Welcome to Clarkson University!

The primary mission of the Office of Campus Safety & Security is to promote a reasonably safe campus environment. It is recognized that the accomplishment of this mission can only be realized with the support and cooperation of the campus community. It is incumbent upon every member of the University to be alert to situations that require the attention of Campus Safety & Security. We ask that students, staff, and faculty members familiarize themselves with the online student regulations which can be located with Student Affairs and at this link http://internal.clarkson.edu/studentaffairs/regulations/ Safety & Security web page located at; https://intranet.clarkson.edu/ (Find Safety & Security under “Student Life) and all services provided by this department. The first step in a successful Safety & Security program is public awareness and community awareness and participation.

The Clarkson University Safety & Security Department will initiate immediate notification to the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, staff or faculty members occurring on the campus, unless issuing a notification will compromise efforts to contain the emergency. Students, staff, faculty, alumni, parents, and guests may access our campus crime statistics at http://ope.ed.gov/campussafety

According to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, our University is required to disclose “statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is defined as a ‘Campus Security Authority.’”

The Safety & Security Department is required to report “statistics concerning the occurrence on campus of the following criminal offenses reported to local police agencies, or to any official of the institution who has significant responsibility for students, campus activities, the dean of students, residence life and student housing, student center, and student co-curricular activities, director of athletics, team coaches, faculty member, or a faculty advisor to a student group: Murder, Rape, Fondling, Incest and Statutory Rape, Robbery, Aggravated Assault, Burglary, Dating Violence, Domestic Violence, Stalking, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations. We encourage the accurate and prompt reporting of crimes, fires and incidents to Safety & Security, Canton Village Police, Canton Fire Department or the New York State Police.

This Annual Security Report / Annual Fire Safety report is prepared by the Director of Campus Safety & Security. The information and statistical data included in the report are the collective summary of reported incidents, crimes, and fires as required for reporting by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act. The Director of Safety & Security
submits a written request for reported crimes and incidents to the Schenectady Police and the
Schenectady County Sheriff annually.

The Director of Campus Safety & Security submits a written request for reported crimes and
incidents to each Campus Security Authority at Clarkson University annually. In addition,
Clarkson University Safety & Security Officers submit incident reports for crimes and incidents;
occurring or reported on their patrols, which are included in this report.

The information provided in this annual report is in compliance with the Jeanne Clery Disclosure
of Campus Security Policy and Campus Crime Statistics Act and the Higher Education
Opportunity Act. It is designed to inform, educate, notify and alert the campus community of the
current programs, policies, procedures related to crime awareness and reporting at Clarkson
University. Our Annual Fire Safety Report is included in this document.

If you have questions about any of the information contained in this annual report, please call our
office at (315) 268-6666 or email me directly at; ddelisle@clarkson.edu

Sincerely,

David W. Delisle
Director – Campus Safety & Security Department
Annual Security/Annual Fire Safety Report
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Campus Safety & Security Department

The Campus Safety & Security department is located on the 1st floor of the Education Research Center, Clarkson University Hill Campus at 8 Clarkson Avenue. The office is open 7 days per week, 24 hours per day and 365 days a year. To report a on-going crime or emergency, call 911. Minor crimes/incidents can be reported to administrative staff or the Security Guard on-duty or, by dialing 315-268-6666 from your cellular phone.

If on the Potsdam campus, you may use any of the 27 blue light and 18 yellow/red call box emergency phones located throughout the University campus. Incoming calls (on 315-268-6666 only). Calls transferred from the 315-268-6666 line to a private line for Safety & Security administration may be recorded. You may feel certain that confidential discussions with Safety & Security will remain so. Crimes and emergencies may be reported directly to the Schenectady Police by calling 911 or 518-382-5200.

To report crimes, fires or emergencies:

- CALL Schenectady Police: 518-382-5200
- CALL New York State Police: 911
- Call New York State Police Sexual Assault Hotline
  - From campus phones, dial 9 then 844-845-7269, from cell phones, 844-845-7269
- CALL Clarkson Campus Safety & Security: 315-268-6666

To report crimes/incidents confidentially ON campus: (Confidential/ Private Resources)
- WELLCONNECT by Student Resource Services. “They are here to help you be successful”. 866.740.4777 or https://wellconnect.cuthrive.com/
- School/work/Home/Life Balance
- Relationship and Parenting
- Stress and Anxiety
- Health and Wellness
- Legal and Financial Concerns
- 24/7 Confidential Support
- Clarkson University, Campus Safety & Security Anonymous Crime tip http://web2.clarkson.edu/programs/knightwatch/

To report crimes/incidents confidentially OFF campus: (Confidential Resources)

- New Choices Recovery Center, 302 State Street, Schenectady N.Y. 518-346-4436
- Perrin House, 575 Lansing Street, Schenectady N.Y. 518.346.4509
- Purcell House, 408 Summit Avenue, Schenectady N.Y. 518.217.2998
- Conifer Park, 600 Franklin Street, Schenectady N.Y. 1-800-989-6446
- NCA (National Council on Alcoholism & Dependence) Information line (1-800-NCA-CALL) will provide referral for drug or alcohol problems. Seaway Valley Prevention Council 315.713.4861
- NIDA (National Institute on Drug Abuse) (1-800-662-HELP) will provide confidential information and referral.
- OASAS (New York State Office of Alcoholism and Substance Abuse Services) Information line (1-800-522-5353) will provide confidential information and referral.
- “Affordable Colleges on –line”: Substance Abuse in College Recognizing, understanding and combatting alcohol and drug abuse on campus http://www.affordablecollegesonline.org/substance-abuse-in-college/
Once a crime or emergency has been reported, our first commitment will be to the victim’s or survivor’s safety. We will provide or contact any one or all of the following resources/services: medical treatment, advocate from our Advocate Program, counselor from our Counseling Center, Community Outreach Programs or law enforcement. We encourage and can facilitate prompt and accurate reporting of all crimes to local law enforcement.

Our Allied Contracted Security Guards submit to a detailed background check, complete the NYS Security Guard Course(s) and are licensed as security Guards with the State of New York. Their training includes but is not limited to: effective communication, NYS Security Guard Course, CPR/AED and first aid, defensive tactics, fire safety to name a few. The Guards are not sworn police officers and do not have authority/power to arrest. They can make immediate contact with local law enforcement officials as needed. In addition, the Schenectady Potsdam Police Department conducts patrols of our campus roadways and perimeter.

The Campus Safety & Security Department has a standing working relationship with the Schenectady Police Department, NYS Police and SECURITAS Security. The Campus Safety & Security Department reports to the Director of Student Affairs and is responsible for providing both emergency and non-emergency response on campus. Services provided by the Campus Safety & Security Department include, but are not limited to:

- Campus policy, civil and criminal investigations
- Vehicle Registration Management
- Access control system responses, checks and inspections
- Active Shooter Awareness training (Moodle)
- Safety & Security information (Web Site)

The Campus Safety & Security department supports and works with the contracted “SEURITAS Security Service at our CRC Facility. The department administration consists of the Director of Campus Safety & Security and the Assistant to the Director of Campus Safety & Security. Safety & Security is charged with the responsibility of enforcing all University rules and regulations as well as to responding to violations of state and federal laws.

SEURITAS Security Guards can identify and report such problems as fire safety violations, defective locks, unsecured windows, lighting in need of repair and environmental safety and advise appropriate supervisors / Staff. In addition, they immediately address problems considered to be a life safety threat or hazard and request maintenance assistance as needed.

The Campus Safety & Security department is always available to make presentations to student groups, clubs, organizations, staff and faculty members. The administrative team presents Campus Safety overview at freshman orientations, at residence hall floor meetings and at new employee orientations. These presentations include but are not limited to Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, personal safety, crime prevention, fire safety, safe walks, department structure, crime reporting procedures, active shooter awareness and services provided by our department.
Procedure to Determine a Continuing Threat

Senior administrators, including the Vice President and Dean of Student’s, Vice President for Enrollment & Student Advancement, Chief Inclusion Officer, Assistant Dean of Students for Accommodations and Conduct, the Director of Campus Safety & Security, and the Director of Student Health Services are consulted in the determination of threat. The administrators consider the nature of the complaint, the time between the incident and the complaint, the disciplinary history of the accused, and any mental health information that we are allowed to have (such as threats to self and others). The University’s decisions about whether to interim suspend a student (or to remove an employee from his/her job if the respondent is an employee) are made on a case-by-case basis. We attempt to assess the likelihood of the accused committing a similar act while our investigation and adjudication process is occurring. Relevant considerations include the nature of the alleged incident (i.e. was the alleged incident forceful or non-forceful; did the alleged incident appear to be planned or intentional; was a weapon involved; were intoxicants allegedly used in a deliberate way to incapacitate the alleged victim; is this part of a pattern of conduct as may more likely be the case in domestic and dating violence and stalking cases, etc.)

As stated in the University’s Combined Discriminatory Harassment 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

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

Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An “immediate” threat as used here includes an imminent or impending threat, such as an active shooter, approaching forest fire, or a fire currently raging in one of our buildings.

The Director of Safety & Security communicates with the Vice President and Dean of Student’s, Vice President for Enrollment & Student Advancement, on duty security personnel, and the Schenectady Police official as available; for confirmation of the emergency or immediate threat to the health and safety of the university community. The Director of Safety & Security may independently confirm the emergency or immediate threat to the health and safety of the university community in the absence of time or availability of others for consultation.

Clarkson University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The Safety & Security Department or a designee will issue emergency notifications notices for the Clarkson University Community to notify members of the community about serious incidents or crimes against people that occur on campus or within our Clery geography, where it is determined that the incident may pose an ongoing threat to members of the Clarkson University Community. These notifications will be distributed if the incident is reported either to Safety & Security directly or indirectly through a campus security authority, responsible employee or Schenectady Police Department.

The notification will withhold as confidential, the names and other identifying information of victims. The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

As timing and details of the emergency permit, the Director of Safety & Security or designee will draft text containing the proposed Campus Safety Alert and forward it to the VP Marketing and External Relations, Dean of Student’s, Vice President for Enrollment & Student Advancement, Vice President for External Relations Marketing & External Relations. The context will be reviewed and revised as needed. Once approved, the message will then be broadcasted through RAVE Alert (CU ALERT) text messaging system and campus email containing the Campus Safety Alert to the University Community. Updates to the Clarkson University Community about any particular case resulting in a Campus Safety Alert also may be distributed electronically via RAVE ALERT, campus email and/or posted on the University’s web site.
Campus Safety Alerts may also be posted in campus buildings, when deemed necessary. When a Campus Safety Alert is posted in campus buildings, it shall be printed on bright colored paper and be posted in the lobby/entrance area of the affected building(s).

