on a college-level course transferred from another academically accredited institution (see III-K-3) will be awarded upon receipt of both a course description and an official transcript indicating a grade equivalent to a C (2.000) or higher at Clarkson, provided the course is evaluated to be appropriate for Clarkson credit by the Clarkson department or school responsible for the subject of the course. The special case of credit for accredited non-collegiate instruction is handled as specified in Section III-K-3.
5. All advanced placement credit is assigned by Student Administrative Services according to policy set by the University's academic units. Advanced placement should be determined before the student's first registration on campus, but must be finalized before the student's second registration on campus. Advanced placement credit based on tests or examinations (including AP, CLEP, IB, and Clarkson advanced placement and proficiency examinations) will be limited to a combined total of 30 hours.

### **III-M CREDIT FOR ARMED FORCES COURSES**

Clarkson permits, but does not guarantee, the granting of credit to incoming students for completed courses administered by the Armed Forces. All such credit must be approved by the student's academic department or program.

### **III-N PASS OR NO CREDIT**

1. Certain undergraduate courses that may involve innovative teaching methods and/or objectives that do not readily lend themselves to traditional methods of evaluation may be designated by the department as pass or no credit courses. Departments must designate them as pass or no credit prior to registration.
2. For undergraduate courses, a grade C (2.000) and above will be considered passing (P). A grade of C- (1.667) and below will be considered no credit (NC).
3. **Undergraduate students** may take up to 24 credit hours on a pass or no credit (P/NC) basis. Up to six hours may be taken per semester with the following provisions:
  - a. Any free or undesignated elective may be taken on a pass or no credit basis without further restriction. (Free or undesignated electives are those courses in a student's curriculum upon which there are no restrictions or limitation other than the listed prerequisites.)
  - b. With the approval of the degree-granting department or program and the department supervising the course, any other course may be taken on a pass or no credit basis.
  - c. No course having non-zero credit hours that is used to satisfy a requirement for a minor may be taken on a pass or no credit basis.

4. An **undergraduate student** wishing to take a course on a pass or no credit basis must submit to Student Administrative Services a pass/no credit form within the first two weeks of classes indicating approval of advisor, and, if not a free or undesignated elective, approval of the course department chair.
  - a. The student will be permitted to change their designation up to the end of the add period.
  - b. The instructor will not be informed that a student is taking a course on a pass or no credit basis.
  - c. The Registrar will convert the instructor's letter grade to Pass (P); in the case of non-pass, the course will appear on the student's transcript with an NC (no credit) notation.
5. Pass grades will not affect the quality-point average (GPA) but a Pass grade will be applied to the credit hour requirement for graduation.
6. If a student transfers to another department or program and has received pass credit for courses that are now requirements, the department will accept these credits toward the major requirements.

### **III-O LEAVE OF ABSENCE AND WITHDRAWALS**

Any undergraduate student planning to exit the University, whether permanently or for a leave of absence must initiate the process with Student Administrative Services (SAS). The SAS Representative will discuss details pertinent to the student's situation and refer the student to the Dean of Students or their designee. The University may require a written statement from the student, and other documentation as may be appropriate, to support a leave of absence or withdrawal request.

#### **1. Leave of Absence**

- a. A leave of absence can only be granted to undergraduate students who were in good academic standing the semester prior to the leave as noted on the academic transcript for the previous full semester. A leave may also be granted for new students with no prior academic semester standing. Please refer to Section III-R for rules relating to good academic standing. Leaves of Absence are always enacted for future semesters. Should a student exit the University during a semester, the University defines that action as a Withdrawal (see 2 below).
- b. A student in good academic standing may apply to the Dean of Students or their designee for a leave of absence. For students who are seeking a Medical Leave of Absence see item 3.
- c. An approved leave provides the student with the right to return to Clarkson according to the readmission procedure (see III-P) and subject to any restrictions or requirements as may be imposed at the time of the leave.
- d. A Leave of Absence cannot exceed 2 consecutive semesters.

- e. Students considering a Leave of Absence are required to contact their SAS representative to discuss appropriate requirements for exit from the University.

## 2. WITHDRAWALS

If a student's intent is to permanently leave or the student is not in good standing with the University, and/or the student wishes to exit during a semester, students are withdrawn from Clarkson University. If a withdrawn student desires to return, the student must follow the readmission procedure (see III-P). The University does not guarantee a place for a withdrawn student in any particular term of return. Any undergraduate student planning to withdraw from the University must initiate the process with the Dean of Students. The Dean of Students will meet with the student to discuss their reasons for withdrawal and explain the process.

- a. The Dean of Students Office, or designee, will determine the official withdrawal date to be used by the Registrar's Office for recording academic record class drops and term withdrawals. Based on the date, dropped classes will either be removed entirely from student transcripts or they will continue to appear with a notation of W/LW. This date will also be used by the Financial Aid Office to make award and/or repayment decisions. When a student withdraws from the University after the first 4 weeks of a semester, a grade of W (withdrew between 5th and 10th week) or LW (late withdrawal after the 10th week) will be recorded for each course in which the student was enrolled. Reference Section IX-Z of University Regulations pertaining to Financial Aid.
- b. Withdrawals from courses and/or the University cannot occur after the last day of regularly scheduled classes.
- c. Any student living in University housing who withdraws from the University, whether permanently or for a leave of absence, must vacate and remove all personal possessions within 24 hours. All rights to room occupancy cease after 24 hours.
- d. Tuition and segregated fee refunds will be determined by SAS and other appropriate offices as needed based upon the documented circumstances in the student's request, whether the request is predicated on a pre-existing condition, University policy, and other factors that are deemed appropriate. The student is liable for all charges incurred after the official withdrawal date.
- e. Refunds of charges: see Section IX-AA Refund Policy.
- f. Students enrolled in Clarkson approved study abroad, faculty led travel study courses, and off campus pre-professional programs (including co-op experiences) who require withdrawal, and have the withdrawal approved, will not be awarded refunds of any portion of tuition, segregated fees, travel, lodging, insurance, and/or other costs associated with those self-supporting courses and programs.

### 3. MEDICAL LEAVE OF ABSENCE/WITHDRAWAL

#### Voluntary Medical Leave of Absence/Withdrawal

When a student experiences serious medical (physical or psychological) problems while enrolled as a student in a Clarkson program, they may request to take a voluntary medical leave of absence for a future semester, or, if the student's request is to be excused from the university during a semester, a medical withdrawal will be initiated. If a withdrawal is approved, the student will leave campus immediately, could be granted grades of W/LW (depending on date of withdrawal) in all enrolled courses. For leaves of absence or withdrawals, the student will be notified of and obligated to follow the readmission procedure (see III-P) if they desire to return to Clarkson. Documentation from an appropriate medical or mental health professional may be required to support a request for a medical leave of absence or withdrawal and/or a subsequent request to return to Clarkson.

#### Involuntary Medical Leave of Absence/Withdrawal

The university may **require** a student to take a medical leave of absence/withdrawal if, in the judgment of the University, the student:

- a. Poses an imminent threat to the lives or safety of himself/herself or other members of the Clarkson community, or
- b. Has a medical (physical or psychological) problem that cannot be properly treated in the university setting, or
- c. Has evidenced a medical condition or behavior that seriously interferes with the student's ability to function and/or seriously interferes with the educational pursuits of other members of the Clarkson community

Except in unusual circumstances where safety is of immediate concern, the University will make a decision to involuntarily withdraw and/or place the student on leave of absence only after providing the student with advance notice and an opportunity to be heard. In unusual circumstances, the university may impose an interim withdrawal (or impose other conditions, e.g., restricted campus or housing access) without first meeting with the student. In those instances, the student will be provided with notice in the interim and will be provided with an opportunity to be heard (normally within 72 hours) before a final decision is reached. A student may be required to undergo evaluation by either a counselor from the University's health or counseling center and/or a medical or mental health professional from outside the University of the University's choosing. This process will also apply to those instances where the student is not withdrawn entirely from the University but where the University imposes restrictions on the student's campus participation (e.g., restricted campus or housing access).

A student withdrawn involuntarily must leave campus immediately and will receive appropriate transcript grade notations based on their exit date. For leaves of absence or



withdrawals, the student will be notified of and obligated to adhere to any readmission requirements if they desire to return to Clarkson. Documentation from an appropriate medical or mental health professional may be required to support a subsequent request to return to Clarkson.

### **Appeal**

A student who feels aggrieved by a final decision which involuntarily withdraws the student or places the student on leave of absence or which refuses the student's request for a voluntary withdrawal or leave of absence may file a written request for reconsideration with the Vice President for Enrollment & Student Advancement within seven (7) days of notification of the decision.

## **III-P CONTINUANCE/READMISSION PROCESS FOR UNDERGRADUATE STUDENTS**

All students who have left Clarkson University for any reason must complete the appropriate process for return. The University requires students to request to return by the process as indicated on the Student Administrative Services/Student Records/Continuance & Readmission website. Documentation may be required to establish that the issue necessitating the leave has been addressed. However, returning to Clarkson will not be allowed if a student is delinquent on a Clarkson loan or has an outstanding tuition balance. The University reserves the right to deny continuance or readmission where intervening circumstances warrant a denial.

All cases of undergraduate continuance and readmission are reviewed and either approved or denied through the University's Continuance and Readmission Committee. There is no appeal process. The decision made by the Committee is final.

A. **Continuance or Readmission following Academic Separation:** Any student who has been placed on academic separation immediately following the last semester during which he/she was matriculated at Clarkson and who wishes to return to Clarkson must request continuance or readmission by completing the Request for Continuance or Readmission Following Separation process as described on the Student Administrative Services/Student Records/Continuance & Readmission website. The Request for Continuance process should be used when the student wishes to return the semester immediately following the one at the end of which he/she was separated. The Readmission Following Separation form should be used when there has been a break of one or more semesters between the student's last semester at Clarkson and the semester in which he/she wishes to return.

**Continuances for students who are academically separated at the end of their first semester at Clarkson:** Students who are placed on academic separation at the end of their first semester at Clarkson and wish to return will be continued by the University's Continuance and Readmission Committee for the next semester as long as there are no intervening circumstances to warrant a denial. The Committee reserves the right to change a student's academic major and/or advisor as part of the continuance process. Students who do not wish to return to Clarkson for the next

semester must contact their Student Administrative Services Representative to initiate a withdrawal or may indicate so as part of the Request for Continuance process. All First-Year continued students will be required to attend Project Success. Please note that this policy applies to both First-Year and Transfer students and that each student has only one "first semester at Clarkson."

**B. Readmission:** Former students who have been away from Clarkson for at least one semester and did not leave due to academic separation must request readmission by submitting a Request for Readmission form. If readmission is approved, they must pay a \$300 deposit before the official readmission takes place.

**C. Readmission after a Leave of Absence:** Former students who have been away from Clarkson on a Leave of Absence for at least one semester must request readmission by submitting a Request to Return from a Leave of Absence form. In cases of a return from an official leave of absence, such approval is assumed but needs to be verified.

**D. Medical Readmission:** If a Leave of Absence or withdrawal was granted for medical reasons, additional documentation may be requested from health care professionals verifying the student is medically fit to return. Decisions about the need for such documentation will be made on a case-by-case basis, given the student's circumstances, available medical information, and the needs of the University programs to which the student intends to return.

During a medical leave of absence, the university expects the student to undergo professional health-care treatment as the primary method of resolving the initial problem to the point where the student can successfully and safely participate in the educational program. Failure to seek ongoing treatment will raise serious doubt as to the student's readiness to return, and in such cases the university may withhold readmission until appropriate treatment has been received.

#### **E. Deadlines for requesting Continuance and Readmission**

1. Continuance: All Continuance requests must be made by the deadline outlined in the separation email sent by the Registrar to the student. Once the deadline has passed, the process is closed, and Continuance will not be possible.
2. Readmission: Readmission requests must be received one month before the beginning of the semester the student wishes to return and any supporting documents 2 weeks prior to the first day of class. This will allow for all necessary paperwork to arrive to SAS and disseminate to the committee if needed. If approval is granted, this also allows time for financial aid paperwork to be completed and processed and a schedule to be created.

### **III-Q ACADEMIC HONORS**

A student must be enrolled in at least 14 credits, of which 12 or more must be for letter grade, and receive no failing grades in order to qualify for the Dean's List or as a Presidential Scholar.

1. A student is eligible for the academic Dean's List in any semester in which they earn at least a 3.250 quality-point average.
2. A student is eligible for the Presidential Scholar List in any semester in which they earn at least a 3.800 quality-point average.

### **III-R ACADEMIC STANDING**

1. Academic Standing is assigned at the end of the Fall or Spring semesters based on semester GPA, credits attempted, and prior term standing.
2. A student in good standing whose current semester quality-point average falls below 2.000 shall be placed on academic warning.
3. A student on academic warning whose current semester quality-point average is at least 2.000 and who has received grades for at least 12 credit hours in the current semester will be placed on academic good standing. A student on academic warning whose current semester quality-point average falls below 2.000 or who fails to receive grades for at least 12 credit hours in the current semester shall be placed on academic probation.
4. A student who fails to remove him- or herself from academic probation back to warning at the end of the semester by achieving a 2.000 current semester quality-point average while receiving grades for at least 12 credit hours will be separated from the University.
5. Students enrolled as part-time may be exempt from the 12-credit-hour regulation with concurrence of the Chair of the student's department and the Director of Student Administrative Services.
6. Any student whose current semester quality-point average falls below 1.000 will be separated from the University. Students who are placed on academic separation at the end of their first semester at Clarkson and wish to return will be continued by the University's Continuance and Readmission Committee for the next semester as long as there are no intervening circumstances to warrant a denial. Please see III-P CONTINUANCE/READMISSION PROCESS FOR UNDERGRADUATE STUDENTS A. Continuance or Readmission following Academic Separation for further information.
7. If separated, a student may request continuance by submitting a Request for Continuance form immediately following the current semester. This form is available in PeopleSoft. All cases of continuance require approval of the University's Continuance and Readmission Committee.
8. The academic status acquired at the end of any semester shall take effect at the beginning of the next summer school or semester in which the student registers, or in the case of separation, shall take effect prior to the beginning of the next academic term (summer school or semester, whichever comes first).
9. Academic standing is based solely on performance within the semester and does not change due to subsequent changes in GPA due to courses being repeated or omitted.

### **III-S First Year Seminar Requirement (FY100)**

All entering Clarkson students who are classified as first-year students are required to complete the FY100 course (PE100 for Clarkson School students) as a requirement for graduation. The Dean of Students may designate some other first-year transition experience as a substitute for

FY100. It is recommended that students complete this course during their first year, and they are automatically enrolled in this course if they enter in the fall semester. Three categories of students are exempt from FY100 requirement: a) Students who have previously matriculated as a full-time student at a residential university b) Military veterans, and c) Entering Clarkson students who are classified as transfer students. The Dean of Students and First Year Seminar Coordinator will work together to provide exempt students with access to relevant information equivalent to what newly matriculated students can access through FY100.

### **III-T DOUBLE MAJORS AND SECOND CLARKSON DEGREES**

1. A double major bachelor's degree is awarded when the student satisfies all curricular requirements for two bachelor's degree programs but does not qualify for a second degree as defined in Section III-T-2. This is a single degree with two majors, and all requirements for both programs must be completed prior to graduation.
2. A student can be awarded two Clarkson bachelor's degrees if they satisfy all degree requirements for two different Clarkson bachelor's degree programs. In addition, a minimum of 150 credit hours is required including at least 30 credit hours unique to each program. These degrees may be awarded simultaneously or sequentially, as long as requirements have been met.

### **III-U GRADUATION**

1. Based on information supplied by the University, each student is responsible for ascertaining and meeting the requirements for graduation. The student must satisfactorily complete the curriculum and satisfy the graduation requirements prescribed by any one catalog in force during a period of the student's matriculation at Clarkson.
2. At the time of graduation all requirements for completing a double major and any minors or concentrations must have been completed. All majors, minors and concentrations must be formally registered and part of the student's academic record prior to the date the degrees are approved.
3. To be eligible for graduation, an undergraduate student must satisfy each of the following requirements:
  - a. A student entering as a first semester freshman must have been in residence for at least four semesters, including the final undergraduate semester; or, if entering with advanced standing, have completed at least half the remaining upper-level undergraduate work in residence at Clarkson. The program must include a minimum of two semesters (30 credit hours) including the final undergraduate semester.
  - b. Must have satisfactorily completed the curriculum in which the student is registered.
  - c. Any student who, upon matriculation at Clarkson, is assigned to the Class of 1989 or later must achieve a cumulative GPA of at least 2.000.
  - d. Any student who, upon matriculation at Clarkson, was assigned to the Class of 2004 or later, must achieve a cumulative GPA of at least 2.000 in the major field of study, and if completing one or more minors, must have achieved a GPA of at

- least 2.000 in each minor. The lists of courses that constitute the major and minor field are determined by the department or academic unit that offers the degree program or minor and are maintained by Student Administrative Services.
- e. Must have satisfied the FY100 requirement, unless exempt, as outlined in III-S First Year Seminar Requirement (FY100).
  - f. Must have completed the Clarkson Common Experience as specified in the catalog.
4. The student becomes a degree candidate when the department chair or program director certifies that the student has completed department or program and University requirements for graduation and, consequently, recommends them to the faculty for the conferring of the appropriate degree. If a failed course has been removed from the curriculum or is an elective, the student may meet graduation requirements by the substitution of another course that has the written approval of the chair or director of the degree-granting department or program.
  5. Successful completion of minors or concentrations, if any, is certified by the department chairs or program directors of the academic units offering the minors.
  6. With the written approval of the chair or director of the degree-granting department or program, a student who has completed all but six hours for graduation may take them off campus. (See Section III-K Off-Campus Courses for Clarkson Credit of these Regulations for further information regarding taking courses off campus.) These undergraduate students are also eligible to participate in the Commencement ceremony.
  7. At graduation a student will receive the bachelor's degree "with distinction" if their cumulative quality-point average is at least 3.250 or "with great distinction" if it is at least 3.750.
  8. Students must have met financial obligations to the University within the time specified by Student Administrative Services. Diplomas and transcripts will be withheld on pastdue accounts and loans. In addition, diplomas and/or transcripts may be withheld for not completing a required exit interview involving University-administered loan programs.

### **III-V EXCEPTIONS**

1. Requests for exceptions to academic rules and regulations must be made in writing on the "Request for Exception" form.
2. For exceptions that do not involve graduation requirements, the request must have a recommendation by the student's adviser and department chair, program director or designee. The Dean of the student's School will approve or disapprove. (In cases where the department and School reviews are made by the same person, approval also must be received from the Provost.)
3. For exceptions to graduation requirements, the request must also be sent to the Academic Standards Committee of the Faculty Senate for approval or disapproval on behalf of the faculty. In these cases, the Academic Standards Committee is the final authority for approval or disapproval.
4. A "Request for Exception" will be processed by Student Administrative Services only after it has been completed with the necessary signatures as prescribed above

# **IV - Academic Integrity**

## **IV-A CODE OF ETHICS**

Clarkson values personal integrity. Matriculation at Clarkson carries with it the obligation that a student will not claim as their own, the work of another, or any work that has not been honestly performed, will not take any examination by improper means, and will not aid and abet another in any dishonesty.

Violations of the Code of Ethics are regarded as most serious offenses and render the offenders liable to severe disciplinary action. Alleged violations of the Code of Ethics are dealt with according to the section on the Academic Integrity Committee.

## **IV-B ACADEMIC INTEGRITY COMMITTEE**

The Academic Integrity Committee deals with alleged violations of the Code of Ethics.

The Committee is the primary body for adjudicating alleged violations. If faculty members elect to levy sanctions on their own authority against students for violations committed in their courses, they must inform the charged students of their right to appeal the sanction to the Committee and inform the Academic Integrity Committee of any sanctions levied.

Once the faculty notifies the student of their action, it should be noted in the letter from the faculty member that the student has the right to appeal the decision to the Academic Integrity Committee and has 7 calendar days to make their decision to appeal known to the chair of the Academic Integrity Committee. Once the 7 days have passed the decision of the faculty member is considered final.

All cases involving a recommendation of suspension or expulsion must be referred to the Committee.

The Committee, at the end of each semester, will prepare a summary of the cases of established violations and the sanctions imposed and a copy sent to the Dean of Students Office.

### **The duties of the Committee thus are:**

1. To adjudicate cases specifically referred to it,
2. to hear appeals to sanctions imposed by individual faculty members, and
3. inform the Dean of Students Office.

All cases, whether they are handled by individual faculty members or by the Committee, must be reported to the Dean of Students Office who will consolidate the information with the files of student conduct violations.

### **Committee Composition and Terms of Membership**

1. The Committee shall consist of three faculty members, three undergraduate students and three graduate students of Clarkson University, and a fourth faculty member who shall serve as nonvoting chair.
2. Six of nine committee members will serve on each case. Committee service is primarily reserved for committee members with similar status as the student with the alleged violation, undergraduate or graduate. When necessary, a student with an unlike status may serve as an alternate.
3. The term of office for members of the Committee shall be one year, from one commencement to the next.

### **Appointment Requirements and Procedures**

1. Undergraduate student members shall be selected by the Student Senate in the spring to serve for the following academic year. The Student Senate shall appoint three members and one alternate to the Committee. If any vacancy shall exist during the year, the Student Senate shall appoint the alternate to the Committee for the balance of the year. *Recall:* The student members of the Committee shall be ancillary to Article XIII of the CUSA Constitution.
2. Graduate student members shall be selected in partnership by the University Faculty senate and the Graduate Student Association in the spring to serve for the following academic year. Faculty Senate shall appoint three members and one alternate to the Committee. If any vacancy shall exist during the year, the Faculty Senate shall appoint the alternate to the Committee for the balance of the year.
3. Faculty Members. The Faculty Senate will select from the full-time Clarkson faculty the chair, three additional members, and two alternates in the spring to serve for the following academic year.

### **Responsibilities of the Chair**

1. The chair shall ensure that the designated procedures are followed for organizational and Committee meetings.
2. The chair shall preside at all hearings and meetings of the Committee, maintaining order and decorum, and ruling on points of procedure.
3. The chair shall maintain complete files of each case to be kept in the SAS.
4. The chair shall report in writing annually to the Faculty Senate and the Student Senate, describing the number and types of cases dealt with, and problems encountered (without, however, revealing names or other confidential matters).

### **Procedures**

1. Consideration of alleged academic violations involves issues of academic judgment and review that are distinct from the consideration of alleged violations of the University's rules for nonacademic conduct.

## 2. Hearings

- a. A hearing is an administrative and not a criminal proceeding; therefore, there is no need to define academic violations or the hearing procedures with the specificity required in the criminal law. In general, a student shall be entitled to a hearing that is fundamentally fair and shall comply generally with the following. Strict adherence to the rules is not required.
- b. Students, faculty members, or others making allegations of violation of the Code of Ethics shall submit to the chair a written description of the charges.
- c. Within five (5) days of the receipt of the written description, the chair shall, in consultation with the Committee members, set the date for hearing the case. If a member is disqualified by virtue of being a principal in the case or because the member feels unable to judge the case objectively, the rest of the Committee, by majority vote, shall designate an alternate. If the chair is disqualified, the other members of the Committee shall elect, by majority vote, a chair pro tem.
- d. At least seven (7) calendar days in advance of the hearing the Chair shall inform in writing the accused and the accuser of the scheduled hearing. The written notice shall include:
  1. A statement of the charges
  2. A list of all known witnesses and a description of the known evidence in support of the charges
  3. A statement of the time and place of the hearing
  4. A copy of the hearing procedures
- e. A student who fails to appear or to participate in a hearing after proper notice will be deemed to have pled guilty to the charge(s) pending against them and will be subject to the sanction levied by the Academic Integrity Committee.
- f. The student has the right to be assisted in their defense by an adviser of their choice. The adviser may be present but may not participate as an advocate in the proceedings.
- g. Only those persons having a role in the hearing shall be permitted to attend.
- h. Technical rules of evidence applicable to civil and criminal courts are not applicable. All matters upon which the decision may be based must be introduced into evidence at the proceedings of the Committee. Its decision must be based solely upon such matters.
- i. The burden of proof shall rest upon the person(s) bringing the charge.
- j. The student charged will be given the opportunity to testify and to present evidence and witnesses upon their behalf. They shall have an opportunity to hear and question adverse witnesses, as will the Committee. In no case will the Committee consider statements against a student unless the student has been advised of their content and of the names of those who made them.
- k. There will be a tape recording of all hearings.
- l. After the hearing has been completed, the Committee shall determine in a closed meeting whether the allegation is upheld. A minimum of four votes for and a maximum of zero against shall be required to uphold an allegation. The chair shall be nonvoting. Abstentions shall not be considered a vote against.



- m. For an upheld allegation the Committee shall determine by majority vote one or more of the following penalties to be assessed:
  - 1. "Ethical Probation" for a period to be specified by the Committee, or the remainder of the student's time at Clarkson to be kept on file in the Office of the Dean of Students. Should a second violation of academic integrity occur during the period of ethical probation, a recommendation to the president for ethical suspension would ensue automatically.
  - 2. Grade of F for the assignment or examination.
  - 3. Grade of F for the course or for a percentage of the course. A grade of F submitted by the instructor, either for a piece of work or for the course, as a sanction for a violation of academic integrity, may be overturned by the Committee.
  - 4. Grade sanction for the course, equal to half integral amounts of a letter grade up to a maximum of three letter grades.
  - 5. "Ethical Suspension" the student will be suspended for a period of time indicated in a letter from the chair of the Academic Integrity Committee. The committee may enact other conditions as part of the sanction of ethical suspension. The chair will make it known to the Registrar's Office, the Provost, and the Vice President for Enrollment & Student Advancement and the Dean of Students.
  - 6. "Ethical Expulsion" the student will be expelled from the University and will be notified by a letter from the chair of the Academic Integrity Committee. The chair will make it known to the Registrar's Office, the Provost, and the Vice President for Enrollment & Student Advancement and the Dean of Students.
  - 7. A course affected by academic integrity sanctions cannot be dropped.
- n. The chair may vote to break ties. The chair shall forward the recommendations to the President or his designated representative.