If the emergency poses danger to the campus-wide community, we’ll activate these communications:

- Posted on Clarkson University web page and Facebook pages and CU Twitter
- Sent through the campus email system
- Sent through broadcast text message to cell phones – CUALERT (RAVE ALERT)
- Sent through the campus voice mail system
- Public Address Systems on Safety & Security patrol vehicles

If Clarkson University experiences a limited emergency related to weather, crime, accident or other cause, these guidelines direct our communication:

- Those directly involved with an emergency will receive personal, direct information as immediately as possible.
- The campus community is informed promptly and updated regularly through these methods, depending on the nature of the emergency.
- Email to campus email addresses
- Posting on the University’s main Web page www.clarkson.edu directed to the Emergency Alert web page for details.

Emergency Phone Numbers:

- Campus Safety & Security: 315-268-6666
- Schenectady Police: 518-382-5200
- Schenectady Fire and Rescue Department: dial 911
- Campus Information for Students/ Staff/Faculty: 315-268-6666
- Public Information: 315-268-6400

The Emergency Response Team meets periodically as a committee and executes safety table top exercises/drills and notification systems testing exercises. In addition to each drill and exercise, the committee convenes for assessment and evaluation of relevant emergency plans. Drills are conducted three (3) times during an academic year, to include summer session. Prior to each drill and exercise, a campus email announcement and emergency text message is sent to the campus community.
Campus Alerts / Timely Warnings are retained on the Safety & Security webpage at: https://intranet.clarkson.edu/student-life/campus-safety/

The department also maintains a daily crime log which is updated each business day and contains all crimes reported to Safety & Security. The crime log is available upon request during business hours.

**Timely Warning Procedures**

Under the Clery Act every institution is required to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. The intent of a timely warning regarding a criminal incident(s) is to enable people to protect themselves. This means that a warning will be issued as soon as pertinent information is available.

Clarkson University will issue a timely warning for all Clery Act crimes that occur on our Clery Act geography that are reported to campus security authorities or local police agencies; and are considered by the institution to represent a serious or continuing threat to students and employees.

The Safety & Security Department or a designee will issue timely warning notices for the Clarkson University Community to notify members of the community about serious incidents or crimes against people that occur on campus or within our Clery geography, where it is determined that the incident may pose an ongoing threat to members of the Clarkson University Community. These notifications will be distributed if the incident is reported either to Safety & Security directly or indirectly through a campus security authority, responsible employee or Schenectady Police Department.

The notification will withhold as confidential, the names and other identifying information of victims. The description of subjects in a case will only be included in the notification if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

The Director of Safety & Security or designee will draft text containing the proposed Campus Safety Alert and forward it to the Dean of Student’s, Vice President for Enrollment & Student Advancement or Vice President for External Relations Marketing & External Relations where the context will be reviewed and revised as needed. Once approved, the message will then be broadcasted either through RAVE Alert (CUALERT) text messaging system or campus email; or broadcast through both RAVE ALERT (CUALERT) and campus email; containing the Campus Safety Alert to the University Community. Updates to the Clarkson University Community about any particular case resulting in a Campus Safety Alert also may be distributed electronically via RAVE ALERT, campus email and/or posted on the University’s web site.

Campus Safety Alerts may also be posted in campus buildings, when deemed necessary. When a Campus Safety Alert is posted in campus buildings, it shall be printed on bright colored paper and be posted in the lobby/entrance area of the affected building(s).
If the emergency poses danger to the campus-wide community, communications below will be activated:

- Posted on Clarkson University web page and Facebook pages and CU Twitter
- Sent through the campus email system
- Sent through broadcast text message to cell phones – CU ALERT
- Sent through the campus voice mail system

If Clarkson University experiences a limited emergency related to weather, crime, accident or other cause, these guidelines direct our communication:

- Those directly involved with an emergency will receive personal, direct information as immediately as possible.
- The campus community is informed promptly and updated regularly through these methods, depending on the nature of the emergency.
- Email to campus email addresses
- Posting on the University’s main Web page www.clarkson.edu, directed to the Emergency Alert web page for details.

Emergency Phone Numbers:

- Campus Safety & Security: 315-268-6666
- Schenectady Police: 518-382-5200
- Schenectady Fire and Rescue Department: dial 911
- Campus Information for Students/ Staff/Faculty: 315-268-6666
- Public Information: 315-268-6400

Campus Safety Advisories may also be distributed by campus email and/or RAVE ALERT (CUALERT) for crimes, incidents or unsafe conditions (ex. a pattern of larcenies, vandalism cases, weather, etc.) that do not rise to the level of causing a serious or continuing threat to the Clarkson University Community. In addition, they may be distributed for other safety concerns.

The department also maintains a daily crime log which is updated each business day and contains all crimes reported to Safety & Security. The crime log is available upon request during business hours.

Campus Alerts / Timely Warnings are retained on the Safety & Security webpage at https://intranet.clarkson.edu/student-life/campus-safety/
EMERGENCY MESSAGES AND THEIR MEANINGS

If you receive a text message or email with an emergency message:

**Active shooter:** A person believed to be armed and firing a weapon.

**Active situation:** A dangerous situation that our Safety & Security staff is dealing with right now.

**Evacuation:** Leave the building immediately and gather in a designated space so authorities can account for your safety.

**Shelter-in-place:** Stay where you are. If possible, get to a small, interior room with no or few windows and stay there, away from doors or windows, until further notice.

**Perpetrator:** A person committing a crime.

**Lockdown:** An emergency protocol aimed at keeping people safe by protecting them inside a facility. If you are in a room, staying in place may be safest. Stay in place if authorities advise it. If you are in a hallway area or outside, go inside as quickly as possible and stay there until further notice.

**Suspect:** A person who is suspected of committing a crime.

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**WEATHER**

**Advisory:** Bad weather could occur; take care when outdoors or while driving.

**Watch:** Risk of bad weather has increased, but still uncertain. Watches indicate that conditions are favorable for storms to develop.

**Warning:** Bad weather event is imminent or is already occurring. Take action immediately.

**Severe thunderstorm:** A thunderstorm with damaging winds and/or large hail.

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**Emergency Safety Plan**

In the event of an emergency, university officials will provide timely information for students, parents, faculty, staff, and other members of the campus community. It will be updated regularly as new information becomes available.

**General Instructions**

If you hear a fire alarm, evacuate, meet at a central location and take accounting of fellow residents, classmates or co-workers. Remain outside until Safety & Security, local fire department staff or police signal all-clear.
If you hear a siren on campus, stay inside, close and lock your door (if possible), close curtains, stay low and stay close to a wall until further notice from Safety & Security, local Fire Department staff or Police.

Evacuation Procedures

Building Evacuation Procedure

1. All building evacuations will occur when a building alarm (fire alarm) sounds and/or upon notification by Safety & Security

2. When the building evacuation alarm is activated during an emergency, leave by the nearest marked exit and alert others to do the same.

3. Assist persons in exiting the building, especially persons with a physical challenge. If elevators exist in a building, they are reserved for persons with physical challenges. DO NOT USE THE ELEVATORS IN CASES OF FIRE OR EARTHQUAKE.

4. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel. Know your area assembly points.

5. DO NOT return to an evacuated building unless told to do so by Safety & Security or Administrative staff.

6. Campus Evacuation Procedure

   1. Evacuation of all or part of the campus grounds will be announced by Safety & Security.
   2. All persons (students and staff) are to vacate immediately the area of campus in question and relocate to another part of the campus grounds as directed.

Relocation of Persons with Disabilities

In the event of an emergency, individuals who use wheelchairs and other individuals with disabilities should observe the following procedures:

- Move towards the marked exit.
- As a first choice, use the building elevator, BUT NEVER IN THE CASE OF A FIRE OR EARTHQUAKE.
- If there is an earthquake – or if there is an obstruction in the pathway – request assistance from others in the area.
- If assistance is not immediately available, stay in the exit corridor or the stairway landing. Continue to call for help until rescued. Individuals who cannot speak loudly should carry a whistle or have other means for attracting the attention of others.
• Rescue personnel, Safety & Security, Emergency Response Teams, Fire and Police Departments will first check all exit corridors and exit stairwells for trapped persons.
• If you use a wheelchair, or have any other mobility impairments, please file a class schedule with Safety & Security.
• NOTE: It is suggested that the individuals who use wheelchairs or have mobility impairment prepare for an emergency ahead of time by instructing faculty/staff or classmates on how to assist him/her in an emergency.

Emergency Response Team

The Emergency Response Team meets periodically as a committee and schedules safety drills and safety exercises. In addition to each drill and exercise, the committee convenes for assessment and evaluation of relevant emergency plans. Tabletop Drills are conducted periodically. The Department of Campus Safety & Security plans and executes a Campus Safety Fair to include a residential room burn demonstration with the Potsdam Fire Department. If a major emergency--such as an earthquake, fire, or hazardous material accident--occurs, a pre-designated Emergency Response Team will coordinate the University’s response. All efforts are designed to protect students, faculty and staff. The University is prepared to respond 24 hours a day, seven days a week.

Emergency Response - Campus Emergency Response Team

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of our campus community members, the Campus Emergency Response Team without delay will meet, in person or electronically as possible, to provide updated information, determine campus notification message content if warranted and message recipients, initiate the notification systems as warranted, and coordinate an effective emergency response. All phone numbers start with; 315-268-

President:
Anthony G. Collins, campus ext. 6444

Emergency Coordinator:
Campus Safety & Security ext. 6666; 315-268-6666

Provost:
Dr. Robyn Hannigan, campus ext. 6738

University Outreach and Student Affairs:
Brian Grant, campus ext. 6463
Alternate: Jeffrey Taylor, campus ext. 6477

Dean of Students:
James Pittman, campus ext. 6620
Alternate: Tamera Rizk, campus ext. 6680
Director of Campus Safety:
David Delisle, campus ext. 6666
Alternate: Carol Huckle, campus ext. 6666

Human Resources:
Amy McGaheran, campus ext. 7791
Alternate: Diane Letourneau, campus ext. 3788

Director of Facilities and Services:
Ian Hazen, campus ext. 7122
Alternate: Michael Tremper, campus ext. 6789

Division Head, Marketing & External Relations:
Kelly Chezum, campus ext. 4483
Alternate: Jessica Carista, campus ext. 3873

Chief Information Officer:
Josh Fiske, campus ext. 6718
Alternate: Brian Huntley, campus ext. 6723

Health and Safety Officer:
Erica Arnold, campus ext. 6640
Alternate: Alan Rossner, campus ext. 6470

Director of Purchasing/Risk Management:
Debra Drescher (CRC Campus)
Alternate: Erica Arnold, campus ext. 6640
The following would be involved in most collective emergency situations and disasters. These procedures are generic, and may be adapted to the circumstances of any particular emergency.

**Safety & Security**
1. First contact
2. Assumes initial on-site command and control
3. Assesses seriousness of situation, requests appropriate assistance from outside agencies
4. Contacts Emergency Response Team members and others (such as the Vice President and Dean of Student’s) depending on the nature of the emergency
5. Maintains emergency communications with emergency staff
6. Maintains access route for emergency vehicles and personnel
7. Coordinates evacuation of students and personnel
8. Develops and maintains emergency operations center, if necessary

**Facilities Operations**
1. Coordinates emergency control and restoration of services, utilities, buildings etc.
2. Assists in rescue, clearance and demolition
3. Procures emergency water supply
4. Provides damage assessment
5. Assists with emergency transportation to evacuation site
6. Constructs temporary facilities, if necessary
7. Maintains emergency supplies inventory

**Vice President for External Relations & Marketing**
1. After contact from Safety & Security, determines nature and extent of communications. Will consider: seriousness of emergency, appropriate audience(s) for information, appropriate or possible vehicles of communication, and legal constraints
2. Prepares internal and external written and verbal communications, communicates with emergency media (Emergency Broadcasting System members)
3. Informs University President
4. Responds to media inquiries
5. Coordinates communication as necessary with alumni, parents, prospective students and other appropriate audiences

**Information Technology Leadership Team**
1. Coordinates emergency control and restoration, if necessary, of computing and telephone resources.
2. Establishes alternative infrastructure resources as possible and if necessary
3. Protects integrity of database files

**Director of Purchasing & Risk Management**
1. Contacts University Attorney
2. Coordinates insurance claim
3. Documents activities, actions and expenses
General Response Procedures

*While these procedures may not be appropriate in every emergency situation, they provide guidelines to follow and may be modified according to circumstances.*

1. Assure Human Safety
   a. Assess seriousness of emergency
   b. Call Safety & Security (x6666) from a campus line or (315) 268-6666 from a cellular phone or outside line to request assistance and/or transport to the hospital or health services
   c. Before Security arrives, **assure safety of people in the building if possible.** Coordinate evacuation if the situation is life threatening
   d. Health Services if injuries occur or potential for injuries exists

2. Minimize Damage to Facilities
   a. Under supervision of Safety & Security, contact Facilities Operations
   b. Under supervision of Safety & Security, remove valuable records and equipment, if appropriate

3. Coordinate Communications
   a. After notification by Safety & Security, Vice President for External Relations prepares internal and external statements
   b. Vice President for External Relations contacts external media to alert them of the emergency situation as appropriate
   c. Vice President for External Relations, VP for Enrollment & Student Advancement, Associate Vice President of Student Affairs & International Relations Relation’s coordinates notice to family and friends (parents, teachers, roommate(s), and campus employer(s) and with the appropriate campus office. For students: VP and Dean of Student Life; for employees: Human Resources.
   d. Debriefing

4. Minimize Legal and Financial Risks
   a. VP of External Relations and/or Risk Manager contacts and the University Attorney and establishes procedures to archive all activities and expenditures associated with the Emergency.

Declaration of State of Emergency

The authority to declare a campus state of emergency rests with the President or his/her designee as follows:

During the period of any campus major emergency, the Safety & Security Office shall place into immediate effect the appropriate procedures necessary in order to meet the emergency, safeguard persons and property, and maintain educational facilities. When in consultation with Emergency Response Team, the President declares a campus state of emergency.
A campus state of emergency means:

- Only registered students (if classes are in session), faculty, and staff are authorized to be on campus. Visitors and guests will be asked to leave, as safety permits.
- The President may dismiss employees, or may declare the campus closed in advance of the normal opening of the workday. Wage compensation will be adjusted according to contractual agreements.
- Only faculty or staff members with emergency resource duties will be allowed to enter the immediate disaster site, if such a site exists.
- Employees with emergency resource duties will be asked to report to campus, or remain on campus, to fulfill responsibilities. Accommodations and meals will be provided to emergency personnel if necessary.

Emergency Center (Potsdam)
The Safety & Security Department is located in the Education Resource Center (ERC) which is equipped to serve as a centrally located campus emergency center. Two additional locations in Downtown Old Snell and the Cheel Center are also designated Emergency Centers.

Card Access Control System
The security of and access to the academic building is controlled by our card access system. The Safety & Security Department issues all access control cards with the respective access for all Clarkson University community members with the assistance of certain CRC Staff. Cards reported as lost, stolen or defective should be reported immediately and can be replaced at Safety & Security or with Virginia Moore-Bradley at the CRC front desk.

The Access Control System is monitored 24 hours a day – 7 days a week by the Safety & Security Department. The system will display alarms when a door is propped open; the components are tampered with; forced entry occurs; and if unauthorized person(s) attempt to access with an invalid access card. When an alarm is displayed on the terminal monitor, the dispatcher/ officer will acknowledge the alarm and report the incident to either the Guard/ Staff on –duty and/ or investigate the cause.

Residence Hall Safety (Potsdam)
Every night, professional Safety & Security Officers perform foot/ vehicle patrols in and around the residence halls as well as other campus buildings. Safety & Security Officers work closely with the residence hall staff to prevent problems before they occur.

a) Letting someone else use your access card and/or propping doors open compromises the safety of other students in the residence hall. These actions are violations of university policy, which may result in a fine or judicial board action.
b) Keep doors and windows to your room locked at all times.
c) Never sleep in an unlocked room.
d) Don’t put your name and address on your key ring.
e) Don’t study in poorly lighted or secluded areas of a building.
f) Should you receive a harassing phone call or calls with no one on the line, hang up and immediately notify the Safety & Security department.
g) If you find that your room has been entered, don’t go inside. Notify Safety & Security immediately. If you are inside do not touch anything until an officer arrives as you may disturb valuable evidence.
i) If your lock or combo is not operating properly contact your Community Assistant.
j) Avoid having large amounts of cash or other valuables in your room.

k) NEVER GIVE YOUR COMBINATION TO ANYONE!
l) Check with your family insurance agent to determine if your property is covered under their homeowners insurance. If not, you should strongly consider purchasing insurance.

Residence Hall Security and Campus ID Card (Potsdam)

Students will receive their Campus ID Card when they arrive on campus for Orientation. Your card is the official Clarkson University identification card as required by Clarkson University. While on campus, you should carry it at all times for identification purposes and to present to university officials upon request. Information on the front of the Campus ID Card includes name, photograph, identification number. Magstripe for “KnightCard” and barcode for meals on back side. Developed with the goal of improving access to various campus services for the safety and convenience of the university community, this one-card system:

• Provides individual access to university residence halls/ Academic Buildings or rooms

Embedded in the Campus ID Card is the coding necessary for access to all university residence halls. The access control system is monitored “24/7” by the Safety & Security Office; if a door is propped or forced open, an alarm alerts them and a Safety & Security Officer or Resident Assistant is dispatched to that location. Emergency call boxes are available outside campus buildings in the event you need to contact the Safety & Security Office for access assistance.

Safety Programs
Active Shooter Awareness Training – On line “Moodle” course
Fire Safety Training (Moodle)
Information Security (Moodle)
Bullying in the workplace training (Moodle)
Driver Safety Training (Moodle)
Drug Free Schools and Communities Act (Information – e-mail & CSS Web Site)
Doing your part means:

- Being aware of your vulnerability and following suggestions outlined in this report which will help you protect yourself and your property.
- Being alert for suspicious or criminal activity and or conditions that may represent a hazard to the university community.
- Getting involved by becoming more safety conscious and by reporting all incidents or criminal activity to the Safety & Security department.

Many times solving a crime depends on how accurately and promptly the incident is reported. Therefore, when reporting an incident it is important that you be able to provide as much of the following information as possible:

Nature of the incident.

1. When the incident occurred
2. Where the incident occurred
3. Who was involved (names, gender, race, age, height, glasses, clothing, etc.)
4. Direction and mode of travel
5. Vehicles involved, type and description
6. Description of stolen property

Emergency/ Assistance Blue Lights Phones / Yellow Call Box Phones Locations (Potsdam)
To activate the yellow call box, depress the black “ON” button, then dial the extension listed on the front door of the box.” To activate the blue light Assistance phone, depress the red button on the front of the phone. A blue light will flash at the phone and a Safety & Security Dispatcher will answer and dispatch Safety & Security Officers to respond to your location if necessary.

Safe Escort Program

- Safety & Security (Securitas Security) provides safe walks on Clarkson Property or adjacent and to your vehicle.
- Safe Walks consist of a personal escort by a Security Guard.
- To request a safe walk during afternoon & evening hours simply call 518-466-0519 from an outside line or cellular phone.

Protection of Persons or Property

**General:**

a) Be aware and recognize your vulnerability.

b) Report all suspicious persons, vehicles and activities to the Safety & Security department immediately by calling 518-466-0519 or 315-268-6666.

c) Use the “buddy system” when at parties or in an uncommon location. Never walk ALONE!

d) Watch out for your neighbor. If you see someone being victimized, notify Safety & Security immediately.

**Walking:**

a) Avoid walking alone after dark. Utilize the Safe Escort Program by calling x6666 or 518-466-0519
b) Walk in well-lighted, regularly traveled walks or pathways. Avoid shortcuts and keep away from shrubbery, heavy bushes, alleyways and areas where assailants may be lurking.

c) Don’t hitchhike or accept rides from strangers.

d) Report lights that are out and any other hazardous conditions to the Guard on–Duty or a Staff person.

e) When walking to your vehicle...keep your keys in your hand.

f) If you think or feel as though you are being followed, cross the street and if needed keep crossing back and forth. If you are pursued, draw attention to yourself by yelling and run to a lighted building or residence hall. Don’t be afraid, if need be break a window or pull a fire alarm to draw attention to your situation. In this type of situation yelling “FIRE” may be more effective than yelling help.

**Athletic Facilities (Potsdam)**

Use the “buddy system”. Work out or use the pool with a friend and make arrangements to go to and from the gym together.

a) Immediately report all incidents of indecent exposure and voyeurism to the Safety & Security Department.

b) Avoid bringing cash, wallets, or other valuables to the gym. Keep your locker locked whenever unattended. This includes when you are briefly in the shower. Most thefts in athletic facilities take place in the locker rooms and from unlocked lockers.

**Bicycles**

**Always lock your bike!**

1. Bicycles should be locked around the frame and through both wheels to a bike rack.
2. Invest in a good bike lock, preferably a bar-type lock.
3. Whenever possible keep your bike inside at areas designated.
4. Find out if your bike is covered under your parents’ insurance policy. If not, it is advisable to insure it.
5. Don’t be an accident victim. Follow the same rules of the road as you would if you were driving a car.

Bicycles must not be left in hallways or stairwells or rooms since the personal safety of others may be jeopardized.
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 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.