### **3. Adjudication**

The Committee shall be responsible for the disposition of all cases brought before it during its term of office.

#### **Right to appeal the decision by the Academic Integrity Committee**

- 1. Should a student choose to appeal the decision by the Academic Integrity Committee, the appeal of an Academic Integrity Committee decision must be submitted in writing to the Provost within 7 calendar days from the date of the Hearing Committee decision.
- 2. The ground(s) for the appeal must be included and clearly stated in the request. Grounds for appeal are limited to:
  - a. A procedural error occurred during the process that had a direct impact on the outcome;
  - b. New evidence has come to light that has a direct impact on the outcome which could not have been discovered by a properly diligent person before or during the original proceeding; or

- c. The decision as to responsibility and/or sanction is arbitrary or capricious, including but not limited to as a result of bias or disregard of substantial evidence, or because the sanction(s) is (are) clearly disproportionate to the violation.
  
3. The Provost will have the right to question any and all individuals who can assist in the final determination of the appeal. The Provost will then make one of the following decisions:
  - a. Affirm the finding or responsibility and affirm the sanction(s).
  - b. Affirm the finding of responsibility and increase or decrease the sanction.
  - c. Remand the case back to the original Academic Integrity Board or ask that a new one be formed. This may occur if specified procedural errors were so substantial as to effectively deny the student a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent person before or during the original proceeding.
  
4. The Provost will notify the student of the decision with an explanation of the final action.

Clarkson University reserves the right to amend this entire document from time to time as deemed necessary.

# V - Code of Student Conduct

## V-A DEFINITIONS

1. University: Clarkson University at Potsdam, New York.
2. Academic Community: all members of the faculty, administration, staff, and student body.
3. Student: an individual who is enrolled (full or part time) in courses offered by the University.
4. University Premises: buildings and grounds owned, leased, and used by the University.
5. University-sponsored Activity: any activity on or off campus that is initiated, organized, controlled and supervised by the University.
6. Organization: a number of people belonging to a recognized University group.

## V-B PROHIBITED CONDUCT

The University expects that all students will conduct themselves as responsible members of society as defined by this Code. Disciplinary measures will be taken for the following reasons. Note, however, these do not cover every single circumstance when disciplinary measures will be enacted. In general, any act that infringes upon the rights of others or that adversely affects the academic or administrative activities of the University is prohibited.

1. Violations of any federal, state, or local law, where, in the judgment of the University, the person charged endangers the property or threatens the personal safety of the academic community.
2. Violations of University policies and regulations as stated in this booklet and any other regulations that may be enacted.
3. Fraudulent or dishonest conduct, including but not limited to, providing false information to the University.
4. Failure to comply with instructions of administrative officials, including resident advisers, who have duly identified themselves.
5. All forms of academic dishonesty, including cheating, fabrication, plagiarism, and aiding and abetting of a dishonest act. (A violation pertaining to this item will be handled through the Academic Integrity procedures.)
6. Intentional disruption or obstruction of teaching, research and administrative activities or any other form of infringement upon the rights or freedoms of a member of the academic community.
7. Theft from or damage to the University, University-affiliated services, members of the academic community, or visitors to campus, as well as damage to their property.
8. Abuse, verbal or physical, or threat of same upon any member of the academic community.
9. Any behavior that is socially or morally unacceptable.
10. Unauthorized use, possession or storage of any weapon, explosive device or material, including but not limited to firearms, knives, fireworks or ammunition.
11. Possession, use or distribution of a controlled substance or illegal drug or paraphernalia related to its use.

12. Tampering with fire-warning devices, protection equipment and other related devices designed to protect the safety of the academic community.
13. Repeated offenses, which, by themselves, would not warrant suspension or dismissal, but collectively indicate that further attendance by the student is not in the best interests of the student or the University.

# VI - Disciplinary Proceedings

## VI-A DEAN'S INQUIRY

A dean's inquiry occurs when the name of a student comes to the attention of the Dean of Students staff as someone who may have committed a violation of the Code of Student Conduct.

### Generally Applicable Procedures:

1. The student will be notified of the charges, which will consist of the following information at a minimum: the nature of the misconduct in which the student is suspected of having engaged and the section(s) of the Code of Conduct that may have been violated. A Dean's inquiry is initially a fact-finding process and may or may not lead to disciplinary action against the student.
2. A Dean's inquiry is conducted as a series of meetings. The Dean of Students may conduct these meetings himself/herself. The Dean of Students may designate Campus Security personnel or appropriate administrator(s) to conduct the inquiry, or the Dean of Students may conduct the inquiry in conjunction with another appropriate administrator or person.
3. The charged student will be asked about the incident. Interviews also will be held with other individuals who may have witnessed the incident or otherwise have relevant information, including the complainant, if there is a complainant. As a general rule, the only persons who may attend an interview are the Dean of Students and an additional administrator if the Dean so selects, and the person being interviewed. Neither the charged student nor the complainant, if any, will be permitted to be present during any interview other than their own interview. Other persons, such as an advisor or support person, may be present during the interview process at the Dean of Students discretion. In cases of alleged violation of the University Harassment and Sexual Misconduct Policy, there is a right to an advisor.
4. The nature of the investigation into the facts depends on the nature of the matter under inquiry.
5. Based upon the information collected, the Dean of Students decides whether the charged student violated the Code based on a preponderance of the evidence standard, and, if so, whether disciplinary action is warranted. The Dean will render a written decision in the case. The decision will include sanction(s), if responsibility for a violation is found and the sanction(s) are deemed warranted. The Dean of Students may impose sanction(s) up to and including expulsion.
6. a. If the charged student agrees with the decision (including sanction(s)), the case is considered resolved. A letter to this effect will be sent to the student and placed on file in the Dean of Students Office and the Office of the Vice President for Enrollment & Student Advancement. b. If the charged student does not agree with the judgment (including sanction(s)), they may appeal to the Hearing Committee on Discipline and

Disorders. The appeal must be in writing and must be submitted to the Dean of Students within three

(3) calendar days. The grounds for appeal need not be stated in detail but must make clear whether the charged student requests a hearing before the Hearing Committee on the issue(s) of the determination as to responsibility or sanction(s) or both.

7. The University endeavors to complete the Dean's Inquiry phase promptly. Ordinarily, this phase is completed no more than 30 calendar days after the allegations come to the attention of the Dean of Students' office. However, several circumstances may require a longer Dean's Inquiry process, including but not limited to the complexity of the case and availability of witnesses.
8. Pending the Dean of Students' decision as to whether the charged student is responsible for the violation(s), the status of a student should not be altered, or their right to be present on the campus and to attend classes suspended, except in circumstances where the Dean of Students deems such action necessary to protect the safety and/or well-being of the student, other members of the campus community and/or University property or operations. In certain cases, interim measures may be necessary to safeguard the campus environment, including but not limited to changes in housing or course assignments or temporary bans from campus property. The University retains the right to impose interim protective measures in its sole discretion.
9. In some instances, a student may be subject to criminal investigation or prosecution carried out by law enforcement officials. The University may or may not delay its disciplinary procedures in light of criminal proceedings. Further, the University retains the right to make its own, independent determination as to whether a student has violated University policy regardless of the outcome of any criminal proceedings.
10. If there is an appeal of a Dean of Students' decision imposing sanction(s), the Dean of Students will determine whether the sanction(s) will be implemented immediately or held in abeyance pending the outcome of the appeal hearing.

Additional Procedures Applicable to Inquiries involving the University Harassment and Sexual Misconduct Policy:

11. The complainant and the charged student will have an equal opportunity to present evidence and information for consideration.
12. In reaching a decision on charges of violation of the University Harassment and Sexual Misconduct Policy, the Dean of Students may rely in whole or in part on the investigation conducted by the Title IX Coordinator and/or Title IX investigator(s) instead of conducting meetings as described above, and the Dean of Students may consult with the Title IX Coordinator and/or Title IX investigator(s) and/or Affirmative Action Officer as the Dean of Students reaches their determination.
13. If the Dean of Students finds that a violation has been established by a preponderance of the evidence, the Dean of Students then will consider sanctions. In case involving sexual assault, dating violence, domestic violence or stalking where the Dean of Students finds that a violation has been established by a preponderance of the evidence, the Dean of Students will inform the charged student and the complainant that a conclusion has been reached as to responsibility on the charge(s) and the charged student and complainant will be allowed to submit a written impact statement within three (3) calendar days. A decision

as to sanction(s) then will be made. To the extent consistent with law, the complainant will be informed of the judgment and sanction(s).

14. In any meeting conducted pursuant to this policy that either the charged student or complainant is required or entitled to attend, the charged student and complainant may be accompanied by an advisor of their choice. If the advisor is a paid advisor, this will be at the party's own expense. The advisor may be present but may not participate as an advocate in the proceedings. The advisor may not speak for the advisee or make objections. The role of an advisor is limited to providing quiet counsel and advice to the advisee. The Dean of Students may dismiss any advisor who disrupts the meeting or fails to follow rules as set by this policy or the Dean, and the meeting will proceed without the opportunity for the advisee to secure another advisor. A meeting may be delayed for a short period of time (generally not to exceed three calendar days) due to an advisor's unavailability, and a student is advised to take into account a potential advisor's availability when selecting an individual to serve in this capacity.
15. In cases where a law enforcement investigation or criminal charge is pending, the University will not delay its disciplinary process for more than 10 calendar days unless law enforcement justifies a longer delay.
16. Both the charged student and complainant shall have the right to exclude their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment from admittance in any disciplinary proceeding held under this policy. The charged student's past disciplinary violations may be considered for purposes of determining the appropriate sanction after a finding of responsibility.
17. Both the charged student and complainant will receive simultaneous written notice of outcome, to the extent permitted by law. The outcome letter shall include factual findings supporting the determination, the decision and the sanction, if any, as well as the rationale for the decision and sanction.
18. The charged student and complainant will have an equal right to appeal to the Hearing Committee on Discipline and Disorders if he/she disagrees with the judgment and/or sanction(s).
19. Students are referred to the Students' Bill of Rights, found in the University Harassment and Sexual Misconduct Policy.
20. Allegations of organizational misconduct will be handled pursuant to the Fraternity and Sorority Recognition Policy or CUSA Student Organization Conduct Board. The exception will be for cases involving violations of the University Harassment and Sexual Misconduct Policy. Those matters involving organizational cases will be heard pursuant to this policy.
21. Pending initial decision by the Dean of Students, the status of a student should not be altered, or their right to be present on the campus and to attend classes suspended, except in circumstances where the Dean of Students deems such action necessary to protect the safety and/or well-being of the student, other members of the campus community and/or University property or operations. Sanction(s) imposed by the Dean of Students will take effect immediately unless there is an appeal to the Hearing Committee and then the Vice President for Enrollment & Student Advancement decides if implementation should be delayed.

## **VI-B APPEAL OF HEARING COMMITTEE ON DISCIPLINE AND DISORDERS**

The purpose of the Hearing Committee is to hear appeals from decisions made by the Dean of Students or designee.

The disciplinary process is an administrative and not a criminal proceeding, therefore, there is no need to define prohibited conduct or the hearing procedures with the specificity required in criminal law. In general, a student or organization shall be entitled to a proceeding that is fundamentally fair and that shall comply generally with the following. Strict adherence to the rules is not required.

The Hearing Committee is not constrained by the reason for the appeal, meaning, for example, that a charged student may appeal on the ground that the Dean of Students sanction is too severe, but the Hearing Committee may find that a more severe penalty is appropriate. Similarly, a complainant may appeal the sanction on the ground that it is too lenient, but the Hearing Committee may impose a less severe sanction than that imposed by the Dean of Students.

The Committee shall consist of six members selected in the spring to serve for the following academic year and who may also be selected for successive terms. The president shall select a person to serve as chair. The membership shall be:

- Two undergraduate students selected by the Student Senate from full-time students in good standing who will be juniors or seniors during their term and who are not members of the Student Senate;
- One graduate student nominated by the Dean of the Graduate School/Provost from fulltime graduate students in good standing;
- Two faculty members selected by the Faculty Senate from full-time faculty who are not members of the Faculty Senate;
- One member of the Administrative Council selected by the Administrative Council;
- A chair selected by the president;
- Students do not sit on Hearing Committee convened to hear appeals including violation of the University Harassment and Sexual Misconduct Policy, including but not limited to sexual harassment, sexual assault, dating violence, domestic violence or stalking. In these cases, the Committee consists of two faculty members, one Administrative Council member, and the chair.

Corresponding alternates shall be selected at the same time and in the same manner.

- a. No Committee member shall sit in review of a case in which they have personal knowledge of the relevant facts. No Committee member shall sit in review of a case in which they have a conflict of interest.



- b. The heads of the appropriate governance bodies shall fill permanent or temporary vacancies as they occur.
- c. A quorum consists of five members with decisions being made by the majority. In any case involving even a single charge of violation of the University Harassment and Sexual Misconduct Policy, a quorum consists of three members with decisions being made by the majority as to all of the charges even if the remaining charges are unrelated to the University Harassment and Sexual Misconduct Policy.
- d. The chair shall vote only in case of a tie.

### **VI-B-1. Appeal Hearing Procedures**

The following procedures shall be followed when an appeal hearing is convened:

- a. The charged student will be informed, in writing, at least seven (7) calendar days in advance of the hearing of the following:
  - i. A statement of the charge(s) on which the appeal will be held;
  - ii. A list of all currently known witnesses and a description of the currently known evidence in support of the charges; this shall not preclude the introduction of additional witnesses upon notice to the charged student (and, in cases alleging violation of the University Harassment and Sexual Misconduct Policy, to the complainant) prior to or at commencement of the hearing;
  - iii. A statement of the time and place of the hearing; and
  - iv. A copy of these hearing procedures.

In cases of charges alleging violation of the University Harassment and Sexual Misconduct Policy, the complainant will receive this notification as well. Also, in cases of charges of violation of the University Harassment and Sexual Misconduct Policy, the charged student or complainant may request the opportunity to review the case file, but this review must occur, if at all, within the seven (7) calendar days before the hearing. The University reserves the right to make redactions to the extent required or permitted by law.

- b. If necessary for compelling reasons, the Dean of Students may grant a request to adjourn a hearing for short period, generally not to exceed five calendar days. A charged student who fails to appear or to participate in a hearing after proper notice will be deemed to have waived their opportunity to be heard. A charged student's absence at the hearing will not preclude a finding of responsibility for the charges(s) pending against the student and the student will be subject to the sanction, if any, levied by the Hearing Committee on Discipline and Disorders. Similarly, a hearing may be held and a decision rendered as to responsibility and sanction, if any, despite the failure of the complainant to appear.
- c. The charged student has the right to be assisted in their defense by an advisor of their own choice from within the Clarkson community and who may not be a lawyer. However, in cases involving charges of violation of the University Harassment and Sexual Misconduct Policy, the charged student may have an advisor of their choice and this person may be an attorney, and the complainant also will be entitled to this right. A paid advisor is at the party's own expense. The advisor may be present but may not participate as an advocate in

the proceedings. The advisor may not speak for the advisee and may not address the Committee or make objections. The role of an advisor is limited to providing quiet counsel and advice to the advisee. The Chair may dismiss any advisor from the proceeding who disrupts the proceeding or fails to follow rules as set b this policy and the Chair, and the hearing will proceed without the opportunity for the advisee to secure another advisor. The charged student and complainant should consider the availability of prospective advisors for the scheduled hearing date when selecting an individual to serve in this capacity.

- d. Only those persons having a role in the hearing shall be permitted to attend, and, even then, only during the part of the hearing in which their presence is required or permitted by the chair.
- e. Technical rules of evidence applicable to civil and criminal courts are not applicable. All matters upon which the decision may be based must be introduced into evidence at the proceedings before the Committee. Its decision must be based solely upon such matters.
- f. The Chair is authorized to make decisions in their discretion with respect to what evidence will be admitted and to resolve procedural disputes.
- g. The applicable burden of proof is a “preponderance of the evidence”. This is a lower standard than applicable in criminal proceedings. A preponderance of the evidence means the evidence is more convincing than other evidence such that it is more likely than not that a fact is true or an event occurred.
- h. The charged student will be given the opportunity to testify and to present evidence and witnesses upon their behalf. They shall have an opportunity to hear and question adverse witnesses who testify. In cases of charges of violation of the University Harassment and Sexual Misconduct Policy, the complainant will be allowed an equal opportunity as is offered to the charged student to present evidence and witnesses who testify and to hear and question witnesses. The Chair will decide the method of questioning, and this method may be limited to questions presented through the Chair. The Chair may exercise discretion in terms of the manner in which testimony is taken, including whether witnesses appearing before the Committee should be shielded in some way (e.g., a screen, closed circuit television, etc.). Witnesses may appear by teleconference or videoconference if the Chair so allows. The Chair may allow written statements or summaries of interviews to be considered as evidence in lieu of testimony.
- i. Similar to the Dean's Inquiry process, in the case of charge(s) for violation of the University Harassment and Sexual Misconduct Policy, both the charged student and complainant shall have the right to exclude their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment from admittance in any disciplinary proceeding held under this policy. The charged student's past conduct violations may be considered for purposes of determining the appropriate sanction after a finding of responsibility.
- j. In no case will the Hearing Committee consider statements unless the charged student and complainant, if any, have been provided an opportunity to review or otherwise been advised of their content. The University reserves the right to withhold the name of an individual who made a statement if the Dean deems necessary and appropriate in the Dean's sole discretion.
- k. There will be an audio recording of all hearings.

## **VI-B-2 Results of the Appeal to the Hearing Committee**

1. The Chair of the Hearing Committee will notify the charged student of the Hearing Committee's decision as to responsibility, and, if the student is found responsible, the sanction, if any. In case of charges of violation of the University Harassment and Sexual Misconduct Policy, both the charged student and complainant will receive simultaneous written notice of the decision, to the extent permitted by law, and the decision letter shall include factual findings supporting the determination, the decision and the sanction, if any, as well as the rationale for the decision and sanction.
2. The Hearing Committee may but is not required to defer to the Dean of Students or designee's decision being appealed. The Hearing Committee may take any of the following actions with respect to the Dean of Students' or designee's decision on each charge being appealed:
  - i. Affirm the finding of responsibility and affirm the sanction(s)
  - ii. Affirm the finding of responsibility and increase or decrease the sanction.
  - iii. Affirm the finding of no responsibility.
  - iv. Reverse the finding of responsibility to a finding of no responsibility and eliminate the sanction(s).
  - v. Reverse the finding of no responsibility to a finding of responsibility and assign sanction(s).

## **VI-B-3 Appeal of a Hearing Committee Determination**

1. A decision of the Hearing Committee may be appealed, but the grounds of appeal are limited.
2. An appeal of a Hearing Committee decision must be submitted in writing to the Vice President for Enrollment & Student Advancement ("VP for E & SA") within 10 calendar days from the date of the Hearing Committee decision. The charged student may appeal and, in cases of violation of the University Harassment and Sexual Misconduct Policy, the complainant also may appeal.
3. The ground(s) for appeal must be included and clearly stated in the request. Grounds for appeal are limited to:
  1. A procedural error occurred during the process that had a direct impact on the outcome;
  2. New evidence has come to light that has a direct impact on the outcome which could not have been discovered by a properly diligent person before or during the original proceeding; or
  3. The decision as to responsibility and/or sanction is arbitrary or capricious, including but not limited to as a result of bias or disregard of substantial evidence, or because the sanction(s) is (are) clearly disproportionate to the violation.

4. Appeals shall be submitted to the VP for E & SA. In cases of charges of violation of the University Harassment and Sexual Misconduct Policy, the VP for E & SA will forward a copy of the appeal to the non-appealing party, and the non-appealing party may respond within five (5) calendar days. The appealing party will receive a copy of any statement submitted but is not allowed a right of further submission or response.
5. Appeals shall be decided only upon the record of the original proceeding and the written appeal statement(s) submitted by the charged student and/or complainant, unless the VP for E & SA deems it necessary to seek additional information.
6. While the appeal is pending, the sanctions imposed will remain in effect unless the VP for E & SA decides otherwise.
7. In deciding the appeal, the VP for E & SA may take the following actions. The VP for E & SA is limited to taking action(s) responsive to the ground(s) for appeal.
  - a. Affirm the finding of responsibility and affirm the sanction(s).
  - b. Affirm the finding of responsibility and increase or decrease the sanction.
  - c. Affirm the finding of no responsibility.
  - d. Reverse the finding of responsibility to a finding of no responsibility and eliminate the sanction(s)
  - e. Reverse the finding of no responsibility to a finding of responsibility and assign sanction(s).
  - f. Remand the case to the original or a new Hearing Committee on Discipline and Disorders. This may occur if specified procedural errors were so substantial as to effectively deny the student a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent person before or during the original proceeding.

The VP for E & SA will notify the student of the decision. In cases of charges of violation of the University Harassment and Sexual Misconduct Policy, both the charged student and complainant will receive simultaneous written notice of the decision, to the extent permitted by law, and the decision letter shall include a rationale for the decision.

## **VI-C SANCTIONS**

### **The following may be imposed upon students for violation of the Code of Student Conduct:**

1. Disciplinary reprimand: a written warning that further misconduct may result in more severe disciplinary action (generally given in cases of minor misconduct). A copy of this warning is kept in the student's disciplinary file.
2. Disciplinary probation: a letter of probation is placed on file with the Dean of Students and in the Office of the Vice President for Enrollment & Student Advancement indicating that further violations may result in suspension or expulsion from the University. Forfeiture of privileges or other sanctions may be enacted by the Dean of Students or the Vice President for Enrollment & Student Advancement (given for a specified period of time and for serious misconduct).

3. Restitution: the student is required to pay for damages resulting from a violation of this code.
4. Disciplinary suspension: given for extremely serious misconduct when it is believed that the student should be removed from the University for a specified period of time. Upon readmission, the student is placed on disciplinary probation for a minimum of one semester. A letter may be sent to parents and notice is sent to the dean of the appropriate school and the department chair or the Interdisciplinary Engineering and Management director.
5. Disciplinary expulsion: given for extremely serious misconduct when it is the judgment of the University that the student should never be permitted to reenter the University. A letter may be sent to parents and a notice is sent to the dean of the appropriate school and the department chair or the Interdisciplinary Engineering and Management director.
6. Revocation of degree: Where a degree has been conferred, the University may revoke the degree if the sanction imposed would have been expulsion had the individual been a student at the time of the hearing and the conduct is sufficiently egregious to warrant the revocation of a conferred degree.
7. Other sanctions: instead of, or in addition to, sanctions appearing in 1 through 5, other sanctions may be imposed. These could include, without limitation, suspension from University housing, denial of driving privileges, fines, participation in educational program(s), and/or assignment to work or research projects that benefit a charitable or nonprofit institution, including the University.
8. Parental notification: when a student under the age of 21 has violated campus regulations regarding alcohol or drug use for a second time, or in a manner that is considered particularly dangerous or risky for the student or others, parents or legal guardians will be notified of the violation, disciplinary sanctions, and recommendations for appropriate action. This represents an effort to recognize parents as partners in the educational process, and the University encourages parents to discuss the situation with their student before the student faces potentially more serious repercussions. A letter will typically be sent to parents at the student's legal address on file with the University. In the case of dangerous or risky situations, a Student Affairs administrator may call the family. The University encourages families to discuss such matters together, and find positive and creative means for preventing further problems.

#### **VI-D DESIGNATION OF AUTHORITY**

Any references in this policy to a specific title or position should be read to include "or their designee", and a person to whom authority to act is granted pursuant to this policy may designate that authority.

# **VII - Statement on the Maintenance of Public Order on Campus**

## **VII-A PREAMBLE**

1. Clarkson University is chartered by and operates under the laws of the State of New York. Its students, faculty, administration, and staff compose a community whose primary purposes are the development and transmission of knowledge — the search for truth. These are endeavors of reason. They demand freedom of inquiry and expression, with dissent recognized as a fundamental ingredient in the pursuit of ultimate truth. These purposes require freedom from violence and from the threat of violence. It is the right and duty of all members of the academic community to foster and preserve this environment, and it is the right and responsibility of both faculty and students to participate, in accordance with experience, competence and particular interest, in making the rules and regulations required for the furtherance of these purposes.
2. In accordance with the above, the following general principles and procedures are submitted for the maintenance of public order on the campus. These principles and procedures apply with equal force for all members of the Clarkson community: students, faculty, administration and staff, and also for visitors.

## **VII-B PRINCIPLES FOR THE MAINTENANCE OF PUBLIC ORDER**

1. The rights of all members of the University community must be protected. The University must be concerned with the protection of human rights, civil liberties, academic freedom, health, safety, welfare and property of all members of the University community and of the University itself. To that end it will not tolerate violence, or threats of violence, or violent reaction to peaceful demonstrations.
2. All members of the University community must be free to seek their educational objectives. Peaceful demonstrations will be permitted; however, disorder will not.
3. To continue to generate and maintain an intellectual and educational atmosphere at the University, members of the Clarkson community and invited guests must be given the opportunity to be heard. Respect for the democratic principle of open discussions and the right to hold and to present differing opinions carries with it the obligation to allow speakers to speak and audiences to hear.
4. Lines of communication must be kept open, assuring efficient handling of administrative matters and providing all legitimate means for dissent and for redress of grievances. The solutions to specific routine problems should be sought in the first instance through those administrative, faculty and student officers to whom such matters have been assigned. Appropriate publications of the University shall clearly designate these persons. Matters involving policy shall be referred to appropriate administration, faculty and student bodies. The employees' handbook on grievance procedures should be followed where applicable. Recognizing the need for workable grievance procedures as the primary method to avoid the disruption of public order on the campus, the University shall

continue to develop such procedures; and this document will be amended to include such additional procedures at the earliest possible date.

### **VII-C DETERMINATION OF A DISORDER**

1. The President or their designated academic representative shall determine when disorder exists on University property, and shall make the decisions necessary to restore public order. When a disorder is resulting in obvious violence to persons or property, the President may act immediately. In all other cases they must meet and consult with an advisory committee consisting at least of the ranking member of the Student Senate and the Faculty Senate available and present and other members of the University community appropriate to the specific situation before reaching a decision. The order in which designated academic representatives of the President may act for them shall be clearly spelled out by them in advance and the appropriate representative shall act only in their absence.
2. When it has been decided that disorder exists, the president or their designated representative will read to the group the following statement: "In my judgment public order is now in jeopardy and a clear danger to the University community exists. Unless you cease and desist, I intend to take action according to University policy." The President or their designated representative shall add additional comments appropriate to the situation.

### **VII-D ACTIONS AND PENALTIES**

1. Even though a demonstration is not judged to be a disorder, the participants are responsible for the proper restoration of the areas used when these areas have been subjected to more than normal wear and tear.
2. If disorder ceases when the President or their designated representative reads the statement in C-2 of this statement, and no violation of law, damage to property, or physical injury has taken place, and as noted above, restoration has been carried out, no penalties shall be levied by the University.
3. If disorder ceases but the law has been violated through physical injury or severe property damage, those responsible for the violation shall be treated in accordance with the law. Those determined to be responsible for any damage shall be charged for the cost of repairs.
4. If disorder does not cease when the President or their designated representative reads the statement in C-2 of this statement, the following action will be taken:
  - a. If immediate violence to persons or severe property damage is taking place or threatened, the President or their designated representative will request that law be invoked.
  - b. The action and rapidity of action taken in other cases must be decided on the basis of the circumstances by the President or their designated representatives and the advisory committee. It is expected that broad consultation with all concerned elements of the University community will take place whenever time and circumstance permit.

- c. All those who continue to take part in a disorder after a formal request to cease has been made will be subject to disciplinary proceedings (and/or, where applicable, law). In such circumstances the penalty for a student may be expulsion from the University. In the case of a faculty member or other employee, such action may be grounds for dismissal.
5. Any person not a member of the Clarkson community who is taking part in a disorder will be requested to leave immediately. If they do not comply, appropriate legal action will be taken.
6. Any individual or organization authorizing an "initiation or affiliation disorder" shall be subject to rescission of permission to operate on campus property in addition to any other legal penalty.

## **VII-E HEARINGS AND APPEALS**

1. As a result of any declared disorder, a hearing will be held within 30 days.
2. The University will have a standing Hearing Committee on Discipline and Disorders, the membership of which is described in Section VI-B of these regulations.
3. A major function of the hearing will be to determine the cause of the disorder, to suggest appropriate measures to relieve the situation, and where appropriate to recommend University action.
4. This Committee will also serve as a fact-finding committee regarding penalties or disciplinary action to be taken. On the basis of this hearing the Committee will recommend appropriate University action to the President. The University will take no punitive actions before receiving the recommendations of this Committee. Appeals will follow the normal University procedure with great care taken that students' rights are not violated and that the University policies on academic freedom and tenure are adhered to.
5. The Committee shall hold open hearings (a witness may request that the hearing go into executive session and that they have an adviser) at an announced time after adequate notice. Any member of the University community may request that they be heard by the Committee. This Committee may require any member of the University community to appear as a witness. Failure to appear is itself grounds for disciplinary action unless sufficient reason for the absence can be presented. A record of all actions and testimony shall be forwarded to the President. A person accused before the hearing shall have the right to question their accusers.
6. If a member of the Committee has been involved in the disorder or in the declaration that it be a disorder, they shall not serve on the Committee for the hearing on that disorder.
7. This Committee will also review the circumstances under which a declaration of disorder is made, including the action of the President, their designated representative, or the advisory committee, to determine whether bad faith or error was present. In such cases it may recommend censure.
8. Apart from the actions of this Committee, the normal lines of communication as noted in B-4 of this statement will be used to study the cause and its remedy for any peaceful demonstration as well as to study any peaceful demonstrations or disorders involving the Clarkson community taking place off the University campus.



## **VII-F AMENDMENT PROCEDURES**

Amendments to this document may be recommended to the University Board of Trustees by a majority vote of the members of the Faculty Senate, Administrative Council, and Student Senate, provided a quorum is present of each of these three groups as defined in their respective constitutions.

## **VII-G DEFINITIONS**

1. Adviser: Anyone who gives advice, including but not restricted to an attorney. Their presence is for advice only; university proceedings are not a court of law.
2. Demonstration: A public exhibition of attitudes and feelings by one or more individuals, such as, but not restricted to, picketing, meetings, parading and distributing information.
3. Disorder: A condition marked by violence, or threat of violence, or interference with the authorized activities of the University, or prevention of rightful access to University facilities.
4. Peaceful demonstration: A demonstration that is free of disorder.
5. Public order: A condition that allows for the performance of the authorized activities of the University in a normal manner. See also Disorder.
6. Severe property damage: Damage to property judged to be in excess of \$250.
7. Threat of violence: A condition in which physical or verbal acts indicate that violence is imminent.
8. Violence: Use of physical force against person, property, rights or laws.
9. Initiation or affiliation disorder: Any action or situation that recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization.

## **VII-H INTERPRETATION OF PUBLIC ORDER POLICY**

1. The University recognizes signs displayed in a manner that does not interfere with legitimate University activities as an element of peaceful demonstration. Signs, per se, are not barred from any public University events.
2. Vocal or physical hampering of any meeting or ceremony open to the entire academic community is not the right of any individual or group, although they do have the right to attempt to alter the opinions and attitudes of those in attendance by such expressions of belief as their physical presence or the carrying of (appropriate) signs.

# VIII - Grievance Procedures for Students

## VIII-A PREAMBLE

The objective of these grievance procedures is to provide students with a fair and expeditious way to resolve a claimed grievance. This objective is pursued through the use of both informal communication and, if necessary, the formal grievance process.

## VIII-B DEFINITION

A grievance exists when there is a claimed violation, misinterpretation or inequitable application of existing rules, procedures or regulations, or when there is a claimed failure to apply these rules, procedures or regulations.

These grievance procedures do not apply to matters that are subject to review by other designated University personnel or hearing bodies (including without limitation sanctions for violations of the Code of Student Conduct, the Code of Ethics, or Athletics Department policies, codes, rules or regulations).

## VIII-C PROCEDURES

1. Any student with a grievance should promptly consult with the person by whom they feel aggrieved in an effort to resolve the grievance. Every effort should be made to solve the problem informally. A student may also choose to pursue mediation with the person by whom they feel aggrieved. If a grievance relates specifically to accommodative services (protocol, policy or procedures), students should consult the Office of Accommodative Services ([http://www.clarkson.edu/oas/rights\\_responsibilities.html#GrieveTop](http://www.clarkson.edu/oas/rights_responsibilities.html#GrieveTop)). The University Mediation Service can assist in determining whether both parties are willing to participate, and if so, will assign a mediator. The mediation will be handled in confidence.
2. In the event that informal consultations or mediation have not resolved the grievance, the student bringing the complaint may present the grievance, in writing, to the next appropriate administrative level. e.g., if the complaint is directed against a faculty member, then the grievant should address the faculty member's department chair; if the problem is with a member of the administrative staff, then the grievance should be submitted to the staff member's immediate supervisor. This written statement of the grievance should be submitted within ten school days from the date informal consultations ended. The administrator receiving this grievance should review the matter, decide upon what actions, if any, are appropriate, and should inform the grievant and the party or parties against whom the grievance was filed of this decision in writing. The administrator's written response to the grievant should be sent within ten work/school days of receipt of the grievance.
3. If, after following the procedures in VIII-C-1 and 2, the student still believes the grievance exists, they may petition the Standing Review Committee (SRC) for a formal hearing.

This petition must be submitted within ten work/school days of receipt of the written, administrative response described in VIII-C-2. Within eight school/work days of receipt of the grievant's petition for a hearing, the chair of the SRC should inform the grievant of the date set for the formal hearing. The date of the formal hearing should be as early as practicable, but should not be more than ten school/work days subsequent to the notification sent to the grievant regarding the date set for the formal hearing.

4. While the calendar deadlines detailed in these procedures are designed to ensure the timely review of a grievance, they should not be imposed too rigidly: instead, they should be interpreted so as to accommodate the academic calendar of the student submitting the grievance (e.g., the pressures of final exam week, the presence of summer break, etc.).

## **VIII-D STANDING REVIEW COMMITTEE (SRC)**

### **1. Composition**

- a. The SRC shall consist of six members selected in the spring to serve for the following academic year. Members may be selected for no more than three successive terms. The membership shall be:
  - Two undergraduate students selected by the Student Senate from full-time students in good standing who will be juniors or seniors during their term and who are not members of the Student Senate;
  - One graduate student nominated by the Dean of the Graduate School/Provost from full-time graduate students in good standing;
  - Two faculty members selected by the Faculty Senate from full-time faculty who are not members of the Faculty Senate;
  - One member selected by the Administrative Council.

Corresponding alternates shall be selected at the same time and in the same manner. At least two alternates shall be selected for each member appointed to the SRC. The body originally designating members of the SRC shall fill permanent or temporary vacancies as they occur for both regular and alternate positions.

- b. No SRC member shall sit in review of a case in which they have previously been involved.
- c. A quorum for the SRC shall consist of five members. Decisions of the SRC shall be by a majority of those present and voting.
- d. Members of the SRC shall elect a chair from their membership. The chair shall vote only in case of a tie.
- e. The student filing the grievance petition has the privilege of excusing up to three members of the SRC. Those so excused will be replaced for the duration of the hearing in question by one of their previously designated alternates. Assignment of the replacement alternate will be on a rotational basis.

### **2. Hearing Procedures**

- a. At least five days in advance of the formal hearing, the chair of the SRC shall provide all parties involved with:
  - A copy of the student's grievance petition,

- A copy of the administrator's written response to the grievance [see VIII-C2, above],
  - A statement of the specific time and place for the formal hearing, • A list of anticipated witnesses and a description of available evidence, and • A copy of these grievance procedures.
- b. In the course of the hearing, the grievant has the right to be assisted by an advisor of their choice drawn from the University community. This advisor may be a fellow student, a Clarkson faculty member, or a member of the University staff.
  - c. Both the grievant and the individual alleged to have violated University regulations or procedures have the right to testify before the SRC. Likewise, both parties have the right to present relevant documentary evidence as well as to call and examine pertinent witnesses. However, the technical rules of evidence employed in legal proceedings do not apply to SRC hearings.
  - d. A stenographic or audio recording of the formal hearing shall be made.
  - e. The decision of the SRC shall be based solely on the evidence presented and testimony heard at the formal hearing. The decision shall be determined by majority vote. The SRC shall promptly communicate its decision and any attendant recommendations to all interested parties for appropriate action. The student-grievant will be provided a written statement of the SRC's decision.
  - f. A copy of all documents presented at the formal hearing, as well as the hearing transcript and the SRC's written decision, will be maintained for at least one year in a confidential file in the Office of the Dean of Students.

### **VIII-E RESTRICTIONS**

If a student suspects that he/she has been discriminated against because of race, color, religion, national origin, sex, age or handicap, the student should register this complaint with the Office of Affirmative Action. In such cases, the Discrimination Grievance Procedures described elsewhere are the appropriate means of seeking redress; as such, they supplant the present Grievance Procedures for Students.

### **VIII-F DISCRIMINATION GRIEVANCE PROCEDURES**

#### **1. Purpose**

To systematically and appropriately examine complaints by students, faculty and staff (University Community) who contend that discrimination has occurred on the basis of race, gender, creed, color, religion, national origin, age, disability, veteran or marital status and to recommend to the President corrective measures if the evidence so indicates. The University's antidiscrimination policy is in Section IX-S of the Clarkson Regulations.

#### **Procedures for Informal Intervention**

When any member of the University Community feels unfairly treated because of race, gender, color, religion, national origin, age, disability, sexual preference, veteran or marital status that person has a right to seek to correct the perceived offense. The following informal procedures are available:

#### **2.**

- a. Persons having complaints often find it helpful to have someone with whom to discuss the issue prior to pursuing any further action. There are many persons available for such consultation: the Director of Campus Safety, Dean of Students, Director of Student Development, Vice President for Enrollment & Student Advancement, Director of Human Resources, and the International Students Advisor are available to assist in such instances. These staff members can help in clarifying issues, making referrals, and advising about appropriate channels and procedures. However in all instances each of the above persons must report the matter to the Affirmative Action Officer.
- b. When situations cannot be resolved on the basis of direct discussion among the parties the next step is for the complainant to report the matter to the offending party's immediate supervisor or to the Vice President for Enrollment & Student Advancement. The supervisor or the Dean of Students should investigate and take appropriate action to resolve the conflict and report back to the complainant within ten (10) days (work/class). The supervisor and the Dean of Students must report the matter to the Affirmative Action Officer.
- c. Alternatively, the complainant may request that the Affirmative Action Officer discuss the allegations informally with both the complainant and accused in an attempt to end the alleged discrimination or harassment and resolve the issue; or the complainant may request mediation. If mediation is requested, within ten (10) days (work/class) a third party mediator (from the campus panel of trained mediators and coordinated by the Affirmative Action Officer) shall be named to help resolve a complaint on an informal basis. Such mediation activities shall continue for a period of no more than thirty (30) days (work/class) or until resolution is achieved, whichever is shorter. This period may be extended if the participants and the mediator agree it would be useful to do so.
- d. In the event one or more of the above informal procedures is pursued and it is unsuccessful the complainant may initiate the formal grievance process described below. Alternatively, a complainant may bypass these informal procedures and may start by initiating the formal grievance process. While that choice is the complainant's, careful consideration should be given to first utilizing one or more informal processes since these often prove very successful in resolving conflicts.

### **3. Procedure for Formal Hearings**

#### **Step 1: Filing of a Formal Written Complaint**

An individual (student or employee) who chooses to file a formal written complaint under these procedures must do so with the Affirmative Action Officer. Such a complaint may be filed immediately after an alleged act of discrimination has taken place or after any efforts that may have been undertaken to reach an informal settlement have proven unsuccessful.

A complainant will have 90 days following the alleged discrimination or harassment to file a formal written complaint unless they have good reason (as determined by the Affirmative Action Officer) for having this period extended. Good reason may include active pursuit of the informal procedures outlined above.

A formal complaint must be filed on a standard form obtained from the Department of Human Resources and it must be filled out in full, detailing specific charges (including the specific acts forming the basis thereof). Where a pattern of discrimination is alleged to exist, the complainant shall provide incidents to support the charge. The charges shall be signed by the charging party and presented in sufficient detail to set forth clearly the charges which must be defended. Written notice (form) must be filed with the Affirmative Action Officer. If the charges are insufficiently explicit, it will be returned for clarification, thus delaying the process. The complainant may also indicate any remedy desired.

### **Step 2: Investigation**

Once a written complaint is filed, the initial investigation (which can include notifying and providing the respondent with a copy of the complaint) and determination with respect to that complaint shall be made by the Affirmative Action Officer or their designee. Upon review of that complaint, the Officer or designee may either dismiss the complaint (either on its merits, because it does not properly fall within the scope of this procedure, or for timeliness) or may recommend appropriate remedial action be taken by the University. The Officer will conduct an investigation and make a determination within twenty (20) days (work/class) of the filing of a written complaint. This time period may be extended by the Officer at their discretion when circumstances warrant.

In the event either the complainant or the accused is not satisfied with the Officer or designee's recommendation, she or he may pursue their grievance before a Review Panel by notifying the Officer or designee of her or his desire to do so in writing within five (5) work/class days of the Officer/designee's recommendation.

### **Step 3: Review Panel**

Upon receipt of a timely notice to pursue a grievance, within five (5) work/class days the Officer or designee shall ask the President to convene a Review Panel to conduct a formal review. The review panel that conducts the review will be selected from the 25 member Grievance Committee.

Within five (5) work/class days of receiving a written request, the President/designee, on the recommendation of the Chair of the Grievance Committee, will name five members from the committee to constitute the Review Panel. The panel will consist of one faculty member, one student (or one other panel member), one administrator, and one member drawn from the complainant's and the respondent's respective constituencies (faculty, student, support, plant, supervisory). The Chair of the Grievance Committee will designate one member to serve as presiding officer. Within five (5) work/class days after the panel is appointed, each party will have the right to object to the appointment of any panel member on the grounds that the member's participation would jeopardize the party's right to a fair review. The panel members not challenged will decide upon the merits of a challenge within five (5) work/class days, and their decision will not be subject to appeal. When a challenge is granted/approved, the President/designee, on recommendation of the

Chair of the Grievance Committee, will appoint a replacement from the same category as the original member. Replacements are not subject to challenge.

**The Review Panel:**

- a. Shall meet within ten (10) working days after being appointed;
- b. Once convened, shall act as a body and will not act as representatives or as advocates for either party. The function of the panel is to review the evidence, make findings of fact, and determine what corrective action, if any, should be taken to resolve the problem;
- c. Will have the discretion to determine the most appropriate methods for considering the case: examination of written evidence, the hearing of oral testimony (which will be private and open only to the parties involved) or further investigation of relevant evidence;
- d. The panel will have fifteen (15) working days after convening to render recommendations.

Tape recordings of evidentiary proceedings will be taken and retained for two years in the Office of Affirmative Action.

**Step 4: Final Disposition**

Within five (5) working days after the panel makes its findings and recommendations; the chair of the review panel will report the findings and recommendations directly to the President/designee with copies to the respondent, the complainant, and the Affirmative Action Officer. The respondent and complainant will have five (5) days after receiving the report to submit to the President a written response to the panel's report. This response is limited to five (5) typed pages.

Within fifteen (15) work/class days after receiving the Review Panel's finding and recommendations, the President/designee may accept, reject, or modify the recommendations of the Review Panel, or may remand the complaint for further consideration or clarification. Upon recommendation from the Review Panel, the President/designee will send a written decision, an explanation of the decision, and determination of any penalty and relief, including dates by which each is to be implemented, to the complainant, the respondent, the Review Panel, and the Affirmative Action Officer. The President/designee will notify the appropriate VP of the decision and recommendation subject to the normal procedures for probation, demotion, suspension, or dismissal. Within five (5) days, the Vice President in turn will notify the President/designee of action taken.

Any retaliatory action of any kind taken by a member of the Clarkson University community against the complainant or any other party as a result of efforts to secure redress under this procedure, or to cooperate in an inquiry, or to participate in any activity

governed by this procedure, is prohibited and shall be regarded as a separate and distinct grievance.

If, however, at the conclusion of its proceedings, the Review Panel determines that a complainant, respondent, or witness has knowingly given false or misleading information, the University may take appropriate action against that person.

#### **VIII-G COMPLAINTS REGARDING SEXUAL MISCONDUCT**

Students raising complaints of sexual misconduct - including sexual harassment or sexual assault - should refer to Clarkson Regulations IX-N.



# IX - Policy Statements

## IX-A ALCOHOLIC BEVERAGES

INTRODUCTION: Clarkson has a long-standing commitment to maintaining safe working and living conditions for everyone in the academic community. Clarkson University expects faculty, staff, students, and guests to comply with local, state, and federal laws and this policy with regard to sale, serving, possession, and consumption of alcohol. This policy is designed to comply with the Drug Free Schools and Communities Act. Therefore, the University will annually distribute in writing to each member of the academic community 1) This policy (which includes a review of possible sanctions and a description of pertinent laws), 2) A description of health risks associated with alcohol abuse, and 3) A description of counseling services for employees and students. This policy is ultimately designed to provide an educational framework that facilitates the development of a responsible strategy of alcohol use for each member of the academic community. Abstinence is always considered a responsible strategy. Those members of the academic community who choose to consume alcoholic beverages are expected to do so in moderation and within the guidelines of this policy. Violators to this policy are subject to University action described in the SANCTIONS section of the policy.

1. DRINKING CONTESTS OR GAMES ARE PROHIBITED. Open bar, "all you can drink," or similar events are prohibited. Alcoholic beverages must not be provided as free awards.
2. ON CAMPUS, PRIVATE USE: **Only those individuals 21 years of age and older are afforded the privilege of possessing and/or consuming alcoholic beverages within the privacy of residence hall rooms or apartments.** Individuals are responsible for their actions while under the influence of alcohol. Being under the influence of alcoholic beverages is not a valid excuse for exhibiting behavior considered to be in violation of the Code of Student Conduct. Such individuals will be held accountable for their behavior. In addition to any disciplinary sanction that may be appropriate, individuals found to be in violation of the Code of Student Conduct while under the influence of alcoholic beverages are subject to referral to the Counseling Center for an alcohol evaluation. Those 21 years of age and older may also have the privilege of possessing and consuming alcoholic beverages revoked.

Possession and consumption of alcoholic beverages by individuals under the age of 21 is a violation of this policy and New York State Law. Violators are subject to disciplinary sanction and parental notification.

Serving alcoholic beverages to individuals under the age of 21 is a misdemeanor CRIME. Serving alcoholic beverages to individuals under the age of 21 is a violation of this policy and is a crime under New York State Law. First-time violators are subject to the confiscation of all alcoholic beverages in their possession and will be referred to the Office of Campus Safety and Security.

3. ON CAMPUS, PUBLIC USE: **Individuals 21 years of age and older are afforded the privilege of possessing and/or consuming alcoholic beverages in public at events registered with and approved by the University ONLY.** Indoor public areas are defined as any common area outside a residence hall room, apartment, or office (i.e. hallways, stairwells, floor lounges, etc.). All rooms, lounges, etc. that are available for reservation through the University Room Reservation Coordinator are also considered public. In addition, ALL outdoor areas and grounds of the University are considered public.

Public possession and consumption of alcoholic beverages by individuals under the age of 21 is a violation of this policy and New York State Law. Public possession and consumption of alcoholic beverages, including kegs, by individuals 21 years of age and older without University approval is a violation of this policy. Violators are subject to disciplinary sanction.

Public serving of alcoholic beverages is only permitted at events registered with the University. Events must have a designated chair that has the overall responsibility for the event. The event chair is responsible for registering the event with the University by submitting the Clarkson University Event Registration and Request for Alcohol Service Form. Information and forms can be obtained by contacting the Office of Student Organizations (x2345) or online at [www.clarkson.edu/ofsa/social/index.html](http://www.clarkson.edu/ofsa/social/index.html).

The following events require the use of the University's food service vendor:

- Events where more than 25 persons are expected to attend and/or kegs are served. Note: events outside of Cheel Campus Center and the Student Center require a minimum 30-day license application period per New York State law.
- Events involving the sale of alcoholic beverages. It is a violation of New York State Law and this policy for anyone other than the University's food service vendor to sell alcoholic beverages on the campus. This includes requiring a "cover charge" for admission to an event at which alcoholic beverages are being served. It also includes "passing the hat" or any such contribution. Violators will be referred to the Office of Campus Safety and Security.
- Public consumption using University facilities outside of private residence hall rooms/suites/apartments or private offices.
- Events coordinated by Clarkson employees with students in attendance.
- Events that are at the Theme Houses are expected to follow the Recognition Policy for alcohol events.

**Event Risk Management** Event planners should carefully examine the reasons for serving alcohol. These reasons should be incidental to the purpose for having the event. The method for serving alcoholic beverages at the event must be outlined in detail, including a responsible effective means of ID check. A "self-service" bar is not appropriate for an event that includes any underage guests. Event planners are encouraged to consider employing the University food service vendor as the server of alcoholic beverages.

Nonalcoholic beverages and food must be conspicuously available at all events. Event chairs are responsible to reserve the event location through the University Room Reservation Coordinator.

Event chairs and recognized groups hosting the event are responsible for the behavior of all guests at the event. Excessive cleaning or damage repair will be billed as necessary and those responsible will be referred to the Office of Campus Safety and Security. This referral could result in processing a violation of the Code of Student Conduct as outlined in these Regulations. If individuals are not identified, event chairs and/or recognized groups hosting the event will be held accountable for inappropriate behavior displayed by guests. This could result in a referral to the Office of Campus Safety and Security for processing of a violation of the Code of Student Conduct and/or loss of event registration privileges.

The right of guests to abstain from consuming alcoholic beverages should be respected. Guests should not be pressured into drinking alcoholic beverages. Guests who choose to consume alcoholic beverages will be held accountable for their behavior. It is expected that guests will practice legal, low-risk behaviors which do not result in harm to themselves or others.

4. **OFF CAMPUS: It is a violation of New York State Law for individuals under the age of 21 to consume alcoholic beverages. It is a crime in New York State to serve or sell alcoholic beverages to someone under the age of 21 and for an individual under the age of 21 to use fraudulent means to obtain alcoholic beverages.** Individuals should realize that student status does not make one immune from the consequences of violating the law off campus. Members of the academic community are referred to the section entitled “Pertinent Law” for an elaboration of laws related to alcohol use.