Assessable parking stickers are issued at the Schenectady Police Department. A proof of disability will be required to receive a assessable parking permit. This parking privilege is only for the use of the person to whom it is issued. All parking spaces for the assessable parking are clearly marked on the University campus. All other vehicles parked in these assessable 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 parking brochure with 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.
**Speeding**
The speed limit on campus is 15 M.P.H. In all areas, the utmost care should be observed with the many pedestrians 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 a designated motorcycle/vehicle parking areas.

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.

**Any violation (Potsdam)** 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
- Failure to Stop $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 within five working days of receiving notice of a violation. Unpaid fines will be charged to the student's account.
Students are expected to abide by all state laws, ordinances of the City of Schenectady, 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.

**Lost and Found**

Keys or valuable items found unattended on campus should be turned over to the front desk Staff or Security Guard. Such items are subject to a search for the purpose of discovering ownership. All attempts will be made to return the item to the rightful owner. Unclaimed items will be donated to an appropriate charity or otherwise disposed of after one semester has passed.

**Theft**

Theft, or a suspicion of theft, should be reported immediately to Office Staff or the On-Duty Security Guard. The victim of a theft has the right to report the theft to the local police. Where theft against the institution is involved, the university agent with responsibility for the area in which the theft occurred chooses the appropriate course of action. Any student found guilty of theft will be considered for immediate suspension from the University.

**The University is not liable for personal property lost, stolen, or damaged.** It is advised that you protect your belongings with insurance through your family’s homeowner or other insurance policy. It is further recommended that you keep doors locked, avoid keeping large sums of money and other valuables in your room, and report any suspicious persons or behavior to residence staff and Safety & Security.
Annual Fire Safety Report

Fire Safety Policy

All FIRES must be reported to the Schenectady 911 immediately. Even if the fire has been extinguished, it must be reported.

Familiarize yourself with the location of building exits, alarms, and extinguishers. Report discharged fire extinguishers to Safety & Security immediately. IF YOU DISCOVER SMOKE OR FIRE:

a. Sound the fire alarm.
b. Go to the nearest exit and leave the building.
c. Call 911
d. If you are in your room when an alarm sounds, feel the door and handle to see if it’s hot. If it’s hot don’t open the door. Call 911 and/or open your window and call for help. If the door is not hot exit the building immediately.
e. If an exit is blocked, try another exit or return to your room, close the door, open a window and yell for help.
f. If you are in a smoke-filled area, keep low to the floor to escape the smoke.
g. Know all the exits and fire escape plans in your building.

The University is equipped with fire sprinklers in some buildings and all systems are inspected quarterly in accordance with the Fire Code of New York State. As buildings are renovated or remodeled sprinkler systems are added per NYS Fire Code. All buildings are in compliance with NYS Building and Fire Codes.

Certain obvious fire hazards are prohibited. Among them are bongs, hookahs, candles and incense, cords under rugs, fireworks, flammable gas and liquids, halogen lamps, hookahs, hot plates, immersion coils, internal combustion engines, kerosene heaters, oil lamps, pipes or other smoking devices, space heaters, vaporizers, and water pipes. The following room decoration policy is in effect:

1) Posters should not cover more than 50% of wall space.
New York State Fire Code Enforcement

On an annual basis, Clarkson University is inspected by the New York State Office of Fire Prevention and Control. All University buildings, open spaces and offices. Rooms are subject to inspection and, if violations are noted, must be corrected within one day to approximately thirty days based on the severity, which is determined by the fire probability and potential loss severity of the violation. Failure to satisfactorily abate these violations may result in fines from New York State and range from $50 to $500 per day based on severity. Violations occurring in student rooms for which the occupants are responsible resulting in fines will be billed to the occupant(s) of that room.

No combustible materials can be stored or located within 18 inches of a sprinkler head or within 24 inches of an unsprinklered ceiling.

1. Rooms MUST be maintained in an orderly manner with any combustible material properly stored.
2. Extension cords shall not be a substitute for permanent wiring. Extension cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall only be used with portable appliances. No unapproved extension cords may be used. Approved extension cords shall be used only with portable appliances and must be plugged directly into an approved electrical outlet, power tap, or multi-plug power strip and shall only serve one portable appliance. Multi-plug power strips must be plugged directly into an approved electrical outlet.
3. Exits and aisles must always be kept clear and accessible with fire doors in the closed position.
4. All fire protection equipment, extinguishers, heat and smoke detectors, and sprinkler heads must not be interfered or tampered with and must be in working order.

Fire Safety is a serious issue. People's lives are at stake and your cooperation is appreciated.

Please note:

1. Fireworks are prohibited on Clarkson University unless officially authorized.
2. Any student guilty of starting a fire or intentionally turning in a false alarm may be suspended from Clarkson University and be subject to criminal prosecution.
3. Failure to cooperate with University personnel during a building evacuation or fire alarm will result in a mandatory $250 fine and/or disciplinary action.
4. Failure to leave the building during a building evacuation or fire alarm will result in a **mandatory $250** fine and/or disciplinary action.

5. Any student guilty of tampering with smoke detectors, fire extinguishers or other fire safety equipment including safety lights or fire sensors is held responsible for endangering the safety of the occupants of the building and subject to a fine and/or disciplinary action. A **mandatory $250 fine** is assessed in cases of students tampering with smoke sensor detectors, inappropriately discharging fire extinguishers or breaking the seal that indicates that the fire extinguisher has been prepared for use. This fine also applies to the misuse of fire alarm pull stations and stopper II devices. A **mandatory $250** fine is assessed to any student inappropriately discharging a sprinkler system and the student may be assessed damages caused by the water.

6. When there is damage in a room from a fire caused by actions that are in violation of University policy, the responsible party will be fined as appropriate, pays for damages caused by the fire as determined by the University, and is referred to the Dean of Students.

7. A student guilty of possessing candles, incense, oil lamps or other open flame objects in the CRC building is subject to a **mandatory $100 fine** and disciplinary action.

8. Smoke detectors in rooms must always be intact, functioning properly, and left exposed. Do not cover them with posters, tapestries, netting, flags, or other materials. Contact custodians or security if there are problems with a smoke detector. Damaging, disassembling, or removing smoke detectors will result in a **mandatory $250 fine** from the University and disciplinary action.

9. All fires must be reported to 911 even though someone may have extinguished the flames.

10. Fire lanes must be kept free for emergency vehicles. Vehicles may be towed at owner’s expense.

11. If a floor or building loses power, all appliances including computers should be disconnected and then later reconnected. This procedure will avoid appliance surging and blowing fuses.
Kerry Rose Fire Sprinkler Notification Act of 2013

The Kerry Rose Fire Sprinkler Notification Act of 2013 requires the college provide a written fire safety notification to each student living in a college-owned or operated housing facility, both on and off campus. Clarkson University is committed to providing a healthy and safe educational and working environment for our students, faculty, staff and visitors and provides the following information about our system and the fire safety report in response to the Act.

Please take the time to read the Fire Safety brochure available from the Office of Environmental Health & Safety https://intranet.clarkson.edu/administrative/dehs/fire-safety/

The Fire Safety Policy for Clarkson University students may be found in the Student Handbook online on the Student Life webpage at https://intranet.clarkson.edu/student-life/dean-of-students/

Fire Alarm Systems: All buildings are equipped with fire alarm systems. All systems are tested and inspected annually by a New York State certified fire alarm installer. All fire alarm systems are monitored 24/7 by a central monitoring station staffed by the Safety and Security Office. Fire alarm pull stations are located near the exits.

All residential buildings with a carbon monoxide (CO) source are equipped with carbon monoxide (CO) detectors.

The University is equipped with fire sprinklers in some buildings and all systems are inspected quarterly in accordance with the Fire Code of New York State. As buildings are renovated or remodeled sprinkler systems are added per NYS Fire Code. All buildings are in compliance with NYS Building and Fire Codes.
<table>
<thead>
<tr>
<th>Non Residential Building</th>
<th>Sprinklers</th>
<th>Smoke Detectors</th>
<th>Fire Extinguishers</th>
<th>Central Monitoring by CU Dispatch</th>
<th>Evacuation Plans &amp; Placards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Region Campus</td>
<td>Yes</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
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</table>

All fire extinguishers on campus are inspected monthly by CU staff and serviced annually by an outside contractor in accordance with the Fire Code of New York State.

All academic and administrative buildings are subject to unannounced drills during normal working hours.

For your safety, whenever the fire alarm sounds, evacuate the building immediately using the nearest exit. Treat all alarms as the real thing – assume nothing! Behavior of any kind, which inadvertently activates a fire alarm, will be subject to disciplinary action. Failure to evacuate an area may also result in disciplinary action. Please report all fires, even if they have been extinguished, immediately to 911.


If you have any questions or concerns related to fire safety at Clarkson University, please contact the Office of Environmental Health & Safety at 315-268-2362.
Emergency Evacuation Drills

Facilities and Security will be conducting emergency evacuation drills in CRC building four times (twice per semester) throughout the calendar year to educate building occupants of our emergency plans, practice evacuations and identify potential issues with the building’s means of egress or fire safety systems. Treat each alarm as if it were an actual emergency and leave as quickly as possible.

1. Close all windows and leave the shades/curtains open.
2. Close and lock your door and leave your light on.
3. Dress appropriately (weather-wise, footwear, etc.).
4. Exit by the nearest stairwell and go away from the building so as not to impede the progress of fire equipment or people evacuating from the building. Standing on the opposite side of walkways in front of the buildings is a good rule of thumb.
5. Remain outside the building until the alarm is turned off and the “all clear” is given.

The Environmental Health & Safety Office provides Fire Safety training annually at Orientations and upon request.
Combined Discrimination and Harassment Policies
Nondiscrimination, Discriminatory Harassment & Sexual and Interpersonal Misconduct Policies

1. Nondiscrimination 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

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.

2. Discriminatory Harassment Policy
It is the policy of Clarkson University that all our employees and students should be able to enjoy a work and educational environment free from all forms of unlawful discrimination and discriminatory harassment, including sexual harassment. Clarkson University provides for the development of a climate of tolerance and pluralism and prohibits expressive behavior which is demeaning, intimidating or hostile, communicated verbally, physically or with other communication device, including telephonic or electronic means. It is expressly against University policy for any employee or student to engage in discriminatory harassment.
The University defines discriminatory 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, age, disability, predisposing genetic characteristics, sexual orientation, gender identity, gender expression, military or veteran’s status, marital status or any other characteristic protected by applicable law. 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.

Harassment may be verbal, visual or physical. Merely by way of illustration, harassing acts may include racial, ethnic or religious slurs; name-calling that demeans on the basis of gender, age, disability, sexual orientation or gender identity; unwanted touching of a person’s legs or shoulder; physically harming or threatening another due to racial or religious animosity; vulgar pictures or ethnically offensive symbols or writings; or gestures that mimic or mock a person’s gender, sexual orientation, disability, race or age. Sexual harassment is one form of harassment. Sexual harassment may consist of sexually charged comments or conduct, including sexually lewd conversation or pictures, repeated, unwelcome requests for dates or romantic interaction; unwelcome physical affection (such as hugs or kisses) or intentional touching of the legs, back, or shoulders.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this Policy. The determination is based on a “reasonable person” standard and takes into account the totality of the circumstances. The University considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community.