Those convicted of a crime for selling, serving, or using fraudulent means to obtain alcohol are subject to disciplinary follow up and sanction by the University.

Individuals arrested or requiring medical attention while under the influence of alcohol are subject to referral to Counseling Services for an alcohol evaluation.

5. **SANCTIONS:** All members of the academic community are expected to comply with this policy. Employee violators of this policy are subject to referral to their supervisor and/or the Office of Human Resources. Guest violators are subject to removal from the campus and/or referral for prosecution. Student violators, when referred to the Office of Campus Safety, are subject to the following:

- 1) Disciplinary Reprimand
- 2) Disciplinary Probation
- 3) Disciplinary Suspension
- 4) Disciplinary Expulsion

## 5) Referral for Prosecution

Other sanctions instead of, or in addition to, sanctions 1 through 5 may also be imposed. These include (but are not limited to): loss of campus housing priority, expulsion from campus housing, denial of campus driving privileges, fines, community service/work assignment, and mandatory referral to Counseling Services for an alcohol evaluation.

6. **ADVERTISING FOR EVENTS WITH ALCOHOL:** events at which students are present or expected to be present may not advertise for the event using the name of an alcohol vendor or information about the presence of any alcohol whether it is BYOB or using a Third Party Vendor (including Aramark).

Promotion materials must neither encourage any form of alcohol abuse nor make reference to the amount of alcoholic beverage (such as the number of beer kegs available or expressions like "all you can drink").

Events must not portray drinking as a solution to personal or academic problems of students or as necessary to social successes; all events and corresponding advertisements sponsored by on campus entities involving alcohol need approval for posting from the Alcohol Review Committee (ARC); the ARC will determine approval of the posting. Appeals to the decision process may be made to the Dean of Students; if approval is granted, advertisements will be approved for posting for a two-week period. Any questions about posting policies can be directed to the Office of Student Organizations.

## 7. PERTINENT LAWS:

### *New York State Penal Law*

**Unlawfully dealing with a child in the first degree.** A person is guilty of unlawfully dealing with a child in the first degree when he gives or sells or causes to be given or sold any alcoholic beverage to a person less than twenty-one years old. Unlawfully dealing with a child in the first degree is a class A misdemeanor.

### *Alcoholic Beverage Control Law*

**Prohibited sales.** No person shall sell, deliver or give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverage to:

1. Any person, actually or apparently, under the age of twenty-one years;
2. Any visibly intoxicated person.

**Procuring alcoholic beverages for persons under the age of twenty-one years.** Any person who misrepresents the age of a person for the purpose of inducing the sale of any alcoholic beverage to such person is guilty of an offense that shall be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than five days, or by both such fine and imprisonment.

**Offense for one under twenty-one years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.**

1. (a) No person under the age of twenty-one years shall present or offer to any licensee under this chapter, or to the agent or employee of such licensee, any written evidence of age which is false, fraudulent or not actually his own for the purpose of purchasing or attempting to purchase any alcoholic beverage.

(b) A person violating the provisions of this subdivision is guilty of a violation punishable by a fine of not more than one hundred dollars, and/or appropriate community service not to exceed thirty hours, and/or completion of an alcohol awareness program.

2. The court may suspend a violator's driver's license to drive a motor vehicle for ninety days, if it is found that it was a New York state driver's license which was the written evidence of age for the illegal purchase.

**Unlawful possession of an alcoholic beverage with intent to consume by persons under the age of twenty-one years.**

No person under the age of twenty-one years may possess any alcoholic beverage with intent to consume such beverage. The court may impose a fine not exceeding fifty dollars and/or completion of an alcohol awareness program.

*New York State Motor Vehicle and Traffic Law*

**False statements, alteration of records or substitution in connection with any examination.**

Any person knowingly making a false statement ... in application for a license ... or make material alteration in a certificate of ... license, or unlawfully use a validating device on such certificate of ... license form shall be guilty of a **misdemeanor**.

**IX-B DRUG POLICY**

1. Clarkson University and the individuals within it are subject to federal and state law. The University must recognize the legitimate responsibilities of law enforcement agencies. Therefore, Clarkson cannot condone any illegal act involving possession, manufacture, use, or sale of controlled substances (drugs) on its campus. Any violation of applicable law in the sale, use or possession of a controlled substance will result in disciplinary action by the University and/or prosecution by local, state or federal authorities. Further, a referral for a drug evaluation may result from one's actions associated with the sale, use or possession of a controlled substance.

2. It is recognized that students who have used or are using controlled substances may need and wish to seek counseling. Counseling staff members are available for such help. Conferences with these persons will be treated confidentially.

**IX-C HAZING POLICY**

Clarkson University will not tolerate any individual, organization, or sports team that permits or participates in hazing or any other practice detrimental to the physical safety, mental health, or human dignity of the individual. Hazing is also a violation of New York State law (section 12016).

Any individual, organization, or sports team authorizing any action or situation that recklessly or intentionally endangers mental or physical health which includes, but is not limited to, the forced consumption of liquor, drugs, or any other substances; creation of excessive fatigue; morally degrading or humiliating games; engaging in public stunts and buffoonery for the purpose of initiation into or affiliation with any organization or sports team, shall be subject to University disciplinary action, in addition to any other legal penalty pursuant to the penal law or any other law to which a violator or organization may be subject. University disciplinary action in the case of a student may result in their reprimand, suspension, or expulsion; and in the case of an organization, rescission of permission for that organization to operate on campus property.

Anti-Hazing rules and regulations are available to all students enrolled at Clarkson University and shall be required to be part of the by-laws of any and all organizations operating at Clarkson, and Clarkson shall review annually such by-laws with individuals associated with such organizations.

#### **IX-D HEALTH CENTER REQUIRED IMMUNIZATIONS**

New York State law requires college students to be immunized against measles, mumps and rubella. The rubella vaccination requires two doses; the first dose given no more than 4 days prior to the student's first birthday and the second at least 28 days after the first dose. New York State also requires the meningitis immunization or a signed response form on file documenting the student's waiver of the immunization. If a student does not comply, the University is compelled by state law to deny that student further attendance. No New York State student may attend in excess of thirty days and no out-of-state or foreign student may attend in excess of forty-five days without the above New York State requirements documented and on file with the University. For clarification of the forms go to the following web site <https://cas0.clarkson.edu/cas/login>

#### **IX-E PERSONAL COMPUTER PROGRAM**

Each incoming undergraduate student is strongly encouraged to bring a personal computer to Clarkson. To ensure the availability of a reliable network for academic work, all computers that connect to the University network are required to be running anti-virus software. Clarkson University treats cases of copyright infringement, to include copying; possessing, sharing or distributing copyrighted works without permission, as theft. Copyrighted works include most music, movies and software. Violators are subject to loss of network privileges, fines, and referral to the Dean of Students for disciplinary action. The Clarkson University Acceptable Use Policy below provides additional details of the terms and requirements of using Clarkson University computing services and facilities.

## **IX-F EMAIL POLICY**

### **1. University use of email**

Electronic Mail is an important and official means of communication for the Clarkson University community. The university has the right to expect that email communications will be received and read in a timely matter. Students, Faculty and Staff are expected to regularly check, read, and respond to their email. See also Clarkson University Regulations Section IX-G: Clarkson University Information Systems Acceptable Use Policy for additional pertinent information.

### **2. Redirecting of email**

Students are advised not to forward their Clarkson mail to an off-campus email address (e.g. @aol.com), as the university cannot be responsible for email delivered beyond the Clarkson system. If forwarded, students are responsible for information sent to their official Clarkson accounts, even if their off-campus email provider fails to deliver the message.

### **3. Privacy**

Users should exercise extreme caution in using email to communicate confidential or sensitive matters, and should not assume that email is private and confidential. It is especially important to send messages only to the intended recipient(s). Caution should be exercised when using the “reply” or “reply all” command during email correspondence. When feasible, attachments containing sensitive information should be encrypted or password protected as an additional safeguard.

In order to safeguard the privacy rights and needs of every individual, email sent to groups of recipients should be addressed via blind carbon copy (“bcc” addressing). Such email should not include non-directory information (ref. Regulations IX-J-4 for the approved list of directory information) or other information that would indicate differential selection criteria within the email body (e.g. award, scholarship or honors selection).

The email system is owned by the University, which retains the right to inspect and disclose the contents of electronic mail to the extent permitted by law. The University may inspect and disclose the contents of electronic mail to:

- Assist in the investigation of misconduct or misuse
- Protect public health and safety
- Prevent interference with the academic mission
- Locate substantive information required for the university business that is not more readily available by some other means
- Fulfill obligations to law enforcement for criminal or civil investigations
  
- Where not otherwise restricted by law or policy, the university will inform users if their email was inspected or disclosed without their prior consent.

To protect the user and the university, faculty and staff should attach the following statement to their email signature:

“This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.”

#### **4. Retention of email**

In many cases, email is considered official correspondence of the university. As such, users have a responsibility to retain email records as required law or policy. Each office or department should have guidelines and retention plans that provide guidance to determine which items will be retained and for how long. Those items that are determined to require long-term retention should either printed and filed or saved to a stable electronic medium (CD or DVD). NOTE: If you know, or should have reason to know, that litigation is imminent, all records relating or possibly relating to the litigation must be excepted from this retention policy. Electronic documents should be retained in electronic format to preserve possible metadata.

## **IX-G CLARKSON UNIVERSITY INFORMATION SYSTEMS ACCEPTABLE USE POLICY**

### **1. Definitions**

1. University: Clarkson University at Potsdam, New York.
2. University community: faculty, staff, and students of the University, whether or not compensated for their services; persons performing research or engaging in work or study utilizing University resources or facilities; and other persons allowed access or uses of University resources or facilities.
3. University Resources: facilities, library resources, equipment, funds, personnel, and other resources belonging to or supplied by the University.
4. User: a person expressly authorized to use University information technology resources and associated services provided by the University.
5. University Property: includes, but shall not be limited to, the following:
  - a. The name, CLARKSON UNIVERSITY, all derivatives thereof and all logos, trademarks and trade names incident to the business and activities of the University.
  - b. All University information technology resources, library holdings, telephone and communication systems.

### **2. General Use Policy for Information Technology Resources**

Information technology resources are those facilities, technologies, and information resources required to accomplish information processing, storage, and communications, whether individually controlled, or shared, stand alone or networked. Included in this definition are all classroom technologies, and computing and electronic communication devices and services.



Any member of the University community may use the University's information technology resources in support of instructional, research, and service missions sanctioned by the University. Access to these resources is granted to each individual for a specific purpose. Proper use of the resources must be consistent with that purpose. In particular, instructional access is granted for work done by officially registered students in support of a recognized course of study. Research access is granted for work approved by an authorized official of a University department.

By using University-supplied information technology resources and associated facilities, individuals and other entities agree to abide by all policies and procedures adopted by Clarkson University as well as all current federal state and local laws. These include University policies and procedures against harassment, plagiarism, and unethical conduct; as well as local, state, and federal laws prohibiting theft, intellectual property and copyright infringement.

The University reserves the right to restrict the use of its information resources and facilities, and to limit access to its computers systems and networks when faced with evidence of violations of University policies or standards, of contractual obligations or of federal or state laws. The University also reserves the right to remove or limit access to material posted on or transmitted by its computers and network facilities.

### **3. Acceptable Use Guidelines for Computer and Network Facilities**

The University strives to provide fair and distributed access to information technology (i.e., computer and network) facilities for a large number of users. The acceptable use guidelines which follow apply equally to all types of electronic information services, including electronic mail (e-mail) and electronic news groups, provided on Clarkson's computer and network facilities. Everyone using University information technology resources is responsible for following guidelines which characterize acceptable use.

- a. Clarkson supports the principles of academic freedom and free inquiry and expression in the online environment as well as in the classroom. This freedom must however be balanced with the responsibility not to infringe on other rights of individuals.
- b. Acceptable use of shared information technology facilities follows the same standards of common sense, courtesy, and restraint that govern the use of other public facilities. Clarkson regulations **IX-N** Sexual Misconduct Policy and **IX-T** Cultural Diversity Policy also apply to the online environment. Acceptable use requires users to be ethical and respectful of the rights of others and of the diversity of the University community, and to maintain a climate which does not interfere with the studies, work or living environment of any members of the Clarkson community.
- c. Acceptable use of information facilities respects individuals' rights to privacy and to freedom from threats, intimidation, harassment and unwarranted annoyance.
- d. Acceptable use includes the right of individuals to access and save any legal files on the internet. It is not acceptable to display and print potentially offensive material in public computer labs where others cannot avoid seeing these files.

Such material should be viewed in a private location. Material which is potentially offensive to others should not be publicly displayed without an academic reason.

- e. Acceptable use standards require everyone to take prudent and reasonable steps to prevent unauthorized access. Access authorization relies on user identification and password for each user. The user-ID forms the basis for mechanisms which are designed to establish ownership and responsibility for computing resources and use. Acceptable use respects these identification and security mechanisms.
- f. Acceptable use requires that all users refrain from any illegal and improper intrusions into the accounts of others and/or into any University information technology resources and systems.
- g. Acceptable use requires that all users recognize and honor the intellectual property rights of others.
- h. Acceptable use of information facilities respects University regulations, contracts with University suppliers, and all local, state, and federal laws. Software theft, also known as software piracy, is a topic of much concern. Acceptable use of software respects all associated license and/or purchase agreements; if you have not met the conditions of such an agreement for a given software package, do not copy the package for your use.
- i. Acceptable use of all off-campus network connections, i.e., use of the Internet, respects the University's network access contracts which impose strict requirements. In general, off-campus network use must be for education or research. The University's access contracts prohibit commercial activities such as advertising. They also require all users to promote efficient use of the network to minimize and avoid, if possible, congestion of the network which interferes with the work of others.
- j. Acceptable use of information technology resources requires that all users refrain from acts that waste resources and prevent others from having broad access to University computers and resources.

#### **4. Enforcement**

When instances of unacceptable use comes to its attention, the University will investigate them and may take action to prevent their further occurrence. During an investigation, the University reserves the right to copy and examine any files or information resident on University systems allegedly related to improper use, including the contents of electronic mailboxes. Investigations that discover improper use may cause the University's authorized investigators to:

- . Limit the access of those found using facilities or services improperly;
  - a. Disclose information found during the investigation to other University authorities;
  - b. Begin discipline actions as prescribed by University policies and procedures;
  - c. Install automatic measures to limit improper use

#### **5. E-Mail: Notes on Use, Content, and Confidentiality**

Access to and the responsible use of modern information resources are essential to the pursuit and achievement of excellence at Clarkson University. The University encourages appropriate use of e-mail (electronic mail) to enhance productivity through the efficient exchange of information in furtherance of the University's mission of research, instruction

and public service. Use of e-mail should be consistent with this mission and this policy and guidelines based on common sense, common decency, and civility applied to the network-computing environment.

The University's computer and network support staff makes every reasonable attempt possible to maintain the confidentiality of e-mail correspondence. However, a large and diverse collection of software and hardware components is required to provide e-mail service on the University's network-connected computers. The interactions among these email components is complex, and, from time to time, flaws appear which, until identified and corrected, could result in a loss of confidentiality for some e-mail communications. In recognition of these infrequent, but real, problems with e-mail operations, please note that the University considers e-mail systems to be a non-confidential medium, and as such, Clarkson's e-mail system should not be used to convey confidential or sensitive information.

Accordingly, when making the decision to store an electronic message, you should consider the impact on yourself and the University if the message is ultimately disclosed or released to other parties.

#### **6. Information Security: An Additional Note of Caution**

As a user of the various computing systems maintained and operated by the University, you should be aware of the limited security of these systems and of information stored there. Clarkson University systems serve a variety of academic users and are intentionally open systems to make access and operation easy for users. Security for each computer system is essentially user-controlled by means of access passwords and guarding features. These security methods provide for orderly operation of each computer, but place the responsibility for security upon you, the user.

You should realize that unauthorized access to information is possible through malicious mischief, particularly if you are careless about protection of your passwords and the use of system security features. You should be careful about storing or processing sensitive information; the University cannot guarantee the protection from unauthorized access.

#### **7. Electronic Publishing Policy (World Wide Web Pages)**

The University recognizes the value and potential of publishing on the Internet (typically on World Wide Web pages) and encourages students, staff, and faculty to publish electronic information. Any department, organization, class, or individual student or faculty member may publish Web pages in support of the mission of the University. In support of the mission of the University it is necessary to establish policy guidelines regarding the use of University facilities, equipment, information, resources, and personnel.

The objectives of this Policy are to:

- . Encourage the full and free exchange and expression of creative and/or scholarly ideas within the context of the mission of the University and applicable laws and regulations;
- a. Maintain and enhance the reputation of the University;

- b. Promote the transmission of knowledge, the pursuit of truth, the development of students, free inquiry and free expression;
- c. Promote the public good;
- d. Enhance opportunities for cooperation and productive interaction with persons who may visit WWW sites served by the University;
- e. Ensure that the physical limits and demands on the network and electronic resources of the University are protected.

#### **8. WWW Policy**

Under the auspices of the Office of Information Technology (OIT) students, faculty and staff are allowed access to the WWW. All University information technology resources and facilities of the University shall be used solely for University academic, instructional, research, or administrative purposes. Any unauthorized, illegitimate, or illegal use of University information technology resources or facilities is a violation of University policy.

Uses of University information technology facilities for access to the WWW for purposes other than those specified above are illegitimate. In addition, illegitimate use includes:

- . Use for any illegal purpose;
  - a. Any use that creates a hazardous or dangerous condition posing a threat to persons or property.
  - b. Use that infringes on the rights or freedoms of members of the academic community or which disrupts or obstructs the institutional mission;
  - c. Any unauthorized loan or rental of University property;
  - d. Publishing without permission copyrighted text, photos, graphic images, or sound recordings;
  - e. Violation of existing federal laws regarding copyright, trademarks, and intellectual property.

#### **9. Copyright Law and WWW Materials**

Copyright laws apply to electronic publishing as well as print publishing. Users may not place any materials owned by others (i.e., copyrighted works) on Web pages or in any form of electronic communication without the express permission of the copyright owner. Users must advise the Educational Resources Center if the user has permission to post copyrighted material. A user who intends to or has secured copyright protection for published material should include the name of the user, the date, the word "copyright," and the copyright symbol (©) on the material.

#### **10. Electronic Publishing Guidelines**

- . Each user is responsible for the page(s) published and the pages to which they directly link.
  - a. The name and e-mail address of the page owner must appear on all published pages.
  - b. Student personal home pages must not imply that the author represents the University in any official capacity.
  - c. Users should assume that materials (including pictures) found on the WWW are copyrighted unless a disclaimer or waiver is expressly stated. If a user wishes to

display a copyrighted picture that is already on the WWW, the user should create a remote link to the material.

- d. Special care should be taken in the use of materials licensed to Clarkson by their owner. Unless otherwise stated, these materials are restricted to use within Clarkson. Under no circumstances should such materials be redistributed.
- e. Do not place any pictures or videos of people on the Web page without the permission of the subjects in the picture or video. Use without permission may be a violation of or invasion of a right to privacy.
- f. Campus information technology facilities should not be used to communicate information which is of an abusive, obscene, hostile, harassing, or discriminatory nature.
- g. Refer to WWW Publishing Guidelines. However, these guidelines are not the law. Reference is specifically directed to the U.S. Code and other applicable law.

#### **11. Pertinent Laws**

The user of University facilities or property for access to the WWW is responsible for being familiar with applicable federal law in relation to the use of copyrighted property, trademarks, or other incidents of intellectual property. The user is directed to the following sources and sites which allow review of the applicable statutes and case law:

- a. Copyright Law of the United States — U.S. Code 17 USC 101 and following.
- b. Cornell Law School Legal Info. Inst.
- c. IFLA

#### **12. Violation of World Wide Web Policy**

Clarkson University reserves the right to remove pages from its servers if it is called to the attention of University officials that the pages are actually or potentially in violation of any state or federal law or rule or regulation.

Clarkson University reserves the right to remove pages if it is called to the attention of University officials that a page is in violation of any rule or regulation of Clarkson University.

Users objecting to such action by University officials may avail themselves of Grievance Procedures established by the existing rules and regulations of the University.

#### **13. Applicability of Clarkson Rules and Regulations**

Violations of this policy may result in disciplinary action pursuant to the established procedures of the University.

#### **14. Publishing Guidelines**

The following items are required:

- a. Each personal Web page publisher is responsible for the page(s) they publish and the pages to which they directly link. This includes designing, writing, avoiding copyright violations, and keeping information up-to-date.
- b. The name and e-mail address of the page owner must appear on all published pages.
- c. The date of the last update must appear on each such page.
- d. A views and opinion disclaimer must appear on all personal home pages.

- d. Student personal home pages must not imply that the author has official representation of the University.
- e. All copyright laws must be obeyed.
- f. Personal Web pages must be constructed so that they are not wasteful of the University resources. Disk space limitation(s) will be enforced as per the University Quota Policy for all student and faculty accounts.
- g. Personal Web pages must follow the Acceptable Use Guidelines for Computer and Network facilities as they relate to academic freedom and concomitant responsibilities not to infringe on the rights of others in the pursuit thereof.

The following items are recommended:

- h. It is strongly recommended to include a link at the bottom of personal home pages that allow the user to return to the personal page master page. Example: My Homepage
- i. You are encouraged to consult html style guides which are readily available throughout the Web.

#### 15. Definitions

- Direct link: a link that requires only one traversal or one hop between two pages
- HTML: Hyper-Text Markup Language
- Link: A one-way hypermedia connection between information on the Web
- Publisher: Person responsible for publishing/updating the information on a Web page
- Personal Page: A Web page for an individual student, faculty, or staff member

### IX-H COMPUTER SOFTWARE POLICY

The purpose of the software policy is to clarify the rights and responsibilities of all parties concerned with development of software and its documentation. This policy is established to encourage the production and sharing of software products within the Clarkson community.

1. Any member of the Clarkson community — faculty, administration, staff, and students — who has developed software is free to publish and/or market such software as they see fit, provided that Clarkson has not commissioned the software to be developed and directly paid for its development. In case Clarkson contributed to the development of software and/or documentation that was not commissioned by Clarkson, and in the event software is marketed, the author(s) should determine how Clarkson would be compensated for its contribution.
2. Clarkson is willing to consider assisting software developers in marketing activities. Toward this end the Computer Software Committee, appointed by the president, has the responsibility to determine if it is appropriate for Clarkson to participate in the marketing of a product brought to the committee for its consideration. If the committee feels it is appropriate for Clarkson to market the product, it will then determine the extent to which the University should participate in the marketing effort. The Computer Software Committee will negotiate with the author(s) on such matters as:

- a. Clarkson's participation in the marketing
  - b. External fee level
  - c. Copyright procedures
  - d. Reimbursement for the production and marketing expenses
  - e. Income division
  - f. Naming the product
3. If software commissioned by Clarkson is under consideration for marketing, the Computer Software Committee must be consulted before any marketing is accomplished.
  4. The Division of Research must be consulted if software is developed with funds provided by external contracts and grants. Such software must be treated in keeping with the terms of the contract or grant.
  5. Clarkson University shall receive a royalty-free license for internal use of any software product developed by its employees. The same privilege is expected for products developed by its students.
  6. Software products developed at Clarkson shall be identified with the University in some manner.
  7. Decisions of the Computer Software Committee can be appealed by submitting requests to the president.

#### **IX-I I.D. CARDS AND ACCESS**

All Clarkson University community members must have a valid Clarkson University I.D. card. The Clarkson University identification card identifies you as a current member of the Clarkson community. Depending on your relationship to the university, your ID card can also be used as an electronic door key (Clarkson University residence halls doors are on a 24 hour card access by valid cards) and to access a variety of functions and facilities on campus, including athletic events, Knight Card charges, laundry access, dining units, fitness centers, libraries, and vending machines.

The ID card is the property of the university, must be carried at all times, and is nontransferable. This card must be presented and/or surrendered upon demand by a university official; failure to do so, or lending this card to anyone, is considered misuse and may subject the holder to disciplinary action, under the Student Code of Conduct. Lost or stolen cards should be reported immediately to Campus safety & Security.

#### **IX-J ACCESS TO AND PRIVACY OF STUDENT RECORDS**

##### **1. General Statement**

Clarkson University has the responsibility for effectively supervising access to and/or release of official data/information about its students. Certain items of information about individual students are fundamental to the educational process and must be recorded. Such information concerning students must be used only for clearly defined purposes, must be safeguarded and controlled to avoid violations of personal privacy, and must be appropriately disposed of when the justification for its collection and retention no longer exists.

In this regard Clarkson is committed to protecting the right of privacy of all students in their education records. FERPA protects a student's record once an individual becomes an actual Clarkson student: the first day of classes of the term in which they enroll. Access to and release of such records is restricted to the student concerned, to officials within the University, to parties seeking information in connection with a student's application for or receipt of financial aid, to a court of competent jurisdiction, and as otherwise permitted or required by law.

Upon receipt of a Student Information Release Authorization signed by the student, information may also be released to specified persons with the student's consent. At the discretion of the Director of Student Administrative Services, such information can also be provided to a parent if the student is claimed as a dependent on the current Federal Income Tax Return and the University is provided with proof that this is the case.

## **2. Access**

Education record information collected and maintained by the University identifiable with an individual student will be made available for inspection and review at the written request of the student subject to certain exceptions as specified later in this policy.

All students enrolled or formerly enrolled for academic credit shall have access to their education records as and to the extent provided in this policy.