In all instances, a key factor is whether the complained-of behavior occurred because of a protected characteristic. If it did not, the behavior is not regulated by this Policy. Similarly, conduct that offends based on a protected characteristic but is not so severe or pervasive as to unreasonably impact an individual’s participation in the University’s educational program or employment may not violate this Policy. In such cases, however, the University reserves the right to discipline otherwise inappropriate conduct.

Students and employees are strongly encouraged to report instances of discrimination and discriminatory harassment, as well as sexual and interpersonal misconduct (as defined below) to appropriate University officials, as described below. Any employee or student is subject to disciplinary action for violation of this Policy, up to and including termination or expulsion. Discrimination and harassment also may be found to be illegal under both state and federal law. In some cases, it may be susceptible to prosecution under criminal sexual law.

This Policy applies to all University students, faculty, staff and non-University community members (where the alleged conduct arises out of University programs or activities). This Policy applies to conduct on campus and in connection with any University-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 work or learning environment on the University’s campus or within a University program, or if the incident causes concern for the safety or security of the University’s
Non-community members (e.g., alumni, family of students, vendors, etc.) visiting campus or participating in a University program or activity are expected to abide by the behavioral expectations in this Policy.

This Policy is not intended to proscribe, and should not limit free discussion of, the merits of any issue relating to ethnic, racial, religious or other multicultural difference or open inquiry into any material or issue relevant to the academic content of a course.

3. Sexual and Interpersonal Misconduct (Sexual Misconduct) Policy

As part of the above general prohibition of discrimination based on gender (including sexual harassment), and pursuant to its required compliance efforts under Title IX, the Violence Against Women Act, and New York Education Law Section 129-B, this Policy specifically prohibits sexual and certain other types of interpersonal misconduct (i.e., sexual harassment and non-consensual sexual conduct, relationship or dating violence, domestic violence and stalking) which impacts or has the potential to impact the educational or employment environment of any member of the University community (collectively referenced for purposes of this Policy as “Sexual Misconduct”). The University will advise complainants of their Title IX and analogous state law rights, and will take steps to prevent Sexual Misconduct and to correct its discriminatory effects, as appropriate, including when it learns of Sexual Misconduct even in the absence of a formal complaint. This Policy applies to all University students, faculty and staff, and specifically applies regardless of one’s 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.

While Sexual Misconduct can be a criminal offense under New York State law, a person’s conduct may violate the University’s prohibition against Sexual Misconduct even if it does not violate State law.

For purposes of this Policy Sexual Misconduct includes:

1. Sexual Harassment

Harassment, as defined above, based on one’s gender, gender identity, gender expression or sexual orientation.

2. Non-Consensual Sexual Conduct

The University expects that any sexual activity (including sexual contact) will be based on mutual, affirmative consent to the specific sexual activity. Sexual activity in the absence of affirmative consent (i.e., “non-consensual sexual activity”) is prohibited. Sexual relationships between students and employees are strongly discouraged.

1. Affirmative Consent

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

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. 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.

In considering whether an individual is incapacitated due to drug or alcohol use, the University will look at a number of factors, including but not limited to the type/amount of alcohol and/or drugs used, as well as such outward signs as slurred or incoherent speech, impaired motor skills (e.g. walking, texting), vomiting, loss of consciousness, etc.

2. Examples of Non-Consensual Sexual Activity

Any non-consensual sexual activity violates this Policy. Non-consensual sexual activity includes any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, with an object or bodily part, by a person upon another person that is without affirmative consent.

Examples of non-consensual sexual activity include:

Rape:

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.

Other Sex Offenses:

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

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

C. Statutory Rape--Sexual intercourse with a person who is under the statutory age of consent.

Non-consensual sexual activity also includes sexual exploitations, which occurs when, without affirmative consent, one takes sexual advantage of another. Examples of sexual exploitation include (but are not limited to) observing, photographing, or recording others engaged in sexual or private activity (such as undressing or showering) without the affirmative consent of all involved; or taking intimate pictures of another but then distributing the pictures to others without the photographed person’s affirmative consent; or exposing one’s genitals in non-consensual circumstances.

3. Dating/Relationship Violence

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

For purposes of this Policy, verbal and/or emotional abuse will also be considered by the University to violate this Policy.

For purposes of this Policy, the “intimate” relationship may be characterized as a series of sexual encounters, dating, “hooking up”, or similar interactions.

Examples of abusive actions range from physical acts like hitting, shoving, or restraining to threats designed to control the victim’s behavior. Some examples of threatened actions would be turning friends against the victim or committing suicide or hurting pets.

4. Domestic Violence

A felony or misdemeanor crime of violence committed—
(A) By a current or former spouse or intimate partner of the victim;
(B) By a person with whom the victim shares a child in common;
(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

5. Stalking
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
(A) Fear for the person’s safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For purposes of this Policy, harm to physical, mental, or emotional health, employment status, or property of such person, a member of such person’s immediate family, or a third party with whom the person is acquainted could, in the appropriate circumstances, give rise to substantial emotional distress.

4. Reporting

1. Sexual Misconduct

Any University community member who has been the subject of Sexual Misconduct has the right to make a report to Campus Safety & Security or the other Responsible Administrators identified below, local law enforcement, and/or the New York State Police, or to choose not to report. If reported to the University under this Policy, a reporting individual will be protected from retaliation and will receive appropriate assistance and resources from the University.

The University encourages reporting of Sexual Misconduct.

Reports may be made anonymously, but the University’s, or anyone else’s, ability to respond may necessarily be limited by anonymous reporting.
If you have been subjected to Sexual Misconduct, you should seek immediate help. 1. **Resources**

1. **On Campus Confidential/Private Resources (Students)**

1. **Health and Counseling Center**

If you are a student, you may contact the University’s Health and Counseling Center. Discussions with the Center’s Counselors are treated confidentially (pursuant to the Health and Counseling Center's confidentiality protocols).

**Clarkson University Health and Counseling Center 315-268-6633**

The Health and Counseling Center can provide assistance and information regarding medical assistance and treatment (including information about sexually transmitted infections, sexual assault forensic examinations, and emergency birth control), resources available through the New York State Office of Victim Services, academic and other campus support options, campus disciplinary proceedings and law enforcement options.

If unsure of where to go, contact the Health and Counseling Center.

**Hotlines and Websites**

NYS Police 24-hour hotline at 1-844-845-7269
NYS Domestic and Sexual Violence Hotline at 1-800-942-6906
To disclose confidentially the incident and obtain services from the New York State or county hotlines: [http://www.opdv.ny.gov/help/dvhotlines.html](http://www.opdv.ny.gov/help/dvhotlines.html)

Additional disclosure and assistance options are catalogued by the Office for the Prevention of Domestic Violence and presented in several languages: [http://www.opdv.ny.gov/help/index.html](http://www.opdv.ny.gov/help/index.html) (or by calling 1-800-942-6906), and assistance can also be obtained through:
- Legal Momentum: [https://www.legalmomentum.org/](https://www.legalmomentum.org/)
- Pandora’s Project: [http://www.pandys.org/lgbtsurvivors.html](http://www.pandys.org/lgbtsurvivors.html)
- RAINN: [https://www.rainn.org/get-help](https://www.rainn.org/get-help)

(note that these hotlines and websites are for crisis intervention, resources, and referrals, and are not reporting mechanisms, meaning that disclosure on a call to a hotline does not provide any information to the campus. Reporting individuals are encouraged to additionally contact a
campus confidential or private resource so that the campus can take appropriate action in these cases).

Reports of Sexual Misconduct made to either the Health and Counseling Center or to an Advocate will NOT be reported to other University officials in any personally identifiable manner (reports made to some of these individuals may result in a report to University officials that an incident occurred, but will not result in the reporting of any personally identifiable information), and as a result you should not expect action to be taken by the University against any alleged perpetrator if you only report to these resources. Similarly, information shared at public awareness and advocacy events does not create an obligation on the part of the University to investigate that information and/or take further action.
**Off Campus Confidential/Private Resources**

Confidential reports of Sexual Misconduct can be made by students and employees to off-campus resources, including

**Ellis Hospital** 518-243-4000

**Schenectady County Domestic Violence Services** (For Students/Staff) 797 Broadway, Schenectady N.Y. 12305-2704
518-388-4279 –Child Protective
518-388-4470 –Main DSS
518-388-4644 –Fax

**New York State Office of Victim Services**
1-800-247-8035
https://ovs.ny.gov

Reports to any Confidential/Private Resources will not result in personally identifiable information being provided to the University and therefore you should not expect as a result of this type of reporting that the University will take any action against an alleged perpetrator.

**2. On-Campus Non-Confidential Resources - Responsible Administrators**

Any student or employee having a complaint of Sexual Misconduct is also urged to speak to any of the following individuals, who are considered “Responsible Administrators” for purposes of Title IX: 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 Graduate School- Kerop Janoyan, 315-268-6506

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

Deputy Title IX Coordinator, Kelsey Pearson, 315-268-2012

Reports may be made by the complainant, someone on behalf of the complainant, or anonymously.
If a **Responsible Administrator** receives a report of Sexual Misconduct, observes Sexual Misconduct firsthand, or learns about it in any other way, s/he is required to report it to the University’s Title IX Coordinator. This report will include the name of the victim, the name of the alleged perpetrator(s) if known, any witnesses and any other relevant factors, including the date, time and location of the incident. Before making a report to a Responsible Administrator, you should consider the Responsible Administrator’s reporting obligation. You should also consider that Title IX prohibits retaliation for reporting and that the University will not only take steps to prevent retaliation but will take strong responsive action if retaliation occurs. If you wish to ensure maximum confidentiality, you should not report to any of the Responsible Administrators listed in this section but should instead speak to the Confidential Resources identified above. You can also choose to go to local law enforcement, whether or not you report to a Confidential Resource and/or a Responsible Administrator.