The personal files of members of the faculty and staff which concern students, consisting of notes kept in the sole possession of the maker, used only as a personal memory aid and inaccessible to other persons other than temporary substitutes for the maker, are not regarded as education records.

A request for access to education records maintained by the University must be made to the Registrar in Student Administrative Services.

When a student (or former student) requests access to their University record:

- a. The student must provide proper identification so as to guarantee privacy of records.
- b. A staff person may supervise the review of the record with the student.
- c. Inspection and review shall be permitted no later than 45 days from the date of the student's request.
- d. A student will be free to make notes concerning the contents, but no material may be removed from the record at that time.
- e. The department responsible for maintenance of the record shall have discretion as to whether to allow the student to receive a photocopy or other reproduction of the record. If the student is provided with such a reproduction, a reasonable administrative fee will be charged.



Within the University, education record information may be accessed by university officials with legitimate educational interests. A "university official" is a person employed by the University in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another university official in performing their tasks. A university official has a "legitimate educational interest" if he, she or it needs to review an education record in order to (a) perform a task specific to their job description or his, her or its contractual duties to the University, (b) perform a task related to the student's education (including without limitation discipline of the student), or (c) provide a service or benefit relating to the student or the student's family.

Requests for access to a student's education records other than (a) access by parents of dependent students as defined above, (b) access by a party with written consent of the student, (c) disclosure of directory information as described in Section 4 of this policy, (d) access by a university official as described above, and (e) disclosure pursuant to a subpoena or court order under circumstances where the issuing court or agency has ordered that the existence or contents of the subpoena not be disclosed, must be noted in the student file. The notation must state the identity of the person requesting or receiving information, and the legitimate interest of the person in requesting or receiving the information. The student concerned shall be entitled to review this information.

### **3. Release of Information**

Pursuant to the federal Family Educational Rights and Privacy Act ("FERPA"), a student has the right to consent to the disclosure of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent. Accordingly, personally identifiable education record information with respect to a student or former student will be released only with their prior written consent, or as otherwise required or permitted by FERPA. This policy describes some of the circumstances under which FERPA permits disclosure of education record information; however, the University reserves the right to disclose such information as and to the extent required or permitted by law.

When disclosure of any personally identifiable education record information from University records about a student is demanded pursuant to court order or lawfully issued subpoena, the staff member receiving such order or subpoena shall make a reasonable effort to notify the student concerned prior to replying to the court order or subpoena unless such notification is explicitly prohibited by the court order or subpoena.

Persons who release education record information on behalf of the University must inform the recipient that the disclosure is subject to the condition that the recipient not disclose the information to any other party without the prior consent of the student. The requirements of this paragraph do not apply to disclosures (a) to the student, (b) to the parents of a dependent student, (c) to a university official, (d) to a party seeking directory

information, (e) to a party receiving the information pursuant to a judicial order or lawfully issued subpoena, (f) of certain information regarding student disciplinary proceedings as expressly permitted by FERPA, or (g) to parties otherwise authorized to receive the information pursuant to FERPA without the student's consent, provided that the parameters of permissible redisclosure have been established and documented prior to the initial disclosure.

Education record information from University records about students may be released for approved research purposes only if the identity of students involved will be fully protected. A record of all such releases must be kept in the student file.

Information from University records may be released to appropriate persons in connection with an emergency if knowledge of such information is necessary to protect the health or safety of a student or other persons.

#### **4. Directory Information**

The items below are considered directory information:

- a. Name
- b. Confirmation of current enrollment, includes enrollment status
- c. Major(s)
- d. Dates of enrollment
- e. Degree(s) received
- f. Honor(s) received
- g. Local address and telephone number
- h. Home address and telephone number
- i. E-mail address
- j. Participation in officially recognized activities and sports
- k. Weight, height, hometown, high school, date of birth of members of athletic teams
- l. Student ID Photo
- m. Academic level

Unless the student has officially filed a written request with SAS prior to relevant publication deadlines (as applicable) that disclosure not be made without their written permission, directory information may be included in appropriate University directories, publications and news releases and may be disclosed by staff members in response to inquiries concerning individual students whether such inquiries are made in person, in writing, over the telephone, or by electronic means.

#### **5. Letters of Appraisal**

Candid appraisals and evaluations of performance and potential are part of the educational process. Clearly, the availability of such information to prospective employers, to other educational institutions, or to legitimately concerned outside individuals and agencies is in the interest of the particular student.

Documents of appraisal relating to students collected by any department or office of the University on or after January 1, 1975, will be maintained confidentially only if a waiver

of the right of access has been executed by the student. In the absence of such a waiver, all such documents will be available for student inspection or review. If a student files a written waiver with the department or office concerned, letters of appraisal respecting admission to any educational agency or institution, an application for employment, or the receipt of an honor or honorary recognition, received pursuant to that waiver will be maintained confidentially. Forms will be available for this purpose.

All references, recommendations, evaluations, and other written notations or comments, originated prior to January 1, 1975, where the author by reason of custom, common practice or specific assurance had good reason to believe that such documents and materials would be confidential, will be maintained as confidential, unless the author consents in writing to waive such confidentiality.

#### **6. Challenges to the Record**

Every student shall have the opportunity to challenge any item in their education record that they consider to be inaccurate, misleading, or in violation of the privacy or other rights of the student. A student shall initiate a challenge by submitting a request in writing for the deletion or correction of the particular item. The request shall be made of the Registrar in Student Administrative Services.

If the department or office and the student involved are unable to resolve the matter to the satisfaction of both parties, the President or designee shall act as a hearing officer. The student shall be given the opportunity for a hearing, at which the student may present oral or written justification for the request for deletion or correction. The hearing officer may obtain such information as is deemed appropriate for use in the hearing and shall give the student a written decision on the matter within 30 days from the conclusion of the hearing. If the decision of the hearing officer is to deny the deletion or correction of an item in the student's file, a copy of the written decision shall be placed in the student's file, and the student shall be entitled to place in the file a written statement commenting on the contested information, stating why they disagree with the decision, or both. The student's written statement shall be disclosed whenever the University discloses the underlying information to which it pertains.

Grades may be challenged under this procedure only on the basis of the accuracy of their transcription. This must be done within the first 30 days of the beginning of the next academic semester after the grades were issued.

#### **7. Exceptions**

In addition to the exceptions described above, certain data/information maintained in various offices of the University is not subject to the provisions of this policy with regard to inspection, review, challenge, correction or deletion:

- a. Statements or forms submitted by parent/guardian in support of financial aid are considered to be confidential between those persons and the University and not regarded as part of the student's official record.
- b. University employment records of students relating exclusively to their status as employees and not used for any other purpose, where the employment is not related to the employee's status as a student, are not subject to this policy.

- c. Health and/or counseling records made or maintained by a professional or paraprofessional acting in their professional or paraprofessional capacity in the course of treating the student, and disclosed only to individuals treating the student, are not subject to this policy.
- d. Records of the University's Department of Campus Safety & Security that are created and maintained by the Department for law enforcement purposes are not subject to this policy.
- e. Other data or information not constituting "education records" as defined by FERPA.

#### **8. Other**

The full text of FERPA is available in SAS or the Dean of Students Office.

Students who believe that the University is not complying with the requirements of FERPA or the regulations issued by the Department of Education implementing that Act, may file complaints in writing with:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202-5920

Revisions and clarifications to this policy will be published as experience with the law and the institution's policy warrants.

### **IX-K FRATERNITY-SORORITY POLICY**

It is incumbent upon the University to take appropriate cognizance of Greek letter organizations as they exist at present and as their role may evolve in the future. Clarkson's Recognition Policy is the governing policy for fraternities and sororities.

The future of the Fraternity and Sorority system on this campus will be determined by their demonstrated ability to contribute positively to the "Vision of a Clarkson Education." This includes high academic standards, good social behavior, and constructive extracurricular activities. These organizations will maintain a sound financial structure, satisfactory housing conditions, sanitary kitchen and health arrangements, be responsible citizens of the University community and neighborhood, foster continued interest in the University by their alumni(ae), and abide by the Recognition Policy established by the University.

In addition:

1. Clarkson refuses to recognize any organization that practices discrimination based on race, creed, color, or national origin in the selection of members.
2. Clarkson is opposed to any voting procedure that allows a small minority to have veto power over the membership selection process.

3. As noted in IX-C Hazing Policy to recognize any organization that permits hazing or any other practice detrimental to the physical safety, mental health, or human dignity of the individual. Any individual or organization authorizing any action or situation that recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be subject to disciplinary action, including rescission of permission to operate on campus property, in addition to any other legal penalty. Clarkson requires that a copy of the rules and regulations prohibiting such practices:
  - a. Be made available to all students at Clarkson University,
  - b. Be included in the charter and/or by-laws of every organization operating at Clarkson University, and shall review this charter and such bylaws with individuals affiliated with such organizations annually.

All polices governing fraternity and sorority life (including but not limited to Clarkson Regulations, Recognition Policy; and Panhellenic and Interfraternity Councils) must, like all laws, be reasonably interpreted and fairly enforced.

Clarkson Regulations and Recognition Policy take primacy over local or national fraternity and sorority rules, as they do over the rules of all other Clarkson organizations. The University expects that national and local fraternities and sororities on the Clarkson campus will cooperate in effecting this fraternity-sorority policy so that they will fulfill the constructive and useful purposes upon which their founding principles, rituals, creeds, and ideals were formed.

## **IX-L STUDENT ORGANIZATION REGISTRATION POLICY**

"Advisor" means a member of the University faculty or full time staff who advises the members of an organization

"Organization" means a student group holding a valid registration that has been approved by the Office of Student Organizations

### **Section I. Student Organization Registration**

A.) Individuals or groups who wish to organize must have no less than 3 members in good academic standing and make an application to become a recognized student organization through the Office of Student Organizations by filling out the Student Organization Registration process on Knight Life.

B.) As a condition of being a registered student organization during an academic year, every previously registered organization must submit to the Office of Student Organizations within 30 days of the beginning of Fall semester a completed Student Organization Registration Form containing the following:

1. Name of the organization;

2. Type of organization;
3. Purpose of organization;
4. Membership qualifications including dues and G.P.A. requirements
5. Advisor name and email address;
6. Representative or officer names, email addresses, addresses, and phone numbers;
7. List of all members and email addresses (at least 3 students in good academic standing are required to maintain registration), and
8. A current copy of the constitution and bylaws of the organization.

C.) *An organization that does not meet the specified deadline for registration will be subject to a \$75.00 fine.*

D.) New registered student organizations must submit to the Office of Student Organizations a completed Student Organization Registration Form containing the following:

1. Name of the organization;
2. Type of organization;
3. Purpose of organization;
4. Membership qualifications including dues and G.P.A. requirements
5. Advisor name and email address;
6. Representative or officer names, email addresses, addresses, and phone numbers;
7. List of all members and email addresses (at least 3 students in good academic standing are required to maintain registration), and
8. A current copy of the constitution and bylaws of the organization.

E.) The president or authorized representative of the organization shall ensure that the organization is duly registered in the Office of Student Organizations and that any changes in officers, advisors, members or purposes will be so reported to the O.S.O not later than ten (10) working days after the change has been made.

F.) No registered student organization or group may have any person as a member who is not either a student or a member of the faculty or staff of the University. A registered student

organization may state that its membership is composed of students, or of students, faculty, and/or staff of the University, but it shall not suggest or imply that it is acting with the authority or as an agency of the University.

## **Section II. Organizational Standards of Conduct**

A.) Student organizations are expected to comply with all University rules and regulations and to conduct all activities within the spirit and mission of the University and the Office of Student Organizations.

B.) Student organizations, through their activities and actions, are expected to always meet the following:

1. Respect normal University operations (i.e. class schedules, movement of traffic, etc.);
2. Honor and support the rights of its members in their academic pursuits;
3. Not deny or interfere with the rights of others (this includes respecting the dignity of the human person and the full compliance with the anti-hazing requirements of Clarkson University);
4. Refrain from discrimination in membership;
5. Represent the purpose and intent of the organization accurately and ethically, be aware of and in full compliance with applicable civil laws and University policies and regulations;
6. And display responsible and ethical actions in all exchanges on and off campus as members of the University community.

## **Section III. Consequences of Violations**

A.) Any student organization is subject to disciplinary action or revocation of

Registration as a student organization by the Office of Student Organizations or the Dean of Students for violation of a rule or regulation of Clarkson University, or of the standards of conduct expected of student organizations as provided in Section II, including rowdy or disruptive conduct at functions, on or off the campus, and conduct unbecoming of an organization and/or that brings embarrassment to the University community.

B.) Officers, members and advisors of the organization shall be held responsible for the conduct and activities of the organization. In addition to possible disciplinary action taken against an organization under these regulations, members are individually subject to disciplinary action for their actions under the provisions of Section II.

C.) In addition to charges initiated by the Office of Student Organizations or the Dean of Students, any student, faculty, staff member, or student organization may bring charges forward against a student organization for violations of the Organizational Standards of Conduct by filing the charges with the Office of the Dean Of Students.

D.) Failure to register, or failure to register properly, any student group that meets regularly or otherwise uses University facilities, as required by Section I will lose recognition and room reservation privileges.

## **IX-M STUDENT USE OF MOTOR VEHICLES**

Clarkson University requires all undergraduate and graduate students to register with the University the motor vehicles that they intend to operate on campus and in and around Potsdam during the school year. The use of a motor vehicle on campus is considered a privilege and should, therefore, be considered in a serious and responsible manner. The following regulations apply to ALL students utilizing motor vehicles on campus.

### **1. Registration:**

All motor vehicles owned or operated by students at Clarkson University must be registered each year with the Campus Safety & Security Office. Vehicles operated or parked on University property without a valid Clarkson University registration sticker may be towed or otherwise rendered inaccessible at the owner's expense.

- a. A numbered sticker will be provided which is to be placed on the back of the rearview mirror.
- b. The persons to whom registration stickers are issued will be held responsible for violations regardless of the actual driver of the vehicle. When vehicles are disposed of, it is therefore important to remove stickers.
- c. Disabled parking stickers are issued at the Village Police Department. A proof of disability will be required to receive a disabled sticker. This parking privilege is only for the use of the person to whom it is issued. All parking spaces for the disabled are clearly marked on the University campus. All other vehicles parked in these disabled spaces will be towed at the owner's expense.

### **2. Liability**

Clarkson University cannot assume responsibility for any motor vehicle or its contents, parked on the campus or its environs. The registration holder assumes all risk of accident and expressly agrees that Clarkson University shall not be liable under any circumstances for injury to persons or loss or damage to property. Those who want protection should acquire their own physical damage insurance.

### **3. Parking**

Parking in all designated lots is on a first-come, first-served basis. All responsibility for locating a legal parking space rests with the vehicle operator. Vehicle registrants are responsible for all fines. *Lack of space in any lot does not justify parking illegally.*

Each academic year the Office of Campus Safety & Security provides a listing of all lot designations and where campus community members and guests can park. All members of the campus community are asked to familiarize themselves with these regulations. Parking in all designated lots is on a first-come, first-served basis. Additional copies can be obtained from the Office of Campus Safety & Security, ERC 1200.



#### 4. **Speeding**

The speed limit on campus is 15 M.P.H. except for the access road behind CAMP, which is 30 m.p.h. In all areas, the utmost care should be observed with the many pedestrians and small children on campus.

#### 5. **Abandoned Vehicles**

Vehicles found abandoned or unregistered on University property will be towed at the owner's expense.

#### 6. **Repair to Vehicles**

Motor vehicle repairs should be conducted off campus by a qualified repair shop.

#### 7. **Motorcycles**

All traffic and parking regulations mentioned here also pertain to owners of motorcycles, motorbikes, or other similar transportation. Motorcycles must be parked in the designated motorcycle parking areas adjacent to the dormitories. Parking motorcycles in spaces designated for automobiles will result in their being ticketed.

8. **No parking** or driving on lawns, sidewalks or other pedestrian paths is permitted.

9. **Recreational vehicles** (snowmobiles, ATVs, unregistered dirt bikes, etc.) are not allowed on Clarkson University's property at any time. Use of mechanized vehicles on University ski trails is prohibited.

10. **Any violation** of Clarkson's posted or written regulations regarding the student's use of motor vehicles will result in (fine amounts subject to change) fines levied against the student's account:

Parking in restricted area	\$35.00
Parking/driving on lawns or sidewalks	\$35.00
Vehicle not registered	\$50.00
Parking in disabled	\$75.00
Parking in fire lane	\$50.00
Parking in service area/drive	\$35.00
Reckless Driving	\$100.00
DMV Fee	\$20.00
Tow Charge	\$125.00

As determined by the Dean of Students, the offender may be subject to University disciplinary action, with possible revocation of on-campus driving privileges.

Ticket fines may be paid at the S.A.S. office. Parking ticket appeals must be made on-line ONLY at [http://www.clarkson.edu/campussafety/parking/ticket\\_appeal.php](http://www.clarkson.edu/campussafety/parking/ticket_appeal.php) within five working days of receiving notice of a violation. Unpaid fines will be charged to the student's account.

11. **Students are expected** to abide by all state laws, ordinances of the Village of Potsdam, and regulations of the University pursuant to the operation of vehicles. Misuse of the

privilege to operate a motor vehicle on campus may result in revocation of this authorization and could result in other disciplinary action as warranted.

## **IX-N HARASSMENT AND SEXUAL MISCONDUCT POLICY**

### **POLICY TYPE**

University. The Harassment Policy and Sexual Misconduct Policy are university wide policies. Please click on the links to review grievance procedures for different statuses at the university.

### **CONTACT OFFICES Non-confidential resources**

Title IX Coordinator, Affirmative Action Officer, Human Resources, Dean of Students. All university and non-university members can contact the listed contacts, but we suggest you contact the Dean of Students or the Title IX Coordinator if you are a student. If you are not a student, we suggest you contact the Title IX Coordinator, Affirmative Action Officer or Human Resources.

Contact Campus Safety & Security (non-confidential resources) for immediate assistance. Please see our Non-Discrimination Website for additional resources, contacts and information [www.Clarkson.edu/nondiscrimination](http://www.Clarkson.edu/nondiscrimination).

### **Scope:**

This Policy applies to all employees and students of Clarkson University. In addition, it applies to all vendors, contractors, guests, patrons, and other third parties visiting campus, participating in any Clarkson-sponsored business, event or program, or interacting with Clarkson community members. This policy applies to conduct on campus and in connection with any Clarkson 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 environment on Clarkson's campus or within a Clarkson program, or if the incident causes concern for the safety or security of Clarkson's campus.

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## **POLICY STATEMENT**

Clarkson University is committed to the principles of equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring equal opportunity and eliminating harassment and sexual misconduct. Sexual harassment, sexual assault, domestic violence, dating violence, and stalking and any other sexual misconduct committed by staff, students, and third parties is prohibited and will not be tolerated.

Clarkson University strives to provide an environment free from harassment for employees, students, and third parties. Clarkson is committed to an environment emphasizing the dignity and worth of every individual in an inclusive, respectful environment. Discriminatory harassment in any form is contrary to these goals and fundamentally at odds with the core values of Clarkson University and will not be tolerated.

Incidents of harassment will be met with appropriate disciplinary action, up to and including separation or dismissal from the University. Any action taken as a result of a violation of this policy will be in accordance with the relevant collective bargaining agreement or University policies.

Through this policy and the Affirmative Action and Equal Employment Opportunity Statement, Nondiscrimination Policy, and **IX-DD Clarkson University Non-Discrimination Policy** the University seeks to prevent and correct harassment on basis of race, color, religion, ethnic or national origin, gender, predisposing genetic characteristics, age, disability, sexual orientation, gender identity, gender expression, military or veteran's status, marital status or any other characteristic protected by applicable law.

The following behaviors are prohibited forms of conduct and are violations of this policy:

### **Harassment**

It is the policy of Clarkson University that all employees and students work and study in an environment that is free from harassment based on race, color, religion, ethnic or national origin, gender, predisposing genetic characteristics, age, disability, sexual orientation, gender identity, gender expression, military or veteran's status, marital status or any other characteristic protected by applicable law.

The University defines harassment as verbal or physical conduct that denigrates or shows hostility toward an individual because of the characteristics listed above or any other characteristic protected by applicable law, and that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive environment;
- Has the purpose or effect of unreasonably interfering with an individual's work, study, or participation in University activities; or otherwise adversely affects an individual's opportunities.

Three forms of sexual harassment are expressly prohibited:

Quid pro quo, hostile environment, and retaliatory

### **Sexual Harassment**

The University will not tolerate sexual harassment of any member of the Clarkson community. The University will address all reports of sexual harassment. Where sexual harassment is found, steps will be taken to end and remediate the prohibited conduct. An individual found to have violated this policy will be subject to appropriate discipline in accordance with relevant collective bargaining agreements and University policies. The level of discipline will depend on the severity of the harassment.

Sexual misconduct, sexual assault, intimate partner violence, and stalking committed by faculty, administration, staff, students, and third parties, whether on or off campus, is prohibited and will not be tolerated.

Violations of this policy include disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

To make deliberate false accusations of harassment violates this policy. In such instances, the complainant will be subject to disciplinary action. However, failure to prove a claim of harassment does not constitute proof of a false and/or malicious accusation.

Persons needing disability-based reasonable accommodation assistance or persons for whom English is a second language needing assistance should make those needs known to the university so they can arrange for assistance. This can be done through confidential and non-confidential employees. Three forms of sexual harassment are expressly prohibited:

### **POLICY PURPOSE**

To address Harassment generally and Sexual Misconduct, including intimate partner violence and stalking, specifically in compliance with federal and state statutory obligations and Clarkson's values.

Sexual misconduct is a particularly grievous form of harassing behavior and is intolerable to Clarkson University.

This policy prohibits sexual misconduct generally and, non-consensual sexual contact (or attempts to commit the same), non-consensual sexual acts (or attempts to commit same), intimate partner violence [domestic violence, dating violence], stalking, and sexual exploitation.

This policy is designed to:

- Affirm the University's commitment to providing a positive, humane environment for study and work for all free from sex discrimination, harassment and sexual misconduct;
- Inform reporting parties and responding parties of their options and rights;
- Inform all members of the University community and associated third parties about the procedures available for addressing, investigating, and resolving harassment complaints, including sexual harassment and misconduct complaints;
- Protect the rights, confidentiality, and privacy of all parties to complaints to the extent possible; and
- Prevent retaliation against persons making complaints or participating in an investigation or disciplinary procedure
- Affirm these protections apply regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity or expression, sexual orientation, familial status, pregnancy, predisposing genetic characteristics, military status, domestic violence victim status, or criminal conviction.
- Affirm the policy applies regardless of whether the violation occurs on campus, off campus, or while abroad as explained above.
- Affirm the New York State Students' Bill of Rights pertaining to sexual assault, dating violence, domestic which is listed in the appendix enact an affirmative consent standard assure amnesty in certain instances when making a good faith report

## **POLICY SUMMARY**

Discriminatory harassment is prohibited by Clarkson. This policy prohibits harassment and sexual misconduct generally and sexual harassment, non-consensual sexual contact (or attempts to commit the same), non-consensual sexual acts (or attempts to commit same), sexual exploitation, intimate partner violence, and stalking specifically.

The University will investigate any complaints, provide both interim and long-term measures to remediate its effects, prohibit its re-occurrence, prohibit retaliation, train its community in recognizing and handling sexual misconduct, ensure equity to all parties and offer and coordinate support services for all parties as appropriate. The University will not interfere with an individual's right to pursue a criminal case and will collaborate with law enforcement when needed. The University will perform these responsibilities regardless of whether a criminal case is filed.

The University reserves the right to respond to, and discipline, incidents that do not rise to the level of legally actionable discrimination or harassment but which are inconsistent with the University's equal opportunity values. Further, the University encourages individuals to report incidents that concern them even if the incidents are not particularly egregious, as early reporting often allows situations to be resolved more easily and before more serious harm occurs. The University expects only that individuals will make truthful reports in good faith; an individual is welcome to make a report even if the individual is uncertain whether the behavior violates this policy. If the situation does not invoke this policy but may invoke another policy or process, the person making the report will be directed to the more appropriate policy or process. In the event of a conflict or overlap between policies or processes, the University reserves the right to determine which policy or process will be applied. The University reserves the right to not proceed with a complaint if it becomes apparent that if the allegations even if established would not constitute a violation of this policy.

## **DEFINITION OF TERMS**

Questions on definitions should be referred to a Responsible Administrator.

**Accused** shall mean a person accused of a violation of this policy who has not yet entered an institution's judicial or conduct process.

**Affirmative Consent. a.k.a. Consent** Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Whenever the word "consent" is used in this policy, it should be understood to mean affirmative consent as defined here. 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, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. In New York, a person less than 17 years of age is incapable of consenting to any sexual activity. 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. 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.

**Allegation.** A statement by a complainant that an act in violation of this policy has occurred.

**Coercion.** Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.

When a person makes clear that the person does not want sexual advances or activity, wants to stop previously consensual activity, or that going past a certain point of sexual interaction is unwanted, continued pressure beyond that point can be coercive. **Confidentiality.** May be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092(f) and 20

16 U.S.C. 1681(a). Licensed mental health counselors, medical providers and

pastoral counselors are examples of institution employees who may offer confidentiality. In other words, when you seek out someone to speak to confidentiality that employee identifies themselves as a confidential resource with the legal option to maintain strict confidentiality, such as a counselor or other medical profession, or be identified by the university as a HAART advocate. In either case the employee must be actively engaged in their role as a confidential resource to ensure confidentiality.