While all employees are strongly encouraged to report incidents of Sexual Misconduct that come to their attention, and certain employees may be required to report them, if a complaint is made to anyone other than the above listed **Responsible Administrators**, the complainant risks the possibility that it will not come to the attention of the proper University officials and may, therefore, not be acted upon by the University. For this purpose, Faculty generally are not Responsible Administrators and you should not assume that information brought to the attention of a Faculty member will be reported to the University. On the other hand, unless a report is made to a Confidential Resource, you have less assurance of confidentiality

However, even if reporting to a Responsible Administrator listed in this section, you have the right to **request** that the University maintain this report as confidential (to the extent permitted by law) and/or to request that it not conduct an investigation or that action not be taken against an alleged perpetrator. The University is not required to honor that request, and in appropriate circumstances, may decide to move forward with an investigation and other/or disciplinary processes, even without the consent or cooperation of the reporting individual. In making such a determination the University must consider its obligation to provide a safe, non-discriminatory environment for all students and employees. The University has designated the Title IX Coordinator as the individual who will evaluate any requests for confidentiality. The Title IX Coordinator will consider a range of factors, including:

~The risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:

- whether there have been other Sexual Misconduct complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the incident represents an escalation of past misconduct by the accused;
- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- whether the Sexual Misconduct was committed by multiple perpetrators;
~whether the Sexual Misconduct was perpetrated with a weapon or force;
~whether the victim is a minor;
~whether the University possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g., security cameras or personnel, physical evidence);
~whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group
~the overall safety of the campus community (including the reporting individual).

If the University determines that it cannot maintain a complainant’s confidentiality, it will inform the complainant prior to starting an investigation and will, to the extent possible, nonetheless maintain information as private and only share information as needed so that the University may respond and act under this Policy.

If the University honors a request for confidentiality, it does not prevent the reporting individual from receiving interim relief and other assistance, but the reporting individual must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against any alleged perpetrator or to provide remedial assistance, may be limited or otherwise impacted.

Upon receiving a report, the Responsible Administrator to whom the report was made will discuss with the complainant available avenues and options. Options may include disciplinary action against the accused and remedial actions to ameliorate or correct the effects of the sexual misconduct. Other options may include interim no-contact orders, changes in academic, extracurricular, residential, transportation, dining or working arrangements, access to academic, medical, counseling and other support, as appropriate. Reporting to local law enforcement also is an option. 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.

Even when legal confidentiality is not available, Responsible Administrators and other University officials acting under this Policy will maintain privacy to the greatest extent possible. Information provided to a non-confidential/private employee will be relayed only as necessary for the Title IX Coordinator, and those acting under this Policy, to carry out the purposes of this Policy.
4. Law Enforcement

A victim of a crime, including a crime arising from Sexual Misconduct under this Policy, will be notified that the victim may, but is not required to, report the incident to local law enforcement and pursue criminal charges. The criminal process and the University’s disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint or University complaint or both. In criminal cases, including non-consensual sex offenses, the preservation of evidence is critical and must be done properly and promptly. The Schenectady Police Department can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner. Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a University community member or other person. In appropriate circumstances, an order of protection may be available that restricts the offender’s right to enter University property, and the University will abide by a lawfully issued order of protection.

Reporting to criminal authorities may result in some delay in any internal University investigation, so as not to interfere with evidence gathering by law enforcement, but University procedures will resume as soon as possible. In addition, the University will cooperate with any criminal proceedings as permitted by law.

Schenectady Police Department 518-382-5200 or

911 New York State Police Hotline 1-844-845-7269

The Responsible Administrators listed above can provide assistance to you in reporting to law enforcement.

Reporting individuals should understand that not all Sexual Misconduct under this Policy may be a crime and that the standard law enforcement employs in processing complaints is different than the University’s standard under this Policy. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the St. Lawrence County (or other relevant) District Attorney.
2. Interim Measures

In appropriate cases, interim relief may be available for either party to a complaint while an investigation and/or review is pending. Relief may include no-contact orders; changes in academic, extracurricular, residential, transportation, dining or working arrangements; access to academic, counseling and other support; as well as safe walks and escorts, and other relief as appropriate. This relief can be secured through the Dean of Students, Title IX, Human Resources or Campus Safety & Security as appropriate.

When as a result of a Sexual Misconduct complaint a no-contact order is issued against an individual and that individual and the person protected by the no-contact order observe each other in a public place, unless otherwise provided in the order, it is the responsibility of that individual subject to the no-contact order to leave the area immediately and without directly contacting the person protected.

When a no-contact order is issued, both the person against whom it is issued and the person seeking the no-contact order, will, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of the no-contact order, including potential modification. This request may be made by submitting a written request to the Title IX Coordinator, providing the basis for the request and submitting any evidence in support of the request.

Continued intentional contact in violation of a no-contact order is grounds for additional misconduct charges.

Upon request, an individual may also seek a prompt review of the need for and terms of any other interim measure and accommodation that directly affects him or her, by submitting a written request for review to the Title IX Coordinator, providing the basis for that request and any evidence in support.

When a student accused of Sexual Misconduct is determined to present a continuing threat to the health and safety of the campus community, he or she is 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, he or she is subject to interim suspension in accordance with the University’s employment policies and practices (including applicable collective bargaining agreements).

3. Amnesty for Students

The health and safety of every student at Clarkson is of utmost importance. Clarkson University 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 St. Lawrence officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic
violence, dating violence, stalking, or sexual assault to Clarkson officials or law enforcement will not be subject to charges for violating Clarkson’s student 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.

4. Orders of Protection

Campus Safety & Security, or other University officials, will provide reasonable assistance to a University campus community member, in connection with prohibited Sexual Misconduct conduct under this Policy in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order. This assistance includes providing that person with:

i. 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;

ii. an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and

iii. Assistance from Campus Safety & Security in contacting local law enforcement to effect an arrest for violating such an order.

5. University Sexual Misconduct Complaint Procedures

If a report of Sexual Misconduct is made to any of the above listed Responsible Administrators, subject to a determination on a request for confidentiality, a fair, prompt and impartial investigation will be undertaken by the University.

We offer 24-hour access to confidential and non-confidential resources. We can assist you in accessing support services such as health care, SANE Nurses, mental health counselors, off campus victims’ advocates and law enforcement. It is important to us that you feel in control of the process of accessing services and deciding who and when to report an incident. We will protect your privacy and work to minimize how often you have to discuss the issue. We are trained to work with individuals who have experienced trauma. Below are some definitions and resources related to specific issues.

**Sexual Assault.** Consistent with federal law, Clarkson defines sexual assault as including non-consensual 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.

**New York State Laws** can be found on the [www.svfreenvc.org website](http://www.svfreenvc.org).

**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

**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.

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.
- **RETLAIIATORY:** 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.
Discrimination Other Than Sexual Misconduct

Non-Discrimination Promise

No person shall be discriminated against because 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. This policy includes the commitment to maintaining a campus community free from unlawful harassment.

Any community member, who in good faith, reports concerns that they have been discriminated against or has knowledge of discrimination in violation of this policy or cooperates in an investigation shall not be subject to reprisal or retaliation for making a report or participating in an investigation. Community members should immediately bring to the attention of the appropriate personnel.

The information listed on this page and in the links will help you determine the personnel, offices, policies and procedures that can assist you with your questions, concerns and complaints regarding non-discrimination, diversity, and inclusion at Clarkson.

Americans with Disabilities Act 504

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, by President George H.W. Bush. The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin -- and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an "equal opportunity" law for people with disabilities.

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED). Section 504 provides: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . ."

To be protected by the ADA, one must have a disability, which is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as
having such an impairment. The ADA does not specifically name all of the impairments that are covered.

All members of the Clarkson Community and associated third parties are encouraged to use the following resources to report concerns or violations. In addition, to these resources you may contact the ADA/504 Coordinator directly.

Reporting Situations

Emergency Situations
If it is truly an emergency situation we urge you to call 911.

Retaliation
It is against federal law for any member of the university community to retaliate against a complainant or a witness in a complaint.

What to Report
All witnessed, experienced or known cases of discrimination or harassment should be reported.

All
Any person can report an issue of discrimination or harassment to the Chief Inclusion Officer, Jennifer Ball, jball@clarkson.edu 315/268-4208 168 Bertrand H. Snell Hall (Potsdam)

Staff
Incidents involving staff should be reported to your direct supervisor or Human Resources.

Student
Incidents involving student(s) should be reported to the Dean of Students 315-268-6506

A University Guest or Contractor
Incidents involving Guests of students should be reported to the Dean of Students, 315-268-6506, involving Non-Students or Contractors Human Resources.

Reporting Procedure
If you need to report gender discrimination, sexual harassment, sexual violence, intimate partner violence or stalking, please use the chart below.

If you need assistance dealing with any other discrimination or harassment please click here to contact us You can find the NYS Students Bill of Rights under Resources and Materials.
5. Retaliation

It is a violation of University Policy to retaliate against any person making a report of Sexual Misconduct or other Discrimination or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of Sexual Misconduct (or other Discrimination). The University will not only take steps to prevent retaliation but will take strong responsive action if retaliation occurs and anyone engaging in retaliation is subject to disciplinary action, up to and including expulsion/termination (what action can be taken may depend upon whether the individual engaging in retaliatory conduct is within the jurisdiction of the University). Retaliation includes intimidation, threats, or harassment against any such reporting party or third party. While parties are permitted to discuss their case for the purposes of pursuing or defending a charge, seeking support or working with an advisor, parties should also understand that unnecessary discussions of a charge could be perceived as retaliation. For example, this does not allow individuals to unreasonably share private information in a manner intended to harm or embarrass another individual, or in a manner that would recklessly do so regardless of intention. Such sharing may be retaliation which can result in separate charges. Retaliation should be reported promptly to any Responsible Administrator and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of Sexual Misconduct (or other Discrimination).

6. Recordkeeping

Records generated in connection with reports, investigations and resolutions are maintained in confidential files maintained by an appropriate office, which may be the Title IX Coordinator, the Vice President and Dean of Student Life, Human Resources, and/or the Registrar (for records concerning disciplinary outcomes), and only those with a right and need to know are permitted access.

7. Training

Responsible Administrators, persons assigned as investigators and individuals determining violations of this Policy will receive annual training on relevant topics, including discrimination, harassment, sexual assault, stalking, domestic violence and dating violence and how to conduct investigations (including specifically investigations involving sexual assault, domestic and dating violence and stalking), the right during investigatory and adjudicatory proceedings to a presumption of “not responsible” until a finding of responsibility is made, the University’s disciplinary proceedings, protecting the safety of the community, and respectful treatment of all parties.

8. Academic Freedom

Clarkson University is an academic institution at which academic freedom is necessary and valued. The University will not construe this Policy to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion.
9. **Clery Act Compliance**

The University is required to include for statistical reporting purposes the occurrence of certain incidents in its Annual Security Report (ASR). 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 name of the alleged perpetrator may be disclosed to the community, but the name of the victim/complainant will not be disclosed.

10. **Coordination with Other Policies**

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

This Policy does not apply to decisions relating to requests for reasonable accommodation due to a disability. Academic disability accommodations are handled by the Disability Services office and pursuant to that office’s policies. Work-related disability accommodations are handled by the Human Resources Office and pursuant to that office’s policies.