**Complainant.** The person making an allegation or complaint of a violation of this policy.

**Complaint.** A formal notification, either orally or in writing, of the belief that a violation of this Policy has occurred.

**Dating Violence.** Dating violence refers to physical violence, threats of violence or acts of physical intimidation or coercion committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence.** Domestic violence includes physical violence, threats of violence, or acts of physical intimidation committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the acts of violence occurred, 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 that jurisdiction.

**Force.** The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes resistance or produces compliance. There is no requirement that a person has to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. Activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

**HAART Advocates** Harassment, Assault, Abuse Response Team Advocates are employees of the university who can offer confidential advice on your options to report misconduct and access support resources. They are not mental health counselors or legal advisors, but can help you coordinate contact with our Counseling center, Renewal House or the local police.

**Harassment.** The University defines harassment as verbal or physical conduct that denigrates or shows hostility toward an individual on the basis of race, color, religion, ethnic or national origin, gender, genetic information, age, disability, sexual orientation, and gender identity, gender expression, military or veteran's status, marital status or any other characteristic protected by applicable law. Harassment that occurs on any of these legally protected bases is discriminatory in nature, and hence the equivalent term "discriminatory harassment". Whether harassment has occurred in violation of this policy depends on a consideration of all the circumstances, including the severity of the incident(s), whether the conduct was repeated, whether it was threatening or merely annoying, and the context in which the incident or interaction occurred. This behavior can occur in person or remotely

Examples of harassing conduct may include:

- Epithets; slurs; negative stereotyping;
- Threatening, intimidating, or hostile acts that relate to race, color, religion, ethnic or national origin, gender, genetic information, age, disability, sexual orientation, gender identity, gender expression, military or veteran's status, marital status or any other characteristic protected by applicable law;
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, ethnic or national origin, gender, genetic information, age, disability, sexual orientation, gender identity, gender expression, military or veteran's status, marital status or any other characteristic protected by applicable law.

**Hostile Environment.** Includes any situation in which there is harassing conduct that is sufficiently severe, pervasive/persistent and patently/objectively offensive that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint.

**Incapacitation.** Incapacitation is a state where someone lacks the ability to knowingly choose to participate in sexual activity. A person can be incapacitated due to lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. A person may be unable to provide affirmative consent to sexual activity and therefore be incapacitated due to mental disability, being under the age of 17 or, depending on the degree of intoxication, being under the influence of alcohol or drugs. An incapacitated person does not have the ability to give knowing affirmative consent.

**Intimate Partner Violence (IPV).** Physical, sexual, or psychological harm by a current or former partner or spouse. This type of violence can occur among heterosexual or same-sex couples, whether cohabitating or not, and does not require sexual intimacy. IPV can vary in frequency and



severity, can occur on a continuum, and can include acts of physical violence, sexual violence, threats of physical or sexual violence, or psychological or emotional violence. Psychological or emotional violence is a broad term that results in trauma to a victim caused by acts, threats of acts, or coercive tactics, and can include acts of humiliation, intimidation, isolation, stalking, and harassment. The University considers “intimate partner violence” to include dating violence and domestic violence as those terms are defined above.

**Intimidation.** Implied threats or acts that cause an unreasonable fear of harm in another.

**Respondent** or Responding Party refers to the person against whom the allegation or complaint of discrimination or harassment is made. Under this policy, respondents include employees and students of Clarkson University, vendors, contractors, guests, patrons, and other third parties participating in any Clarkson-sponsored event or program, whether on or off campus, and to such persons in other situations in which a person is acting as a member of the Clarkson community.

**Privacy** may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with applicable laws, including informing appropriate institution officials.

**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.

**Sexual Assault.** Consistent with federal law, Clarkson defines sexual assault as including nonconsensual sexual acts [intercourse] and non-consensual sexual contact which can be further defined as follows:

**Non-Consensual Sexual Acts [Intercourse.]** Any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by a person upon a person, that is without affirmative consent. Non-consensual sexual acts includes the following:

Rape: 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.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

**Non-Consensual Sexual Contact.** Any intentional sexual touching, however slight, for purposes of sexual gratification or with sexual intent, of any private body part, by a person upon a person, that is without affirmative consent. This includes, but is not limited to, intentional contact for sexual or arousal reasons with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch oneself or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice, with any object.

**Sexual Exploitation** occurs when a person, without affirmative consent, takes sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited. Examples of sexual exploitation include, but are not limited to the following:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent;
- Observing unsuspecting individuals who are partly undressed, naked, or engaged in sexual acts;
- Engaging in sexual activity with another person while knowingly infected with HIV or another STD without informing the other person of such infection;
- Exposing one's breasts, buttocks, groin, or genitals, in non-consensual circumstances; coercing another to expose their breasts, buttocks, groin, or genitals

**Sexual Harassment.** Sexual harassment is a specific form of harassment. The term refers to unwelcome conduct, based on sex or on gender stereotypes that a reasonable person would find intimidating, hostile or offensive. Sexual harassment may include, for example, exposing a person to unwanted sexually graphic conversation; an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to unwelcome sexual attention or advances; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence or sexual assault; intimate partner violence; sexual interest-based stalking, or gender-based bullying.

There are three types of Sexual Harassment:

- **QUID PRO QUO:** Benefits offered or withheld as a means of coercing sexual favors.
- **HOSTILE ENVIRONMENT:** Conduct that unreasonably interferes with the victim's work/academic performance or repeatedly creates an intimidating, hostile or offensive environment.
- **RETALIATORY:** retaliation against an individual or individuals for bringing a complaint or participating in a complaint

As with other forms of harassment, whether sexual harassment has occurred in violation of this policy depends on a consideration of all the circumstances, including the severity of the incident(s), whether the conduct was repeated, whether it was threatening or merely annoying, and the context in which the incident or interaction occurred.

Examples of behavior and conduct that constitute sexual harassment may include, but are not limited to, the following:

- Physical assault that occurs because of sex or gender;
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation;

- Sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing and/or body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve an academic purpose;
- A pattern of conduct, which can be subtle in nature, that has sexual or gender overtones and is intended to create, or has the effect of creating, discomfort and/or humiliation of another; or
- Remarks speculating about a person's sexual activities or sexual history, or remarks about sexual activities that do not serve a medical or academic purpose.

**Sexual Misconduct.** Sexual misconduct refers generically to the categories of sex-based behaviors prohibited by this policy, including sexual harassment, sexual assault, non-consensual sexual contact (or attempts to commit same), non-consensual sexual intercourse (or attempts to commit same), domestic violence, dating violence, stalking and sexual exploitation. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by persons of any gender or sex, and it can occur between people of the same or different sex.

- **Stalking.** Stalking is behavior means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. Stalking may involve following or placing another under surveillance, or repeatedly contacting another person for the purpose of harassing and intimidating the other person. The term “contact” means to make or attempt to make any communication, including, but not limited to, communication in person, by telephone, by mail, by broadcast, by computer or computer network, or by any other electronic device It does not require that an overt threat of death or bodily injury be made.

## **POLICY INTERPRETATIONS**

**Consensual Relationships.** It is in the interest of the University to provide clear direction and educational opportunities to the University community regarding the professional risks associated with consensual romantic and/or sexual relationships where a definite power differential exists between the parties. The University strongly discourages such relationships. These relationships are of concern for two primary reasons:

**Conflict of Interest:** Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between faculty or other instructional staff and students, or between supervisors and subordinates. University policy and more general ethical principles preclude individuals from evaluating the work or academic performance of others with whom they have intimate familial relationships, or from making hiring, salary, or similar financial decisions concerning such persons. The same principles apply to consensual romantic and/or sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making with regard to the student, subordinate, or prospective employee.

Abuse of Power Differential: Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual relationship involving power differential, the potential for serious consequences remains. Individuals entering into such relationships must recognize that:

- Reasons for entering such a relationship may be a function of the power differential;
- The individual with the power in the relationship will bear the burden of accountability; and
- Such a relationship, whether in a class or work situation, may affect the educational or employment environment for others by creating an appearance of improper, unprofessional, or discriminatory conduct.

**Breach of Professional Obligation.** A sexual relationship that does not constitute sexual harassment may lead to a breach of professional obligations. A breach of professional obligations, such as basing a decision that affects the evaluation, employment conditions, instruction, and/or academic status of another individual on illegitimate criteria, may result in discipline, sanctioning or termination in accordance with the relevant collective bargaining agreement or University policies.

**Supervisory Relationships.** No individual who is in a position of authority over another, either in the employment or educational context, has the authority to harass others by virtue of their supervisory role. The University does not, in any way, expressly or by implication, condone the harassment of a student or employee by a supervisor, administrator, or faculty member.

**Good-Faith Reporting.** This policy prohibits retaliation against a person who has made a goodfaith report or participated in good faith in any investigation of this policy. Good-faith means to provide information, which is truthful to the best of the individual's knowledge and recollection. To make deliberate false accusations violates this policy. In such instances, the complainant will be subject to disciplinary action. However, the mere fact alone that a violation of this policy is not ultimately established does not constitute proof of a false and/or malicious accusation.

**Academic Freedom.** Academic freedom is essential to teaching and learning, and freedom of expression is central to the fundamental principles of a university education. Nothing in this policy shall be construed to penalize a member of the University community for expressing an opinion, theory, or idea in the process of responsible teaching and learning or respectful intellectual debate. Similarly, this policy is not designed to prohibit controversial speakers from being invited to campus.

**Student-to-Student Supervisory Relationships.** In situations where one of the students is an employee of the University and where the allegations involve a supervisory relationship between students, the Student Affairs and Human Resources will consult with respect to the handling of the complaint.

**Reporting Rights.** Any Clarkson community member who has been the victim of sexual misconduct has the right to make a report to campus security or one of the University's

Responsible Administrators, local law enforcement, and/or the New York State Police, or choose not to report. If reported to Clarkson under this policy, a reporting individual will be protected by the University from retaliation and will receive assistance and resources from Clarkson University. A Students' Bill of Rights and an additional Statement of Rights for Cases Involving Sexual Assault, Domestic Violence, Dating Violence and Stalking are found at the end of this policy.

**Confidentiality and Privacy.** Confidential employees have been granted the ability to keep information shared with them strictly confidential and will not share information you relate to them with third parties unless you grant permission. Click the link to review on and off campus confidential resources. <http://www.clarkson.edu/nondiscrimination/index.html>

The University will protect the confidentiality of complaints to the extent possible under the law. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Records of complaints can only be accessed by or disclosed to those with a legitimate, legal right to know.

If a complainant asks that their identity not be made known to the respondent and witnesses or that a case not be investigated or adjudicated, the University will attempt to honor this request. However, the University is required to weigh the complainant's request for confidentiality with the University's commitment to provide a safe and non-discriminatory environment for all members of the Clarkson University community. The University reserves the right to investigate, adjudicate, discipline and otherwise respond to any incident that comes to its attention. However, even Clarkson offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information you provide to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

Information disclosed at public awareness or advocacy event will not trigger the university's obligation to report.

**Anonymous Reports.** The University will accept anonymous reports. However, due to the nature of anonymous reports, the University's ability to take responsive action may be limited. Please follow the link to file an anonymous report. Contact Us.

#### FERPA Disclosures

The family educational rights and privacy act, 20 U.S.C. 1232g, allows institutions to share information with parents when

- i. There is a health or safety emergency, or
- ii. When the student is a dependent on either parent's prior year federal income tax return; and that generally, the institution shall not share information about a report of domestic violence, dating violence, stalking, or sexual assault with parents without the permission of the reporting individual.

## **POLICY PROCEDURES**

### **Options for Responding to Incidents**

This policy applies campus-wide and sets forth behavioral expectations for all. Any person may make a complaint that this policy has been violated. However, the applicable procedure for investigating and remedying a complaint depends on whether the accused is a student, an employee, or a non-community member. For instance, a complaint brought by a staff member against a student would be processed pursuant to the student policy; a complaint by a student against a staff member would be processed pursuant to the staff policy; a complaint by a student against another student would be processed pursuant to the student policy; and so on.

#### **1. Law Enforcement**

Any person may call 911 or Campus Safety 268-6666 for immediate safety assistance. If you or someone else needs help, call for immediate assistance. Campus Safety can also assist the individual in making a report of a crime to local law enforcement and/or contacting a Responsible Administrator to initiate the University's internal response mechanisms.

A victim of a crime is encouraged to, but is not required to, report the incident to local law enforcement and pursue criminal charges. When desired a person may pursue either a criminal complaint or University complaint or both. Any internal University investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in the University's internal process may be requested by local law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay shall not last more than ten (10) days, except when local law enforcement authorities specifically request and justify a longer delay.

In criminal cases, the preservation of evidence is critical and must be done properly and promptly. For example, in cases of rape or other forms of sexual assault, it is important not to shower, change clothes and even brush your hair, as physical evidence may be lost. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs. The Potsdam Police Department, which can be reached at **315-265-2121**, can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner. The New York State Police maintain a 24-hour hotline (1-844-8457269) staffed by individuals trained to respond to sexual assault.

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 Clarkson community member or other person. In appropriate circumstances, an order of protection may be available that restricts the accused's right to enter or remain on Clarkson property, and Clarkson will abide by a lawfully issued order of protection. University officials will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:

- A copy of an order of protection or equivalent when received by the University and providing that person with an opportunity to meet or speak with a University 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 local law enforcement to affect an arrest for violating such an order of protection.

## 2. Confidential Resources

A person is encouraged to seek support for their emotional and physical needs.

### On Campus Confidential Resources

Individuals may wish to seek confidential counseling or support from the following resources. If you are unsure as to where to go or what to do first, contact the **Counseling Services on campus at 315-268-2327**. Students may also contact the **Student Health Services 315-268-6633**. All other Clarkson University employees are not confidential resources. Please see our confidentiality policy for further explanation. These counseling and health services are provided to University students free of charge.

Employees and third parties should contact **HAART 315-268-4466** for on campus confidentiality.

Individuals seeking assistance in contacting the University's confidential resources or any of the off-campus confidential resources in the community can contact the University's Harassment, Assault, Abuse Response Team. **315-268-4466** HAART Advocates are employees of the university who can offer confidential advice on your options to report misconduct and access support resources. They are not mental health counselors or legal advisors, but can help you coordinate contact with our Counseling center, Renewal House or the local police.

Off-campus confidential resources are:

- Canton Potsdam Hospital; 315-265-3000
- Reach Out; 315-265-2422

A contact with a confidential resource does not result in the filing of a report with the University for investigation, discipline, or any other remedial action.

### Health Care Options

The University can assist you in obtaining healthcare or you may choose to contact them on your own.

- Student Health Services 315-268-6633

- Canton Potsdam Hospital; 315-265-3000

A report to a Confidential Resource is not a report to the University and will not result in remedial action or an investigation or disciplinary action. Any person who desires remedial action (such as a change in housing, academic or work assignments) or wishes to seek disciplinary action against the respondent must make a report to one of the Responsible Administrators, listed below.

### **3. University's Non-Confidential Resources - Responsible Administrators**

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

Title IX Coordinator- Prof. Jennifer Ball, 315-268-4208, 315-212-8940 (cell)

Dean of Students- James Pittman, 315-268-6620

Human Resources, Deputy Title IX Coordinator-Amy McGaheran, 315-268-3788

Deputy Title IX Coordinator, Kelsey Deso, 315-268-2345

- i. What happens after contacting a Responsible Administrator? A Responsible Administrator will discuss with the complainant available avenues and options. A complainant may be able to take advantage of multiple options simultaneously. Options include contacting local law enforcement (if the incident involves a crime) and/or pursuing disciplinary action against the accused and/or mediation. In situations where the complainant's well-being requires, other options may include immediate remedial action, such as no-contact orders directing the respondent to have no contact with the complainant, changes in class assignments, residence hall assignments, transportation arrangements, or work assignments to assist the complainant in avoiding contact with the respondent, or other measures to enhance the complainant's safety, such as escorts or increased monitoring of an area.
- ii. How information is shared within the University. A Responsible Administrator is not a confidential resource. A Responsible Administrator will share all information reported to him/her with the Title IX Coordinator (and/or, if appropriate, the Dean of Students (for cases involving students), the office of Human Resources (for cases involving staff and faculty),
- iii. How confidentiality and decisions about taking action are handled. A report to a Responsible Administrator often does, but need not necessarily, lead to an investigation or disciplinary action. The decision about what action(s) to take depend on many factors, including the complainant's wishes, particularly in cases of sexual misconduct. A complainant may make a report to a Responsible Administrator and request that the University take no investigatory or disciplinary action. Clarkson endeavors to comply with complainants' wishes with respect to whether responsive action is taken. However, that is not always possible.

If a complainant requests that no action be taken against the accused (i.e., no investigation or disciplinary action), the Responsible Administrator will consult with the Title IX Coordinator and



the other appropriate administrators (i.e., Dean of Students (students), or Human Resources The University's decision whether to honor such a request include, but are not limited to, the seriousness of the offense, whether there was a single accused or multiple, whether there is reason to believe that the accused has engaged in this or similar conduct previously, whether the circumstances suggest an ongoing or future risk to the campus community or the complainant, whether the accused has a history of violent behavior or is a repeat offender; whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior; the increased risk that the accused will commit additional acts of violence; whether the accused used a weapon or force; whether the reporting individual is a minor; whether the University possesses other means to obtain relevant evidence of the sexual misconduct (such as security footage, physical evidence, etc.), whether the victim's report reveals a pattern of perpetuation at a given location or by a particular group, and the overall safety of the campus community.

A decision will be made as to whether the University can honor the request for confidentiality and a University representative will notify the complainant.

Similarly, a complainant may desire to have investigatory and/or disciplinary action taken, but may wish to have their identity as the complainant kept confidential. Depending on the circumstances, this may or may not be possible. If any number of people could have reported the incident, it may be possible for the complainant's identity to remain confidential and not shared with the respondent. However, in other cases, it may not be possible to proceed with investigatory or disciplinary action without revealing the identity of the complainant. If a complainant requests that their name be kept confidential (or if the complainant makes an anonymous complaint), the University's ability to respond to the complaint 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.

Ultimately, the University retains the right to act upon any information that comes to its attention

Interim Measures may be available. Interim actions may be taken by the University to immediately respond to a situation as necessary for the well being of an individual or the community prior to the conclusion of an investigation or disciplinary hearing. Interim measures may include, but are not limited to, no-contact orders directing the accused to have no contact with the complainant, changes in class assignments, residence hall assignments, transportation arrangements, or work assignments to assist the complainant in not having to interact with the accused, or other measures to enhance the complainant's safety, such as escorts or increased monitoring of an area. The University may impose a suspension from the campus or parts of the campus, pending the outcome of an investigation and disciplinary proceeding. The University will review the facts and circumstances of each case, as well the complainant's wishes, in deciding whether and what steps are reasonable and appropriate.

Upon request, the complainant or accused may request a prompt review of the need for and terms of any interim measures imposed or requested that directly affects him/her, including the potential addition, modification or elimination of those measures. Such a request may be made by

submitting a written request for review to the Title IX Coordinator, providing the basis for that request and any evidence in support of the request. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. The Title IX Coordinator or designee may, in their discretion, modify or suspend the interim measures on a temporary basis while the parties are submitting their information and responses. The Title IX Coordinator will respond to any such requests as soon as possible, but generally no later than one calendar week of the request and the parties' submission of any evidence.

When a student accused of sexual assault, domestic or dating violence or stalking is determined to present a continuing threat to the health and safety of the campus community, they are subject to interim suspension pending the outcome of any proceedings under this policy. Both that student as well as the subject of any such misconduct will, upon written request, be afforded an opportunity for a review of the need for and terms of an interim suspension, including potential modification, by submitting a written request to the Title IX Coordinator, providing the basis for that request and any evidence in support. When the accused is not a student but is a member of the University community, they are subject to interim suspension and/or other measures in accordance with applicable collective bargaining agreements and University employment policies and practices.

### **Investigation of Complaints**

Complaints will be investigated promptly. An investigation may occur because a complainant wishes to proceed with a complaint or because the University determines that this is necessary despite the wishes of the complainant. The University endeavors to ensure that complaints are responded to in a prompt, fair, and impartial manner. In general, investigations will be done by a designee from the Dean of Students' office if the respondent is a student, and by a representative of Human Resources, if the respondent is a faculty member or staff member.

The University endeavors to complete the investigation of a complaint within 30 days. This timeframe may be extended for compelling reasons.

### **Informal Resolution.**

In some cases, an informal resolution may be appropriate. An informal resolution usually takes the form of mediation in which a designed third-party explores whether the parties can agree on a result. Mediation must be agreed upon by both parties, and the Title IX Coordinator must agree that mediation is appropriate. Mediation is not appropriate in cases of sexual assault or violence of any kind.

It may be necessary to conduct an investigation before mediation will be arranged. The University will select the mediator. The parties will not be required to meet together as part of the mediation. At any time during the mediation process the complainant or the respondent has the right to resume the formal processing of the complaint (i.e., investigation, disciplinary procedure, appeal). A mediated resolution may include sanctions.

If the mediation results in an agreement, and if this agreement is acceptable to the University, the mediation is considered successful. Both parties will sign a statement agreeing that the mediation was successful, and the matter will be considered resolved. If the mediation is unsuccessful, the formal process will resume. If a party with obligations pursuant to a mediated resolution fails in their obligations, the other party may ask the University to enforce the terms of the resolution or may proceed with a formal complaint process.

### **Investigatory and Disciplinary Procedures**

In the event of a complaint against a student, the procedures set forth in the Clarkson Regulations Section VI Disciplinary Proceedings will be followed. The Inquiry will follow the generally applicable procedures and Additional Procedures Applicable to Inquiries involving the University Harassment and Sexual Misconduct Policy. Complaints against an individual accepted to the University for study but not yet matriculated will be handled according to these procedures as well. Notwithstanding anything to the contrary in any other policy or procedure, in any case involving sexual assault, domestic violence, dating violence or stalking where the respondent is a student, both the complainant and respondent will be afforded access to one level of appeal before a panel of two or more University representatives.

**Amnesty** The health and safety of every student at Clarkson is of utmost importance. Clarkson 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. Clarkson strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to Clarkson's officials or law enforcement will not be subject to Clarkson's 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.

In the event of a complaint against an employee of the University, the procedures set forth in Section 3.1.14 of the University Operations Manual will be followed.

If a complaint is against someone other than a member of the University community, it will be handled by the Dean of Students Office with possible referral to the Potsdam Police Department. The University reserves the right to ban from campus any non-community member.

A violation need not be established by proof "beyond a reasonable doubt", as would apply in a criminal proceedings. Instead, the University applies a "preponderance of the evidence" standard, meaning that it is more likely than not that a violation occurred. A complaint will result in one of two findings:

1. A determination that the policy has been violated and imposition of appropriate disciplinary and/or other remedial action; or

2. A determination that there was no violation of the policy or that a violation cannot be determined and dismissal of the complaint.

### Advisor of Choice

Complainant and respondent may have an advisor of choice (at the party's own expense, if the advisor is a paid advisor) during any investigatory meeting, disciplinary proceeding and any related meeting. The advisor's role is to support the complainant or respondent throughout the process and aid in their understanding of the investigatory and/or disciplinary process. The advisor may talk quietly with the party, but may not participate in the interview and the party is required to speak on their own behalf. The advisor may not intervene in or disrupt an investigatory meeting or disciplinary proceeding. An advisor who does not abide by this role may be precluded from further participation.

### Impact Statement

The complainant and respondent will be permitted to submit a written impact statement to the University after a finding of responsibility for violation of this policy and prior to the determination of an appropriate sanction(s).

The University endeavors to complete the formal disciplinary stage of a complaint within 30 days. This timeframe may be extended for compelling reasons.

### **Disciplinary and Responsive Action**

In all cases where there is a finding of a violation of policy, the University will take prompt and appropriate responsive action to remedy the violation and prevent further incidents. Both Complainant and Respondent will receive simultaneous written notice of the outcome, to the extent permitted by law. The final outcome letter shall include factual findings supporting the determination, the decision and the sanction, if any, as well as the rationale for the decision and sanction.

### Student Respondent

In the case of a finding of a violation by a student, disciplinary action may include, but is not limited to, suspension, expulsion, probation, warning, reassignment to another residence hall, restriction from residence halls, and/or no contact with the complainant.

For those crimes of violence that Clarkson University is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and appeal, if any, shall include the following notation:

- Suspended after a finding of responsibility for a code of conduct violation;
- Expelled after a finding of responsibility for a code of conduct violation, or
- Withdrew with conduct charges pending

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

#### Employee Respondent

In the case of a staff member or a faculty member, the disciplinary action(s) may include, but are not limited to, counseling, a warning, suspension, reassignment, demotion, or termination of employment.

In the case of a non-community member, the action(s) may include, but not be limited to, a ban from University property.

In some cases, additional steps beyond disciplinary action may be warranted, including but not limited to changes in housing or course assignments, or changes in working locations or conditions. A student seeking changes in living or learning conditions should contact Student Affairs. An employee seeking changes in working assignment or conditions should contact Human Resources.

#### **PROHIBITION AGAINST RETALIATION**

It is a violation of this policy for students or employees who in good- faith report what they believe to be conduct in violation of this policy, or who cooperates in any investigation, to be subjected to retaliation. Any student or employee who believes they have been the victim of retaliation for reporting harassment or cooperating in an investigation should immediately contact the Title IX Coordinator at 315-268-4208, the Affirmative Action Officer (315-268-6497), the Dean of Students (315-268-6620), or the Human Resources Office at 315-268-3788.

#### **CLERY ACT COMPLIANCE**

The University is required to include for statistic reporting purposes the occurrence of certain incidents in its Annual Security Report. Names of individuals involved in incidents are not reported or disclosed in ASRs. In the case of an emergency or ongoing dangerous situation, the University will issue a timely warning to the campus. In such circumstances, the names of the alleged perpetrator may be disclosed to the community but the name of the victim/complainant will not be disclosed.

#### **POLICY COMPLIANCE**

The Affirmative Action Officer and the Title IX Officer are the individuals designated by the President to be primarily responsible for providing education and training concerning discrimination, harassment and sexual misconduct issues.

Deans, Directors, Chairs and all supervisory personnel are responsible for ensuring compliance with this policy.

Individuals with disabilities needing reasonable accommodations or persons for whom English is a second language needing assistance to allow them to fully utilize this policy (e.g., to make a report, file a complaint, participate in investigation interviews, etc.) should make those needs known to the University so they can arrange for assistance. This can be done through the University's confidential and/or non-confidential resources.

### **Reporting University Non-Compliance with Federal Legislation**

Any person with a concern about the University's handling of a particular matter should contact the University's Title IX Coordinator or Affirmative Action Office.

In addition, if an individual feels that the university is failing to comply with federal regulation they may contact the federal government directly. The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100, (800) 421-3481

### **STUDENTS' BILL OF RIGHTS**

Please see our Nondiscrimination website for information on University prevention, education and training related to sexual misconduct.

Students' Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by 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 reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few Institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the Institution, any student, the accused and/or 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 reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the Institution.”

## **STATEMENT OF RIGHTS IN CASES INVOLVING SEXUAL HARASSMENT, SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE AND STALKING**

Anyone reporting an incident of sexual assault, domestic or dating violence or stalking has the right to:

1. Notify Campus Safety, Local Law Enforcement or the New York State Police.
2. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
  - a) Options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the University, as set out in Clarkson University’s Harassment and Sexual Misconduct Policy
  - b) Where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
  - c) That the criminal justice process utilizes different standards of proof and evidence than the University’s policy and procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
  - d) Whether the person they are reporting to is authorized to offer confidentiality or privacy,
  - and e) Any other reporting options.
3. If they are a student, to contact the University’s Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws and can be assisted in obtaining services for reporting individuals; or to contact non-University confidential resources, including the New York State Office of Victim Services at 1-800-247-8035 or <https://ovs.ny.gov>.
4. Disclose confidentially the incident and obtain services from the state or local government;
5. Disclose the incident to the University’s Responsible Administrators who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject the University’s Harassment and Sexual Misconduct Policy, and can assist in obtaining resources for reporting individuals;

6. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the University's obligations under the law and its policies and procedures;

7. Disclose, if the accused is a University employee of the institution, the incident to Human Resources or to request that a confidential employee assist in reporting to Human Resources; and

8. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings.

9. Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.

## **IX-O ATHLETIC PHILOSOPHY**

Intercollegiate athletics, physical education, and recreational sports are a vital and traditional part of student life at Clarkson University.

The intercollegiate athletic program is planned, developed, and administered for the educational and recreational benefit of students. In addition to providing challenging opportunities for athletic competition, the program offers entertainment for students, faculty, alumni, and friends of the University, building spirit among all members of the Clarkson community. The physical education program offers students the opportunity to develop or enhance athletic skills that promote mental and physical health and provide release from classroom discipline. Recreational and intramural sports programs provide opportunities for all members of the Clarkson community to maintain fitness and health, to enjoy the comradeship of team activities and simply to have fun.

To serve the highest interests of the University and its students, staff, and faculty, the entire athletics program must function as an integral part of the educational mission of the institution. This requires that academic interests supersede athletic interests at all levels from the participation of the individual student to the general policies of the University. Explicitly:

1. All participants in intercollegiate athletics, physical education programs, and recreational sports are expected to observe rules of fair play and reasonable standards of safe participation and to use University facilities in accordance with regulations.
2. All participants in intercollegiate athletics must abide by NCAA rules and regulations for participation in amateur athletics. No participant in intercollegiate athletics is permitted to accept rewards, gifts or any consideration of value as a condition for or result of their



participation. All competition must be honest and fair, prioritizing sportsmanship and ethical conduct.

3. Student athletes must recognize the primacy of academics over athletics. Only students making satisfactory progress toward a degree may compete. Athletes must obey all general student regulations and should exemplify the highest standards of academic honesty. Because of their high visibility before the public, members of athletic teams must take care to avoid all violations of the law, especially the abuse of alcohol and controlled substances.
4. The physical well being of the student athlete takes precedence over the outcome of competitive matches. Coaches must be conservative in their decisions on this point and athletes themselves should exercise good judgment. The use of drugs, including steroids, to enhance athletic performance is strictly forbidden.
5. Clarkson is committed to providing fair and equitable athletic opportunities for men and women.
6. Hazing among team members is illegal and strictly forbidden.

## **IX-P ATHLETIC POLICY**

1. An important goal of Clarkson is the development of individual capabilities through education. To that end, the undergraduate curriculum is designed to provide a diverse and increasingly demanding academic program. The physical education, recreation, and intercollegiate athletic programs shall be both an extension of the academic program and its counterpart. They will provide diverse activities on all skill levels, from physical education classes to intramural sports and intercollegiate competitions.
2. Consistent with Clarkson's concept of preparation for lifelong learning, emphasis in physical education and recreational activities shall be placed on provision of opportunities for exposure to "carry-over" activities such as: tennis, golf, skiing, camping, swimming, etc. The recreational program will take advantage of the recreational potential of the surrounding area.
3. A strong comprehensive program for intramural and recreational sports is essential. These sports and activities are to provide students and other members of the University community with the opportunity to participate in competitive and recreational activities in keeping with their desires, at a level commensurate with their skills.
4. The intercollegiate athletic program for men and women shall be planned, developed, and administered for the educational and recreational benefit of the students. In addition to providing entertainment and other values for nonparticipating students, faculty, alumni, and friends of the University, the program will provide carefully coordinated and challenging opportunities for athletic competition to students as one aspect of their fouryear educational program. The success of the intercollegiate program will be measured largely in terms of how well individual skills are gained and developed into team play.
5. Since the coaching role is primarily a teaching one, importance will be attached to the evaluation of coaching by team members.

6. The excellence and success of the athletics and recreation program will be measured in terms of the diversity, extent, and quality of its constituent programs and the instruction offered to large numbers of students with differing abilities and interests. The success of the program also will be measured for the participants in terms of growth in self understanding and the pleasures of increased knowledge and skills.
7. Scholar athletes who receive financial assistance must abide by the Code of Conduct detailed in Regulation IX-W-E.
8. Student athletes provide advice and counsel to the Athletic Administration through the Student Athlete Advisory Committee (SAAC). This committee meets regularly during the school year.
9. Clarkson University periodically evaluates student interest in intercollegiate sport offerings. The process of adding or deleting a sport program considers the following variables: student interest, resource availability, scheduling, coaching and athlete availability. Administratively the Athletic Director in concert with the Vice President for Enrollment & Student Advancement will recommend to the President and his Advisory Council the addition or deletion of any intercollegiate sport program.
10. It is the intent of Clarkson's Athletic Policies to comply with all rules and regulations as promulgated by Clarkson University, the NCAA or other leagues or associations that Clarkson Athletics participates in. The Athletic Administration requires each coach to be fully and completely aware of these rules and regulations and to observe both the letter and spirit of the rules.

## **IX-Q USE OF UNIVERSITY PROPERTY**

**University property is intended solely for use that promotes and enhances education and scholarship, and for activities supporting these missions, such as housing, catering, and recreation of students, staff, faculty members, conference participants, and guests.**

1. **University property includes, but shall not be limited to, the following:**
  - a. The name CLARKSON UNIVERSITY, all derivatives thereof and all letterheads, stationery, logos, trademarks, and trade names incident to the business and activities of Clarkson University.
  - b. All campus buildings and facilities, fixtures, utilities, and real estate.
  - c. All University equipment, vehicles, furnishings, artworks, supplies, and inventory.
  - d. All University computing resources, library holdings, telephone and communication systems, keys, and campus mail.
2. **Unauthorized and/or improper use of University property** by any persons shall constitute cause for dismissal of and financial restitution by such person. Improper use of University property shall include, but not be limited to, the following:
  - a. Use for any illegal or immoral purpose.
  - b. Use that is personal in nature and not incident to or connected with the institutional mission for which the user has not received authorization from the University.
  - c. Use for which the specific property is not intended or designed or which could result in damage to University property.

- d. Any use that creates a hazardous or dangerous condition posing a threat to persons or property.
- e. Use that infringes on the rights or freedoms of members of the academic community or which disrupts or obstructs the institutional mission.
- f. Use that promotes the interests of business, political, or religious organizations to the exclusion of the interests of others, similar organizations, or organizations with other points of view.
- g. Any unauthorized loan or rental of University property.

### **3. Loan of University Equipment**

University equipment may not be loaned to individuals. Occasionally, at the discretion of the vice presidents or deans, or an authorized designee, it may be desirable to loan equipment to institutions or industrial companies in the interest of good public relations. In all such cases where such equipment is removed from the University premises, the vice president or dean or an authorized designee must secure a signed receipt for the equipment embodying a guarantee of its return by a specific date in good condition and an account number to be used by the department that owns the budget for replacements of the asset(s) should the equipment not be returned, has damages or that requires replacement equipment be rented for campus usages that may be scheduled after the loan has been approved. It is the responsibility of the vice president or dean to see that the terms of the receipt are carried out.

## **IX-R USE OF UNIVERSITY FACILITIES**

### **1. Scheduling of Facilities**

Facilities for regularly scheduled classes during the academic year and summer sessions are scheduled through SAS and given priority.

Campus facilities, i.e., classrooms, auditoria, etc., used for University meetings or events are reserved through the Room Reservations Office and/or by booking online at [reserve.clarkson.edu](http://reserve.clarkson.edu). Certain types of reservations may require prior approval before confirmation is given, depending upon the location and time of year requested. Faculty, staff and students scheduling facilities for personal use (i.e. birthday parties, etc.) are considered the same as non-University groups and therefore are subject to charges and proof of certificate of insurance.

All arrangements by scheduling officers shall be made available to representatives for the Office of External Relations.

### **2. Facilities & Services and Campus Safety & Security**

It is expected that all events held in University facilities will be conducted in a manner appropriate to an academic community. All events must meet the other conditions found in Section **IX-P** before a reservation will be finalized.

### **3. Student Organizations**

Student organizations recognized by the University and/or Student Senate may schedule campus facilities for normal academic or extracurricular activities. In instances where these student groups wish to sponsor activities with off-campus groups having related interests, they are expected to take on full sponsorship of the activities in order to avoid situations where their endorsement simply is used to enable outside groups to secure campus facilities or where they find themselves shouldering the responsibility for events which they have not run. Outside groups should be directed to the Director of University Events to coordinate campus involvement.

Student organizations are usually not charged for the use of facilities except for unusual activities entailing special expenses or University services. See item 7 for exceptions regarding political clubs.

### **4. Clarkson Affiliates**

Clarkson affiliates scheduling space for external organizations will be governed by the policy related to use by non-university groups.

### **5. Non-University Groups**

The University recognizes its responsibility to the community and makes many of its facilities available to non-University, politically nonpartisan, nonprofit groups offering the community services. These groups may use the facilities on an occasional, non-continuing basis. Charges may be incurred for use of University facilities and services.

Requests for use of facilities by such groups should be addressed to the Director of University Events. A certificate of insurance may be required before permission is given for use. Any questions regarding eligibility or terms of use will be settled by the Office of Office of External Relations as necessary.

### **6. Security Arrangements**

In the case of programs where a security problem may be involved, the organization in question has the responsibility for making security arrangements. However, if the University feels that the security arrangements are inadequate, it reserves the right to cancel the scheduled event.

### **7. Admission Charge**

In order to protect the University's tax-exempt status, spectators may be charged admission only when the proceeds accrue to the support of a recognized University organization or a University-approved charitable group.

### **8. Political Clubs**

The University traditionally has recognized and provided facilities on an impartial basis to various on-campus activities which have a partisan political bent, such as the Democratic, the Republican, and other political clubs. This represents no problem. However, to the

extent that such organizations extend their activities beyond the campus and intervene or participate in campaigns on behalf of candidates for public office, or permit nonmembers of the University community to avail themselves of University facilities or services, the University must make certain that proper and appropriate charges are made and collected for all facilities and services provided.

## **IX-S DISTRIBUTION OF INFORMATION TO THE UNIVERSITY COMMUNITY**

1. To provide for the timely and orderly dissemination of information relating to the University, the following provisions are in effect:
2. **Clarkson Calendar.** Items for distribution to the entire campus community should be placed online in the Clarkson Calendar at <http://calendar.clarkson.edu> The Student Life Activities calendar can be found at [www.clarkson.edu/activitiescalendar](http://www.clarkson.edu/activitiescalendar).
3. **E-mail Distribution.** Student clubs or groups that wish to share notice of an event with faculty and staff can ask their club advisor or other faculty/staff member to email it to [special\\_events@lists.clarkson.edu](mailto:special_events@lists.clarkson.edu) (this is a "listserv," which only employees can access). Other e-mails for approval and distribution to faculty/staff should be e-mailed to the Director of Media Relations.

The Dean of Students approves all other e-mail distributions to students, but the Director of Media Relations may also approve these distributions if necessary. E-mail distributions for students should be e-mailed to the Assistant to the Dean of Students. In all cases, mass announcements will only be distributed if the event/item is listed on the Clarkson Calendar (see item #1 above).

1. **Authorized Offices for direct mass e-mail communication.** The Clarkson University e-mail system is used to convey urgent and time sensitive messages. The following offices are authorized to send key strategic messages:
  - President's Office,
  - External Relations,
  - OIT (computer/network systems announcements only), ▪  
Emergency Response Team.
2. Because of the probability that this system will be used in times of emergency, campus recipients (faculty, staff, and students) may not opt out of this system's distribution list. However, it is understood that for this system to be effective, it must be used sparingly and the messages kept as brief as possible.
3. Prohibited E-mail distribution. The following are prohibited from e-mail distribution:
  - Non-Career Center sponsored employer events/announcements. Those wishing to announce items like this should partner with the Career Center to utilize Knightlink capabilities.

- Work-study positions. All campus work-study positions are posted through Knightlink at: <http://www.clarkson.edu/knightlink>
- Events that include gambling as a component of the event
- Fund-raising events, which are not sponsored by a University-recognized organization.
- Partisan political events

**Paper Distribution.** A paper distribution is defined as unaddressed, multiple and identical copies of a document disseminated via interoffice mail to a targeted group. In an effort to be stewards of our natural resources, Clarkson University prohibits distribution of items via paper. Personally addressed envelopes to multiple individuals do not need approval.

#### 4. **Approval of Questionnaires, Surveys, Etc.**

All proposed questionnaires, surveys, or requests for information generated by students or student organizations, that are to be issued to Clarkson faculty, students, administrators, alumni or trustees through e-mail, the campus mail, or other means must be approved by the Dean of Students subsequent to review and signatory approval by the faculty advisor or course instructor.

Each survey prepared as part of a course requirement **must** open with the following disclaimer:

“This questionnaire is part of a study to fulfill a course requirement for COURSE NAME, COURSE NUMBER, and is for instructional purposes only. It has **no official** University sponsorship or affiliation. Participation in this survey is voluntary. If you have questions about this survey, please contact name of course instructor .”

Questionnaires, surveys, or requests for information that are not student generated or directed at students must be approved by the VP for External Relations. Surveys related to sponsored research will also be directed to the Director of Research & Technology Transfer for consideration.

As a recipient of federal funds, the University maintains an Institutional Review Board (IRB) with the purpose of protecting the rights and welfare of humans who participate in research and is required to comply with all applicable federal regulations. If the Dean of Students, the Vice President for External Relations, or the Director of Research & Technology Transfer questions the approval of the survey, questionnaire, or request for information based on ethical concerns or determines that the activity qualifies as research involving human subjects, the survey will be referred to the IRB for evaluation. IRB approval does not guarantee distribution to campus groups or University maintained lists.

It is therefore important for students, faculty and others to submit such materials to appropriate offices in a timely manner, allowing several days for consideration as

described above. If review by the IRB is warranted, a longer approval process should be anticipated.

## **IX-T CULTURAL DIVERSITY POLICY**

### **Policy Purpose**

To create an environment that promotes inclusion across the Community.

### **Policy Summary**

Clarkson University commits itself to inviting, supporting and affirming cultural diversity on the campus. All university programs and practices, academic and co-curricular, shall be designed to create a learning environment in which cultural differences are valued.

### **Definition of Terms**

**Diversity:** Equality and inclusion for all people — men and women of diverse races, ethnicities, religions, national origins, sexual orientation, abilities and skills, knowledge and ideas, socio-economic levels, life experiences and perspectives that interact with the global community

### **Policy Statement**

The University declares its commitment to maintaining an inclusive community that recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect among its members; and encourages each individual to strive to reach their own potential.

All educational services and programs of the University are to be available and open to all academically qualified individuals without any discrimination on the basis of race, religion, color, sex, age, national origin or ancestry, marital status, parental status, sexual orientation, disability or status as a veteran.

### **Procedures**

To ensure the achievement of these policy goals, Clarkson University is committed to:

- Encouraging all organizations to have as part of their constitution and by-laws, a cultural diversity policy that states explicitly the organization's commitment to fostering cultural diversity on campus;
- Encouraging inclusiveness in all organizations while respecting the different needs of organizations composed of groups that have been or currently are denied equal opportunity;

- Developing and maintaining academic/co-curricular programs and university climate that promises a responsible, civil and open exchange of ideas;
- Educating all members of the campus community about diversity and forms of discrimination, such as racism, sexism, and homophobia;
- Maintaining a respectful environment free from all forms of harassment, hostility and violence;
- Recruiting and working to retain students, staff and faculty who are members of historically or otherwise under-represented groups; and
- Providing the necessary financial and academic support to recruit and retain diverse students, faculty and staff.

## **IX-U INTERNATIONAL STUDENT POLICY**

Clarkson welcomes inquiries and applications from international students from a variety of cultures. To encourage the development of Clarkson as a truly international institution, Clarkson will;

- Provide adequate services for international students—matriculated and non-degree, scholars and their dependents who hold a non-immigrant visa status
- Foster an atmosphere in which American students, faculty and staff can take advantage of the learning opportunity provided by the international members of the Clarkson community
- Develop the international character of all its degree programs

### **1. Immigration Status**

It will be the responsibility of the international student/exchange visitor to fully comply with all federal regulations and to properly maintain lawful immigration status while in attendance at Clarkson University. Support in understanding these regulations will be offered at International Orientations and individual advising sessions through International Student & Scholar Services.

### **2. Policy Administration**

International Student & Scholar Services will work to ensure that international students—scholars—dependents and Clarkson University comply with federal immigration laws and regulations. Further information can be found at [www.clarkson.edu](http://www.clarkson.edu)

## **IX-V STUDENTS WITH DISABILITIES POLICY**

- 1. Clarkson University welcomes inquiries and applications** from individuals who have disabilities. Information relating to disabling conditions is not a determining factor in admission decisions. The University strives to make all facilities and programs accessible to students with disabilities by providing appropriate academic adjustments and other appropriate modifications (accommodations), as necessary. Timely notification of any



need for accommodations due to a disability is encouraged so that the Office of Accommodative Services (OAS) may provide for students in an efficient manner.

For more information or other appropriate campus referrals, contact:

Director of Accommodative Services  
Clarkson University  
PO Box 5645  
Potsdam, NY 13699-5635  
315-268-7643

## **2. Policies and Procedures for Receiving Accommodative Services**

Students with a documented disability in need of accommodations must adhere to the following procedures:

- a. When first requesting services students participate in an intake interview with OAS staff and relevant and appropriate disability documentation is reviewed and/or requested. Once necessary information is gathered, determinations are made regarding reasonable and appropriate accommodation.
- b. For additional accommodation requests after the initial intake, another interview or additional documentation may be requested.
- c. Students must meet with OAS staff each semester they plan to use testing or classroom accommodations to receive a form that is to be signed by their faculty members. At that time, the student and faculty will discuss the provision of testing and classroom accommodations, including where testing accommodations would best be provided.
- d. Students sign a contract each semester regarding their understanding of the confidential information policy and their responsibilities in accessing services. When appropriate, students also sign an Ethics Agreement pertaining to exams.
- e. Students seeking Special Housing Consideration also complete an intake interview and provide relevant and appropriate documentation. If necessary, they may work with the Student Counseling and Health Center and/or Campus Dining Services to complete additional forms pertaining to their needs.
- f. Disability documentation is kept with OAS in a secure file. The student may sign a release of confidential information form to specified individuals. Throughout the process of identification, notification and accommodation, OAS adheres to their confidential information policy.
- g. If questions arise regarding the provision of accommodations, faculty and students are encouraged to negotiate a solution. OAS will intervene when necessary. It is the student's responsibility to inform OAS when accommodations are not working, need to be modified, or if there is a change in condition.
- h. Faculty and staff assistance in accommodating students with disabilities is appreciated and necessary to ensure Clarkson University is in compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended in 2008.

## IX-W SMOKING POLICY

**Clarkson University is committed to providing its students, faculty, staff, visitors and the general public with a smoke-free environment to protect the health, welfare and comfort for those desiring such an environment to the maximum extent possible and in full compliance with the New York Clean Air Act, Article 13E of the New York Public Health Law.**

1. Smoking is prohibited in **all** indoor locations including but not limited to:
  - Classrooms, lecture halls, auditoriums and libraries;
  - Laboratories, shops, computer rooms and studios;
  - Offices, meeting rooms, board rooms, and dining halls;
  - Lobbies, foyers and waiting rooms;
  - Hallways, stairwells and elevators;
  - Maintenance areas, mechanical and storage rooms;
  - Arenas, gyms and recreation centers;
  - Lounges, lodges;
  - Reception and supply areas and central locations for records, files or copying.
2. Smoking is prohibited in all enclosed areas including but not limited to:
  - Building entrances and covered walkways;
  - Loading docks, courtyards and patios;
3. Smoking is prohibited in the following outdoor locations:
  - Any outdoor event with seating;
  - Any area where combustible fumes can collect such as in garage and storage areas. Areas where chemicals are used and other designated areas where an occupational safety or health hazard may exist.
4. Smoking is prohibited in all University vehicles including buses, (leased or university owned) vans, cars and trucks.
5. Smoking is prohibited in University Housing as stipulated in 1-3 of this policy and in all common areas including:
  - Laundry rooms, cooking areas and bathrooms;
  - Recreation, study and lounge area.
6. Smoking is prohibited no closer than **30 feet** of any building or ventilation system.

### Definitions

- **Smoke-Free:** The establishment of an environment that is free of smoke through the prohibition of smoking.
- **Smoking:** The burning of a lighted cigar, cigarette, pipe or any other tobacco product, that also includes electronic cigarettes.

### Enforcement:

**It is the responsibility of all administrators, faculty, staff and students to enforce this smoking policy.**

**Employees or students who repeatedly violate the requirements of this policy may be disciplined.**

**Any person who fails to comply with the requirements of this policy may be in violation of Article 13E of the New York State Public Health Law. Violations may be subject to the imposition of a civil fine in addition to University disciplinary action.**

## **IX-X WEAPONS ON CAMPUS**

**New York State penal code (Subdivision three of sections 265.01 & 265.06) states:**

Persons who knowingly have in their possession a rifle, shotgun or firearm in or upon a building or the grounds used for educational purposes of any school, college or university without the written authorization of such educational institution, are guilty of a class A misdemeanor, and are guilty of a class D felony if they have previously been convicted of crime. It shall be unlawful for any person age 16 or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution. Unlawful possession of a weapon upon school grounds is a violation.

If a weapon is brought onto Clarkson University campus (including, but not limited to, handguns, rifles, BB/pellet guns, paint ball or similar air propelled guns, bows, hunting knives, explosives, chemicals and other dangerous hunting equipment) or is stored in a residence facility or a vehicle on campus, the responsible individual is in violation of Clarkson University's Code of Conduct and would be subject to immediate and permanent removal from the Clarkson University community.

## **IX-Y FINANCIAL CLEARANCE AND FINANCIAL ASSISTANCE**

1. Financial Clearance must be concluded on or before the published due date at the beginning of the semester. Payments or arrangements to pay with SAS must be made prior to check-in. A monthly fee of 1% of the unpaid balance will be assessed as part of the billing process.
2. Undergraduate students registered for fewer than 12 credit hours are considered part-time enrolled and will be charged per credit hour. Students enrolled for 12 but less than 20 hours are designated as full-time enrolled and will be charged full tuition. Undergraduates enrolled for 20 or more credit hours are considered full-time (overload) and will be charged full tuition plus per credit hour for each hour in excess of 19.

**IX-Z UNDERGRADUATE FINANCIAL AID REGULATIONS — FEDERAL, STATE AND INSTITUTIONAL CAN BE FOUND AT:**

<http://internal.clarkson.edu/sas/financial/regulations/regulations1718.html>

**IX-AA REFUND POLICY**

**All refunds will be based on the last recorded day of attendance determined by and attested to by Student Administrative Services Office. A student who withdraws within the first 20 class days of the semester or enrollment period is eligible to receive a refund using the Refund Calculation:**

**Semester/Trimester (Fall/Spring) Program Students:**

Before the first day of term	100%
Day 1 - Day 5 of term	90%
Day 6 – Day 10 of term	75%
Day 11 - Day 15 of term	50%
Day 16 - Day 20 of term	25%
21 – Last day of term	0%

The corresponding refunds calculations above will be applied to Tuition, CUSA Activity Fee (if applicable), CUSA Campus Improvements Fund Fee (if applicable), Health, Wellness & Recreation Facilities Fee (if applicable), The Clarkson School Event Fee (if applicable), Room (if applicable) and Meals (if applicable), also consumption is not taken into consideration).