11. **Designation of Authority and University Counsel**

Any University administrator or official whom this Policy empowers to act may request that the Title IX Coordinator delegate that authority to another appropriate University official, or the Title IX Coordinator in his or her own discretion may delegate that administrator’s or official’s authority to act to another appropriate person. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a University official named in this Policy from fulfilling his/her designated role.

The Title IX Coordinator may delegate his or her responsibilities and/or authorities under this Policy to any Deputy Title IX Coordinator or other appropriate official. Any University administrator or official involved in implementing this Policy may seek the advice of the University’s legal counsel, to be coordinated through the Title IX Coordinator.

12. **Interpretation/Other Issues**

Final interpretation of any provision of these policies is vested in the Title IX Coordinator. Issues that are not specifically addressed in these policies may be resolved by the Title IX Coordinator.

13. **Policy Compliance**

Any person with a concern about the University’s handling of a particular matter should contact Chief Inclusion Officer/Title IX Coordinator: Jennifer Ball

*Email:* jball@clarkson.edu  
*Phone:* 315/268-4208  
*Office:* 168 Bertrand H. Snell Hall  
*Mailbox:* CU Box 5750
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.

Updated to comply with New York State Law August 3, 2015

[1] The University reserves the right to adapt or modify any of the specific procedures provided herein to deal with the unique circumstances presented by the University’s various off-campus programs, including specifically its overseas programs.

APPENDIX A
STUDENTS’ BILL OF RIGHTS
IN CASES INVOLVING SEXUAL ASSAULT, DOMESTIC/DATING VIOLENCE AND STALKING

Pursuant to New York Law, 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; and
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.
RIGHTS IN CASES INVOLVING 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:
   1. 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 the Clarkson University Discrimination and Harassment Policy, which can be found at https://www.clarkson.edu/nondiscrimination
   2. where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
   3. that the criminal justice process utilizes different standards of proof and evidence than the University’s misconduct 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;
   4. whether the person they are reporting to is authorized to offer the confidentiality or privacy; and
   5. 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/University policies and can be assisted in obtaining services for reporting individuals; or to contact non-University confidential resources, including:

   **Ellis Hospital** 518-243-4000

   **Schenectady County Domestic Violence Services** (For Students/Staff) 797 Broadway, Schenectady N.Y. 12305-2704
   518-388-4279 –Child Protective
   518-388-4470 –Main DSS
   518-388-4644 –Fax

   **New York State Office of Victim Services** 1-800-247-8035
   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, appropriate cases determined by the Title IX Coordinator, confidentiality, subject the University’s Discrimination and Harassment Policy (which can be found at https://www.clarkson.edu/nondiscrimination 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. Private information can be shared to implement and fulfill the University’s obligations under the law and its Discrimination and Harassment Policy and related Procedures;

7. Disclose, if the accused is a University employee of the institution, the incident to Human Resources or to request that a private 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 (e.g., Renewal House), 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.

Information about available resources, including intervention, mental health counseling and medical services that might be available to anyone reporting an incident can be found at TitleIXCoordinator@clarkson.edu In addition, information on sexually transmitted infections and sexual assault forensic examinations can be obtained from the Health and Counseling Center, if a student, or from Canton-Potsdam Hospital or Planned Parenthood, if an employee. Certain resources are also available to victims of crimes through the New York State Office of Victim Services, https://ovs.ny.gov/

*Updated August 8, 2016 pursuant to New York State "Enough is Enough" legislation and subsequent guidance from New York State Department of Education. This Policy may be amended by the University at any time. Unless otherwise provided in the amendment, amendments to this Policy will become effective upon approval.*
Missing Student Policy

To report a missing student, call 911 immediately.

In compliance with the Higher Education Opportunity Act, it is the policy of Clarkson University to actively investigate any report of a missing resident who is enrolled at Clarkson University and residing in university-owned housing. Each resident will be notified of the Missing Student Notification Policy and Procedures through the Student Handbook.

For purposes of this policy, a student may be considered to be a “missing person” if the person’s absence is contrary to his/her usual pattern of behavior and/or unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, where there are concerns for drug or alcohol use, is in a life-threatening situation, or has been with persons who may endanger the student’s welfare.

Each resident is required to identify the name and contact number of the individual(s) who are a primary contact to be notified in case of an emergency or in the event that the resident is reported missing. The contact information provided by the student will be kept confidential. The Dean of Students will immediately notify the student’s primary contact as provided by the student. In the event the student is under the age of 18 and is not emancipated, the University is required to have the primary emergency contact be a custodial parent or guardian and they will be contacted immediately should the student be reported missing.

If a member of the University community has reason to believe that a student is missing, the Schenectady Police or 911 should be called immediately. The Office of Safety & Security should be notified at 315-268-6666. Safety & Security will make reasonable efforts to locate the student to determine his or her state of health and well-being. The student’s cell phone or campus phone will be the first contact. Additional efforts may include checking access control card history and campus wide account usage, class schedule, on campus vehicle, friends and parents.

If all the above attempts to locate or establish contact with the missing student are unsuccessful, The Dean of Students would then advise the President.

Student planning to be absent from the campus for an extended period of time should be sure to notify friends and family with information about their whereabouts. Student are also cautioned to regularly check their on-campus mailbox as uncollected mail, in conjunction with other information, may cause concern that a student is missing.
Weapons Policy

The New York State Legislature adopted the following legislation regarding firearms on campus:

Section 265.01(3): "Any person who knowingly has in his 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, is guilty of a Class A Misdemeanor, and is guilty of a Class D Felony if he has previously been convicted of any crime."

Section 265.06: "It shall be unlawful for any person age sixteen 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.

In accordance with this law, rifles, shotguns, BB guns, pellet guns, hunting bows, knives, swords, martial arts weapons, sling shots, and other weapons, as well as ammunition associated with these weapons, are prohibited on campus. Unusual or special exceptions are made only with the permission of the Director of Safety & Security. Violations result in referral to the Student Judiciary Board, confiscation and possible loss of item in violation, and may be subject to arrest in accordance with Section 265.01(3) or Section 265.06 as described above.

Drug Policy

The Drug-Free Workplace Act of 1988 requires recipients of federally funded grants to advise employees of penalties or employment sanctions that may be imposed on employees convicted of drug-related violations in the workplace.

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.

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.
Present New York State statutes referent to illegal drugs states in part:

1. Use and possession of controlled substances/illegal drugs is a misdemeanor and/or a felony and is therefore prohibited.
2. Possession of small quantities of marijuana is a violation and punishable by a fine.
3. Sale and/or gift of marijuana is a misdemeanor and punishable by not more than 3 months in jail or a fine.
4. Possession of larger amounts of marijuana is punishable by possible jail sentences.

B. Sales
Students who sell or otherwise make illegal drugs available adversely affect the lives of those around them. When Dean of Student’s has reason to believe a student is selling or otherwise making available to others illegal drugs, she/he may immediately suspend that student. The case may then be reviewed by the Judiciary Review Board within 30 days of the date of suspension or be referred to civil authority.

Employment Sanctions Relating to Drug Abuse in the Workplace

The use, consumption, possession, distribution, or sale of controlled substances (illegal drugs) and/or unauthorized alcohol in University workplaces is prohibited. Use of alcohol or illegal drugs prior to reporting for work that results in unsafe work performance or erratic conduct in the workplace is also prohibited.

Employees convicted of drug related criminal statute violations in Clarkson workplaces are subject to employment sanctions that may range from reprimand to dismissal as recommended by the departmental supervisor to the Human Resources Office.

Employees convicted of drug related criminal statute violations in Clarkson workplaces may, as an alternative to or in conjunction with employment sanctions, be requested to participate in a drug/alcohol rehabilitation program as deemed appropriate under the circumstances. This option will usually be reserved for first-time offenders only. Refusal to participate in a drug/alcohol rehabilitation program will necessitate the immediate imposition of the appropriate employment sanction.

Testing

In compliance with The Department of Transportation (DOT) alcohol testing rules, Clarkson University requires employees who hold safety sensitive positions to be tested for drugs and alcohol upon hiring (all offers of employment are conditional on passing a drug or alcohol test). Employees holding safety sensitive positions will be randomly tested quarterly. Any positive drug or alcohol test is a violation of the University's drug and alcohol policy.
ALCOHOL POLICY (Student)

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 (315-268-2345) or online at
www.clarkson.edu/ofsa/social/index.html.

The following events require the use of the University’s food service vendor (Potsdam):
• 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 Sodexo).

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**.

The Clarkson University alcohol policy is designed to maintain a residential environment that facilitates the achievement of educational goals. The policy considers the requirements of the law, the legal obligations of individuals and the University, the quality of residential life, and the aims and objectives of Clarkson University. The University provides an environment that supports student development and autonomy. However, autonomy and freedom of choice exist with the expectation that students will obey New York State law and Potsdam village ordinances, and will respect the intellectual, physical and emotional health of self and others. Accordingly, students of legal drinking age may consume alcoholic beverages, in a responsible manner and in concurrence with the policies in the Clarkson University Student Handbook. These goals in conjunction with New York State law and Potsdam village ordinances provide the foundation from which the following polices are derived.
1. New York State Penal Law Guidelines

- Legal Minimum Age: No person shall sell, deliver or give away or cause or permit or procure to be sold, delivered or given away any alcoholic beverages to any person, actually or apparently, under the legal age of purchase (21 years old). This is a Class B Misdemeanor. Anyone under 21 is prohibited from possessing alcohol if they intend to consume it.

- Selling or Giving Alcohol to an Intoxicated Person: No person shall sell, deliver, give away, permit, or procure to be sold, delivered or given away, any alcoholic beverages to any intoxicated person or any person under the influence of alcohol. Violators may be faced with a fine or a jail sentence, or both.

Dram Shop Liability: Any person who shall be injured in person, property, means of support, or otherwise by an intoxicated person, or by reason of the intoxication of any person, whether resulting in his death or not, shall have a right of action against any person who shall, by unlawfully selling to or unlawfully assisting in procuring liquor for such intoxicated person, have caused or contributed to such intoxication; and in any such action such person shall have a right to recover actual and exemplary damages.

- Social Host Liability: Creates civil liability for anyone who knowingly furnishes alcoholic beverages to any intoxicated person under the legal age of purchase if the intoxication results in injury or damages to a third party.

- Using or Possession of False Identification (ID): Any person under the legal age of purchase who is found to have presented or offered false or fraudulent written identification of age for the purpose of purchasing or attempting to purchase alcoholic beverages may be assigned probation for a period of one year and assessed a substantial fine.