\*There will be no refund of the Student Health Insurance premium if the coverage is in force.

This refund policy has been established in conformance with the Higher Education Act of 1992, as amended in April and November of 1994 and by GEN-95-22 (Dear Colleague Letter) of April of 1995.

\*An exception to the Refund Policy has been made for students that are enlisted and active (prior to the start of the semester) in the military that are forced to withdraw during a semester due to a military deployment or a change of assignment. Official documentation of the deployment or change of assignment may be requested by Clarkson University from the student for the exception to the Refund Policy to take effect. The following adjustments to the student's account can be expected if the student meets the aforementioned criteria:

- 100% refund of tuition, fees and room (if applicable).  
\*This exception to the Refund Policy does not apply to Board (if applicable) or Student Health Insurance (if applicable).

## **IX-BB DISBURSEMENT OF TITLE IV EXCESS CREDITS**

1. Title IV excess credits will be calculated by adding the charges for tuition, fees, room and board and then comparing the total to the sum of Title IV aid to generate the excess credit amounts.
2. A form will be sent to students receiving Federal Title IV funds requesting authorization of the use of these funds to cover additional charges. This authorization will remain in effect as long as the student attends Clarkson University unless rescinded in writing.
3. Clarkson will allow students to hold excess credits. Any student who desires not to have the money disbursed will need to fill out a form in the SAS office. This authorization will remain in effect as long as the student attends Clarkson University unless rescinded in writing.
4. PLUS Loan Excess Credits: Refund is disbursed to parent borrower unless written authorization is received to disburse refund to student.

## **IX-CC CLARKSON REQUIRED HEALTH INSURANCE POLICY**

All students enrolled for credit must have proof of health insurance at time of registration or purchase an insurance policy through the University's contracted carrier. A sickness and accident plan is available to all students through the University at group rates. If a student is covered under a family health insurance plan, this may be substituted for the University's plan. A student must indicate coverage on the appropriate form or they will be automatically enrolled in Clarkson's plan and charged accordingly.

## **IX-DD CLARKSON UNIVERSITY NON-DISCRIMINATION POLICY**

Clarkson University does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national or ethnic origin, age, disability, veteran status, predisposing genetic characteristics, domestic violence victim status, marital status, parental status, ancestry, source of income, or other classes protected by law in provision of educational opportunity or employment opportunities.

Clarkson University does not discriminate on the basis of sex or disability in its educational programs and activities, pursuant to the requirements of Title IX of the Educational Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and the American Disabilities Act of 1990 respectively. This policy extends to employment by and admission to the University.

Inquiries concerning Section 504 and the American with Disabilities Act of 1990 should be directed to [ADA504@clarkson.edu](mailto:ADA504@clarkson.edu)

Inquiries concerning Title IX, the Age Discrimination Act, or other discrimination concerns should be directed to the Chief Inclusion & Human Resources Officer/Affirmative Action Officer at (315) 268-6497, Room 104 Graham Hall, Clarkson University, Box 5542, Potsdam, NY 13699-5542 and/or the Title IX Coordinator, Room 124 Snell Hall, Clarkson University, Box 5750, Potsdam, NY 13699-5750; or telephone (315) 268-4208.

Information on the procession of grievances and charges relating to the above policies can be obtained from the Human Resources/Affirmative Action Office.

**Clarkson University is making a special effort to identify for employment opportunities and participation in its educational programs a broad spectrum of candidates including women, minorities, and people with disabilities.**

### **IX-EE Crime Statistic Reporting**

Clarkson University's Advisory Committee on Campus Safety will provide upon request all campus crime statistics are reported to the United States Department of Education. Contact the Director of Campus Safety, 315-268-6666, visit [www.clarkson.edu/campussafety](http://www.clarkson.edu/campussafety), or <http://ope.ed.gov/security/index.aspx>, or <http://securityoncampus.org/>.

### **IX-FF Credit Card Marketing Policy**

1. **Prohibition.** The advertising, marketing, or merchandising of credit cards to students on the campus of Clarkson University is strictly prohibited, except as provided in paragraphs 3 and 4.
2. **Penalty.** Any individual visitor, licensee, or invitee on said 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 prohibited from any and all future credit card marketing on the campus.
3. **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 Clarkson University:
  1. The marketer shall register with the office of the Dean of Students and receive express written authorization to be on campus property for the purpose of advertising, marketing, or merchandising of credit cards.
  2. The marketer shall be restricted to the following locations: Cheel Campus Center and/or Clarkson University Student Center.
  3. The marketer shall be restricted to the following hours: 9 a.m. – 4 p.m. — Monday through Friday.
  4. 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.
  5. There shall be no inducement or gifts provided to the student in exchange for completing a credit card application.
  6. The marketer shall provide to each student applying for a credit card a pamphlet provided to the marketer by the Office of the Dean of Students 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 university or an agent of the university 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.

## **IX-GG POSTER POLICY**

### **Clarkson Policy on Campus Posting**

Once a club or organization is recognized by CUSA or a college department it then has the right to post information on meetings and events. Guidelines for campus posting include:

#### **Guidelines for Bulletin Board Posting**

A number of bulletin boards are available throughout campus for marketing and advertising University events and club information. In order to allow space for groups to advertise their events, the college asks that promotions are limited to one flyer/poster per bulletin board. Posters and flyers should not be posted in a manner that covers or obstructs another organization's promotion.

In an effort to keep the campus neat in appearance and to keep mass advertising to a reasonable amount per event, please observe the following rules.

**Advertisement posting by any organization recognized by Clarkson as well as employees of the college for college business (Eg. CUSA recognized organizations, Greek organizations, clubs affiliated with an academic department, any faculty/staff office or individual representing college business etc.)**

1. All advertisement must include the name of the individual or recognized sponsoring group.
2. All advertisements must be removed within two school days/48 hours after the event.
3. The maintenance and neatness of the material is the responsibility of the individual or sponsoring group.
4. Paper advertisements are not permitted on windows, in or on elevators, floors, signposts, parked cars, bus shelters, vending machines, building exteriors, or any other surface which violates fire code.
5. Posters may not be posted on department, faculty or staff office bulletin boards without the permission of the department, faculty or staff member.
6. Advertisements cannot be larger than 24" X 33" without the approval of the Director of Student Organizations and Student Center.
7. Postings in residence halls are at the discretion of the residence hall staff.

8. Unrecognized clubs wishing to form can receive club posting permission for a two weeks status to recruit members either by the Director for Student Organizations and Student Center or by the CUSA Public Affairs Director.

### **Advertisement Posting for Non-college Related Business**

1. All requests for the posting of material must be made to and approved by the Director of Student Organizations and Student Center located in the CUSA Suite.
2. No more than three flyers per event, per building and, or ten flyers for the entire campus will be allowed for all-campus advertisements.
3. Materials which are not stamped by the Director of Student Organizations and Student Center will be removed.
4. All advertisements must be removed within three weeks after they have been approved/and or 24 hours after the event, whichever comes first.
5. Advertisements cannot be larger than 8.5" X 11".
6. The maintenance and neatness of the material is the responsibility of the individual or organization sponsoring the event.
7. Paper advertisements are not permitted on windows, and walkways, in or on elevators, on cement columns, floors, signposts, parked cars, bus shelters, vending machines, building exteriors, or any other surface which violates fire code. Posters may not be posted on department, faculty or staff office bulletin boards without the permission of the faculty or staff member.
8. Non-college related postings in the residence halls are at the discretion of the residence hall staff even after they are approved by the Director of Student Organizations and Student Center for campus posting.

Materials posted without compliance with the preceding rules will be removed immediately.

The Dean of Students office reserves the right to establish and enforce reasonable guidelines in relation to the time, place, and method of distribution of advertisements on campus.

### **Offensive Posters:**

Persons taking offense to the language or nature of any poster, flyer or banner are encouraged to contact the event organizers. It is not the intent or responsibility of the Dean of Students office to censor information, but to verify that the poster/flyer promotes a legitimate campus event.

### **Cheel Campus Center and Student Center Banner Guidelines:**

Banners from recognized organizations may be hung from the balcony wall of the Cheel Campus Center and Student Center with the approval from the Director of Student Organizations and Student Center. Painted banners must be thoroughly dry before they are hung. Due to the limited amount of available wall surface, a limit of one banner per group will be enforced. Banners will be limited to a one month time period if spaces are filled.



## **POSTING POLICY REGARDING EVENTS WITH ALCOHOL**

- Promotion materials must neither encourage any form of alcohol abuse nor make reference to the amount of alcoholic beverage (such as the number of beer kegs available or expressions like "all you can drink").
- Alcohol beverages (such as kegs or cases of beer) must not be provided as free awards;
- No promotional activities shall include drinking contests or games;
- Postings must not portray drinking as a solution to personal or academic problems of students or as necessary to social successes;
- All events sponsored by on-campus entities involving alcohol need approval for posting from the Alcohol Review Committee (ARC);
- A copy of the proposed flyer must be submitted to the ARC;
- The ARC will determine approval of the posting. Appeals to the decision process may be made to the Dean of Students;

If approval is granted, a maximum of 20 flyers or posters will be approved for posting (stamped) for a two-week period.

**Any questions about posting policies can be directed to the Director of Student Organizations and Student Center or the Dean of Students.**

## **IX-HH STUDENT TRAVEL POLICY STATEMENT**

Clarkson University seeks to promote safe travel to events and activities occurring beyond the boundaries of University property by students and recognized student organizations. As such, this Policy applies to individual student and recognized student organization travel both in cases where the travel is sponsored by Clarkson University's Student Association (CUSA) and/or the Student Affairs (SA). Examples of activities and events that fall under this Policy include, but are not limited to: SA or CUSA sponsored field trips, club sports trips, the activities of recognized student organizations, Student Association funded community service travel, and in situations where a student or recognized student organization officially represents the University, e.g., leadership academies, conferences, and other programs.

Any student who plans to partake in travel sponsored by and representing the University is required to fill out a Student Travel waiver on annual basis for each organization or department he/she will be traveling for. The travel waiver should be kept on file in the CUSA office and a copy of the form should also be provided to the trip leader. Travel waivers are available in the Student Organization Office, Room 120 in the Student Center.

# X - Residence Regulations

Students living in University housing are, in addition to Code of Student Conduct regulations, subject to the following:

## X-A HOUSING AND DINING POLICY

### 1. Housing

Clarkson is a residential University and all undergraduate students are required to live on campus. Implicit is the belief that the residential experience plays a vital role in the overall education and development of all students. Residence Life at Clarkson seeks to establish an enriching living learning community that supports the main mission of the University, especially in the areas of creating academic excellence, promoting diversity and alumni engagement. The residential program for first-year students is designed to facilitate a healthy and positive transition to Clarkson. Residence Life strives to meet the varied needs of all residents while providing the opportunity to build a vibrant community and promoting a safe and secure environment. Each student is expected to exhibit behavior reflecting responsible citizenship, integrity and acceptance. The residential program provides opportunities for growth and development, including housing options that reflect increasing independence and maturity as students approach graduation.

While all undergraduate students are expected to live on campus, some students are eligible to be considered for an exemption to the residency requirement as follows:

1. Student is married or a single parent
2. Student will be 25 years of age or older
3. Student is commuting from their parent's primary home, within reasonable (as determined by the Residence Life Office) driving distance
4. Student is a member of a fraternity/sorority recognized by Clarkson (SUNY Potsdam Fraternities/Sororities are specifically excluded), meets the eligibility requirements established by the Office for Student Organizations, and will be living at the chapter house filling a "legitimate bed space" as determined by the Residence Life Office
5. Student is participating in a University authorized Experiential Learning program, i.e. Semester Abroad (the student to be exempted for the semester participation only)
6. Students should address questions and concerns about housing assignments and requests for exemptions to the residency requirement with the Residence Life Office staff. In cases of irresolvable conflict, students can contact the Dean of Students Office. In the Dean's absence, the Vice President for Enrollment & Student Advancement may be contacted.

### 2. Dining

Students residing in University residence halls are required to contract for food service.

Food service contracts are optional for residents of University apartments.

Students may elect a particular board plan, but cannot change plans after the first 10 days of the semester (see IX-Y Refund Policy).

## X-B RESIDENCE REGULATIONS

1. **Access System IDs:** Residence halls are electronically locked 24/7. The University ID serves as an access card granting authorized students access to their residence area. Students are expected to carry their University ID with them at all times. Fees will be charged for the replacement of lost ID cards.
  - **Wireless Access Points:** The University provides wireless network access in all residence halls and apartments. To ensure the proper and efficient operation of this network, the use of personally owned wireless routers or access points is prohibited in all University housing.
2. **Air-Conditioners:** Air conditioners are not allowed in University housing.
3. **Alcohol:** Only those 21 years of age or older may possess and/or consume alcoholic beverages in campus housing. Public possession, i.e. hallways, lounges, is prohibited, unless the event is registered and approved by the Office of the Assistant Dean for Student Organizations. Kegs are not permitted. Empty beer cans and beer/liquor bottles in an underage person's room are considered a violation. Those of age are expected to exercise moderation and responsibility. For additional information, refer to Clarkson University Student Regulations 2013–2014, IX Policy Statements, IX-A Alcoholic Beverages.
4. **Change of Assignment:** Request for change of housing assignment must be made through the Residence Life Office. The Residence Life Office reserves the right to make individual changes in assignment to address the needs of the overall residential community.
5. **Damages:** Residents are held liable for damage to the rooms, apartments, furnishings, and common area facilities. Charges for unclaimed damages will be shared jointly by students. Residents are responsible for completing a Room Condition Report when moving into a room/apartment. If a report is not submitted, the resident is liable for all damages or repairs. A list of typical damages can be found at [www.clarkson.edu/facilities/residentialspace/index.html](http://www.clarkson.edu/facilities/residentialspace/index.html)
6. **Drugs:** The University cannot and will not condone any illegal act involving the possession, manufacture, use or sale of controlled substances (drugs) on campus, except when properly authorized by a physician.
7. **Fire Drills/Safety:** The University conducts regular (typically monthly) fire safety inspections in residential facilities. The University will also conduct fire drills throughout the year. Fire alarms are to be considered a mandate to evacuate the building. Failure to do so will result in disciplinary sanction and a \$100 fine.
  - Turning in a false alarm endangers the lives of others and is a federal offense.
  - Turning in a false alarm will result in a \$100 fine and disciplinary sanction.
  - To protect the lives and safety of those living in the residence facilities, the use of fire extinguishers and all other fire-fighting equipment is to be limited to valid emergencies only. Anyone caught tampering with fire equipment will be fined \$100 and be subject to disciplinary sanction.
  - Candles, incense, halogen lamps and \*toaster ovens shall not be used in the rooms due to fire hazards. \*Toasters/toaster ovens are only permitted in on campus apartment kitchens.

- Residents are also expected to comply with the Clarkson University student housing fire safety checklist. ([www.clarkson.edu/studentaffairs/pdf/Dorm\\_Fire\\_Guide.pdf](http://www.clarkson.edu/studentaffairs/pdf/Dorm_Fire_Guide.pdf))
8. **Flammables:** No flammable substances may be stored inside residence facilities, including, but not limited to, “Tiki torches,” motorcycles or any other gas powered vehicle/equipment. LP tanks for gas grills, lighter fluid and the like must be a minimum of ten feet from buildings. Those creating a fire hazard in residence facilities are subject to disciplinary action including expulsion from campus housing.
  9. **Guests/Visitors:** Students are permitted to have visitors and guests in their residence with the understanding that visitors are expected to adhere to all University regulations, including Residence Regulations. The resident host should understand that she/he is responsible for their guest's behavior and that hosts can be sanctioned for the inappropriate behavior of visitors and guests. Mutual consent of any and all roommates is required for overnight guests. Overnight guests are limited to one person per resident. Any guest that will be staying in University housing for more than 24 hours must be registered with a member of the Residence Life staff through a Visitor Registration Form. It is expected that no overnight guest will stay longer than 72 hours per month. All guests who are not Clarkson students must be 18 years old or older. All requests for exemptions to this policy, including siblings less than 18 years of age, must be submitted in writing to the Residence Director or Area Coordinator for approval at least 48 hours in advance of the guest's arrival. Guests should not be left unattended in the residence halls or apartments without her/his host. The Residence Life Office reserves the right to remove any visitor when it is determined that a visitor has become a disturbing influence, violates University regulations, or presents a health/legal problem/hazard.
  10. **Housing Assignment Terms:** The term of assignment to University housing for single students is for the academic year. University housing (unless otherwise specified) is closed during Thanksgiving, the fall to spring semester break and spring break. Residence facilities must be vacated within 24 hours after the last exam at the end of the fall and spring semesters. Graduating residents may remain in University housing until 24 hours after May's Commencement contingent upon continued good citizenship. ○ The Residence Life Office reserves the right to make changes to assignment in response to facility limitations, change in enrollment, conflict resolution, etc. or to address the needs of the overall residential community. ○ The University may for good and valid reasons suspend a student from University housing as a disciplinary measure. In such instances, there will be no refund of monies to the student.
  11. **Personal Property Insurance:** The University does not carry insurance of any kind on the property of students and accepts no responsibility for loss or damage to such property. Students are urged to lock their rooms at all times and carry their own personal property insurance. Students are expected to keep access doors to residence halls closed at all times.
  12. **Pets:** With the exception of fish in small tanks (10 gallons or less), animals and reptiles are not permitted anywhere in residence halls, apartments or any Clarkson housing. This includes any pet that is “just visiting.” Visiting pets must be left outside and are not permitted in residence halls, apartments or any Clarkson housing. (There is an exception to this policy for Area Coordinators who are 'live-in' employees of the University). Pets

are subject to removal by pest control vendors and/or the animal shelter. The pet owner will be subject to all costs incurred for the removal of the pet and will be solely responsible for the steps needed to retrieve their pet and the expense and/or fine associated with the removal. Resident pet owners are also subject to disciplinary sanction that could include suspension from campus housing without a refund.

13. **Public Areas/Lounges:** Furniture cannot be removed from lounges, study rooms, cafeterias, etc. for the private use of students within their own rooms. Students possessing unauthorized furniture will be fined and face disciplinary sanction for possessing stolen property.
14. **Refrigerators:** Full-sized refrigerators are not permitted in the residence halls.
15. **Refunds:** Students should refer to the refund policy related to room and board charges for those withdrawing from the University.
16. **Roof & Basement/Boiler Areas:** Boiler rooms and roof areas are OFF LIMITS at all times. No antenna or aerial attachment may be made on the roof of any University residence. The basements of Riverside Apartments are prohibited as living quarters.
17. **Room Alterations:** Pools, hot tubs and spas of any kind are not allowed
18. **Room Keys:** For each key not returned, at the termination of room occupancy, a fee will be assessed to change the door lock.  
Civil law defines the possession of unauthorized keys or access cards as being in possession of burglary tools. Those individuals having or using such keys or cards are subject to disciplinary action.
19. **Quiet and Courtesy Hours:** **Quiet Hours** are designated times when noise will be kept to a minimum to allow studying and sleep. Stereos, televisions and other devices must be played at lower volume levels that will not disturb other residents. Quiet hours must be observed between 11:00 pm - 7:00 am during the week (Sunday through Thursday) and 1:00 am - 9:00 am on weekends (Friday and Saturday). Alternative quiet hours are in affect during Dead Week and Finals Week. All residents are expected to extend courtesy and consideration and be sensitive to the needs of other residents at all times. **Courtesy Hours** are in effect at all times in the residential areas. Each resident and their visitors have the responsibility to act with consideration for others.
20. **Safety Inspections:** The University reserves the right to inspect premises for safety, damage and repair or upgrade planning.
  - o Students are responsible for keeping their rooms and apartments in a sanitary condition. The University will, as needed, conduct an inspection of the rooms in the interest of hygiene and safety. Rooms or apartments declared unsanitary and requiring the use of the custodial staff will be charged for the unscheduled cleaning.
21. **Signs:** Unauthorized possession of federal, state, local or other public agency signs is not permitted in University housing. All signs posted in University housing must be approved by the Residence Life Office.
22. **Smoking:** Smoking and vaping are not permitted anywhere in University housing. Smokers and vapors must be at least 30 feet from residence facilities when smoking outdoors.
23. **Solicitation:** No solicitation is permitted in University housing, unless approved by the Associate Dean of Residence Life or Dean of Students.

24. **Storage:** The University is unable to store personal belongings. Residents are expected to remove all personal belongings when vacating campus housing. Items stored/left in hallways, entryways, or stairwells are a fire hazard and are subject to immediate confiscation. Violators will be assessed the \$100 Fire Safety fine when retrieving confiscated items.
25. **Vacating Housing:** Any student living in University housing that is withdrawing from the University, whether permanently or for a leave of absence, must vacate and remove all personal possessions within 24 hours. All rights to the room cease after 24 hours.
- o Residence facilities must be vacated within 24 hours after the last exam at the end of the fall and spring semesters.
26. **Weapons:** Possession of weapons or firearms of any kind is strictly prohibited. Firearms, explosive devices or materials, chemicals, bows, arrows, single bladed knives (i.e. hunting, Bowie, utility, sport, military or tactical - See below) and other dangerous hunting equipment shall not be brought into any room or residence facility at any time.



Hunting / Buck Knife

Utility Knife

Military Style / Tactical Folding Knife

1. o BB and pellet guns, air rifles, paint ball guns and all other air or spring propelled missiles are also strictly prohibited as are slingshots, fireworks, whips, knum chucks and martial arts weapons. o Those bringing weapons to campus or residence facility are subject to disciplinary sanction which could include suspension from campus housing, suspension from the University and/or referral for prosecution. o Apartment residents are permitted to possess kitchen knives for preparing food as long as these utensils remain in the kitchen/dining room area of their respective apartments. Students living in traditional residence halls are not permitted to possess these same utensils inside their residence rooms. o Acceptable knives are a utility tool with a knife blade no longer than three inches (3"). Examples of such utility tools would be a "Swiss Army" or "Leatherman" brand tool.



Leatherman Utility Tool

Swiss Army Utility Tool

### **X-C ROOM PERSONALIZATION**

Permanent changes to campus housing facilities, i.e. painting, IS NOT permitted. No changes to permanent fixtures are allowed. This includes built-in dressers, shelves, closets, closet doors and desks (except as authorized by the Residence Life Office). No tampering with electrical wiring, fixtures, breakers or panel boxes is permitted.

When hanging pictures, posters, etc. duct tape is expressly prohibited from use. The use of any tape other than "drafting"/painters tape should be avoided. Tape marks, nail holes, etc. will be billed on a "per wall" basis.

### **X-D ROOM SEARCH BY UNIVERSITY OFFICIALS**

Except under extreme emergency circumstances, premises occupied by students and the personal possessions of students will not be searched unless appropriate (written) authorization has been obtained.

For premises controlled by Clarkson University, the appropriate authorization for a search by University officials lies with the Dean of Students. The written application to the Dean of Students for such a search must specify the reasons for the search and the objects or information sought. Every effort must be made to have the student or students who normally occupy the premises present during the search. Copies of the application and authorization of the search must be presented to the student or students involved and present before the search is conducted or, in cases where the student or students involved cannot be present, as soon as possible after the search and before disciplinary action is initiated.

For premises not controlled by Clarkson University, the ordinary requirements for lawful search are necessary.

# Village of Potsdam Ordinances

1. The open container law prohibits possession of alcoholic beverages on the streets.
2. Pedestrians have the right of way in marked crosswalks. Drivers must stop for pedestrians in these areas. Jaywalkers are subject to ticketing.
3. Bicyclists are subject to and must obey various village ordinances and traffic control signals. Riding on sidewalks and going the wrong way on one-way streets is prohibited.
4. Parking of motor vehicles on lawns or areas not designated as driveways is prohibited.
5. All dogs must be on a leash and licensed. Unleashed dogs are picked up and taken to the Potsdam Humane Society. There is a charge for day-to-day care.
6. No overhead banners or signs on streets are permitted.
7. No parking on village streets between 2 a.m. and 6 a.m. Cars will be ticketed and towed away at owner's expense.
8. There are regulations against loud noises, P.A. systems, and amplifying systems.
9. No open fires, except barbecue grills, are permitted within village limits.
10. The courts take a stern view of cases involving stolen street signs and traffic control devices, and vandalism of any nature.
11. The Village has no authority in questions involving leases for private individuals. This is a legal matter between tenant and landlord.
12. No person shall discharge any firearm, gun, air rifle, spring gun or any gun so constructed as to discharge pellets by compressed air or compressed gas within this municipality, except that this article shall not apply to police officers or other persons in the discharge of their official duties nor to any firing squad at a military funeral or ceremony nor to any properly constructed range approved by the Chief of Police.
13. Prohibited Furniture: Interior type furniture which would be adversely affected by the weather or elements or which would be susceptible to infestations of insects or vermin is prohibited from being placed outside a structure in a yard, driveway, roof or other exposed area. Such prohibited furniture shall include, but not be limited to, upholstered couches and chairs or other fabric covered articles not designed or intended for use outdoors. The Code Enforcement Officer shall cause the owner of the property or other responsible person to comply, per Appendix A of Chapter 142-11 of the Village Code (Solid Waste), Section J 1-8.