- New York State Alcoholic Beverage Control Board: In accordance with New York State law, it is illegal to sell alcoholic beverages or to accept donations at any event where alcoholic beverages are served without obtaining the appropriate license through the New York State Alcoholic Beverage Control Board.
§ 126-1 **Consumption of alcoholic beverages and possession of open containers with intent to consume- alcoholic beverages in public.**

[Amended 11-3-1986 by Ord. No. 86-66]

It is unlawful for a person to consume liquor, beer, wine or other alcoholic beverages in public, as hereinafter stated, or for a person to have in his possession with the intent of said possessor or another to consume the contents of any open or unsealed bottle or container containing liquor, beer, wine or other alcoholic beverage while said person is on any public highway, public street or public walking area or in any vehicle or public place, excepting those premises duly licensed for the sale and consumption of alcoholic beverages on the premises, whatsoever in said City.

§ 126-2 **Presumptive evidence of violation.**

An open bottle or open container in any vehicle shall be presumptive evidence that the same is in possession of all of the occupants thereof and in violation hereof.

§ 126-3 **Penalties for offenses.**


Any violation of this article shall constitute an offense punishable by a fine not exceeding $250 or by imprisonment in jail for not more than 15 days for the first offense and by a fine not exceeding $500 or by imprisonment in jail for not more than 30 days for each additional offense.
Crime Reporting – Campus Security Authorities

The University Safety & Security Department is required to report “statistics concerning the occurrence on campus of the following criminal offenses reported to local police agencies, or to any official of the institution who has significant responsibility for students, campus activities, the dean of students, residence life and student housing, student center, and student co-curricular activities, director of athletics, team coaches, faculty member, or a faculty advisor to a student group: larceny, robbery, arson, dating violence, domestic violence, stalking, criminal homicide, manslaughter by negligence, criminal homicide, murder and non-negligent manslaughter, sex offenses, aggravated assault or simple assault, burglary, larceny, intimidation and motor vehicle theft.”

According to a federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, our school is required to disclose “statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is defined as a ‘Campus Security Authority.’”

The law defines “Campus Security Authority” as: “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” An example would be a dean of students who oversees student housing, a student center, or student extra-curricular activities and has significant responsibility for student and campus activities.

The Title IX Coordinator and Director of Safety & Security identify Campus Security Authorities by their functions and responsibilities. CSAs are notified / reminded by the Director of Safety & Security, in writing annually by sending a letter of description of their CSA role and crime reporting form directly to each CSA. In addition, the letter of description and crime reporting form are an attempt to collect crime reports that they may have received in the past or to collect reports that they may receive in the future.

Clarkson University – Designated Campus Security Authorities/Responsible Employees

Clarkson University employees have been designated as "responsible employees/campus security authorities" for the purposes of Title IX compliance and required crime reporting. They have an obligation to report to the University if they hear about or are told of a sexual assault or specified Clery Act crimes. They also can direct students to appropriate resources. Any other employee at Clarkson University that has NOT been designated is not considered a Responsible Employee or Campus Security Authority.

Who is not a Campus Security Authority; Licensed mental health counselor or Clergy. Faculty members, who are not advisors of student groups, i.e. no responsibility for students or campus activities beyond the classroom. Clerical Staff, Maintenance and Facilities Staff. See Appendix B for complete list of Responsible Employees/Campus Security Authorities.

See Appendix B (P-103-112) for Responsible Employee/ Campus Security Authority listing.
Clery Core Campus Map (also Appendix A)
Aggravated Assault - Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Arson - Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary - Burglary is the unlawful entry of a structure to commit a felony or a theft.

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

Domestic Violence – Is defined as a felony or misdemeanor crime of violence committed, by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

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

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

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

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

• **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

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

• **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

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

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

**Intimidation** - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Larceny/Theft** - The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle or any self-propelled vehicle, such as: sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts, and motorized wheel chairs.
Robbery - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Simple Assault - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Stalking – Engaging in a course of conduct directed at a specific person that cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Vandalism of Property Destruction/Damage - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

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

Drug Abuse Violations - Are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations - Are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Sex Offenses: Definitions

Sexual Assault – An offense that meets the definitions of rape, fondling, incest or statutory rape as used in the FBI UCR program.

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

- **Rape**- The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

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

- **Statutory Rape**-Sexual intercourse with a person who is under the statutory age of consent.
The Violence Against Women Act and its proposed regulations require the inclusion of certain New York State definitions in a campus’s Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. Definitions required include: consent; dating violence; domestic violence; sexual assault; and stalking.

CONSENT: Lack of consent results from: forcible compulsion; or incapacity to consent; or where the offense charged is sexual abuse or forcible touching, any circumstances, in addition to forcible compulsion or incapacity to consent, in which the victim does not expressly or impliedly acquiesce in the actor’s conduct. Where the offense charged is rape in the third degree, a criminal sexual act in the third degree, or forcible compulsion in circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor’s situation would have understood such person’s words and acts as an expression of lack of consent to such act under all the circumstances. A person is incapable of consent when he or she is: less than 17 years old; or mentally disabled; or mentally incapacitated; or physically helpless; or committed to the care and custody of the state department of correctional services, a hospital, the office of children and family services and is in residential care, or the other person is a resident or inpatient of a residential facility operated by the office of mental health, the office for people with development disabilities, or the office of alcoholism and substance abuse services, and the actor is an employee, not married to such person, who knows or reasonably should know that such person is committed to the care and custody of such department or hospital.

CONSENT, ABBREVIATED: Clear, unambiguous, and voluntary agreement between the participating to engage in specific sexual activity.

DATING VIOLENCE: New York State does not specifically define dating violence. However, dating violence would include the crimes listed elsewhere in this document when committed by a person in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or threat of abuse. It does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE: An act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted murder, criminal obstruction or breaching or blood circulation, or strangulation; and such acts have created a substantial risk of physical or emotional harm to a person or a person’s child. Such acts are alleged to have been committed by a family member. The victim can be anyone over the age of sixteen, any married person or any parent.
accompanied by his or her minor child or children in situations in which such person or such person’s child is a victim of the act.

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

**PARENT:** means natural or adoptive parent or any individual lawfully charged with a minor child’s care or custody.

**SEXUAL ASSAULT:** New York State does not specifically define sexual assault. However, according to the Federal Regulations, sexual assault includes offenses that meet the definitions of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.

**SEX OFFENSES; LACK OF CONSENT:** Whether or not specifically stated, it is an element of every offense defined in this article that the sexual act was committed without consent of the victim.

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

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

**RAPE IN THE SECOND DEGREE:** When a person (1) being 18 years old or more, engages in sexual intercourse with another person less than 15 years old; or (2) engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated. It is an affirmative defense to the crime of rape in the second degree the defendant was less than four years older than the victim at the time of the offense.
RAPE IN THE FIRST DEGREE: When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

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

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

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

FORCIBLE TOUCHING: When a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor’s sexual desire. It includes squeezing, grabbing, or pinching.

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

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

**SEXUAL ABUSE IN THE SECOND DEGREE:** When a person subjects another person to sexual contact and when such other person is (1) incapable of consent by reason of some factor other than being less than 17 years old; or (2) less than 14 years old.

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

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

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

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

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

**AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE:** When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty-one years old or older.
COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE SECOND DEGREE: When over a period of time, not less than three months, a person: (1) Engages in two or more acts of with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE: When a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

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

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

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

INCEST IN THE FIRST DEGREE: A person is guilty of incest in the first degree when he or she commits the crime of rape in the first degree, or criminal sexual act in the first degree, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.
STALKING IN THE FOURTH DEGREE: When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (1) is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such person’s immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person’s immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct.

STALKING IN THE THIRD DEGREE: When a person (1) Commits the crime of stalking in the fourth degree against any person in three or more separate transactions, for which the actor has not been previously convicted; or (2) commits the crime of stalking in the fourth degree against any person, and has previously been convicted, within the preceding ten years of a specified predicate crime and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) with an intent to harass, annoy or alarm a specific person, intentionally engages in a course of conduct directed at such person which is likely to cause such person to reasonably fear physical injury or serious physical injury, the commission of a sex offense against, or the kidnapping, unlawful imprisonment or death of such person or a member of such person’s immediate family; or (4) commits the crime of stalking in the fourth degree and has previously been convicted within the preceding ten years of stalking in the fourth degree.

STALKING IN THE SECOND DEGREE: When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, slungshot, shirken, “Kung Fu Star,” dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of
stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

**STALKING IN THE FIRST DEGREE:** When a commits the crime of stalking in the third degree or stalking in the second degree and, in the course and furtherance thereof, he or she intentionally or recklessly causes physical injury to the victim of such crime.
Crime Location Definitions for campus, non-campus building and/or public property:

Clery Core Campus Map

The definitions for campus, non-campus building or property and public property are excerpted from the Handbook for Campus Safety and Security Reporting 2016 Edition.

On Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
**On Campus Student Housing Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

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

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

**Source for definitions:**
U.S. Department of Education Office of Postsecondary Education

**Clarkson University – Campus Buildings and Properties – Campuses**

Capital Region Campus  
80 Nott Terrace  
Schenectady N.Y. 12308
Crime Statistics

The following statistics for the calendar years of 2017 and 2018 were reported to the Safety & Security Department or other university officials. The statistics reflect crimes which occur not only on campus, but also at non-campus property, public property and specifically in residential facilities.

Clarkson University has an inclusive campus-wide effort aimed at Education and Outreach, Community Coordination, Prevention, and Advocacy. Services include crisis intervention; the 24-hour Sexual Violence Hotline (315-244-5466); hospital, court, and judicial proceeding accompaniment; support groups; and safety planning. Thanks to Advocates, the Clarkson community is highly sensitive to the issues of sexual violence that occur within our community. Students, faculty and staff work together to raise awareness of the issues. Therefore, our statistics reflect the open and communicative culture that we encourage.

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Hate Crimes – On Campus

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## Hate Crimes – On Campus

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Hate Crimes – Public Property

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### VAWA Offenses – Public Property

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### Unfounded Crimes

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**New York State Sex Offender Registry Website**

To obtain information about registered sex offenders go to: [http://criminaljustice.state.ny.us/nsor/index.htm](http://criminaljustice.state.ny.us/nsor/index.htm)
APPENDIX A - Clery Core Campus Map (Potsdam)

Appendix B
Responsible Employees/Campus Security Authorities

The following employees have been designated as "responsible employees/campus security authorities" for the purposes of Title IX compliance and required crime reporting. They have an obligation to report to the University if they hear about or are told of a sexual assault or specified Clery Act crimes. They also can direct students to appropriate resources. Any other employee at Clarkson University whose name is not cited below is not considered a Responsible Employee or Campus Security Authority. See Appendix B for complete list of Responsible Employees/Campus Security Authorities.

Listed by institutional division:

**Campus Safety & Security**
Kevin Bates, Campus Safety & Security Officer
Gerald Bova, Campus Safety & Security Officer
Darlene Bristol, Campus Safety & Security Officer
David Delisle, Director of Campus Safety & Security
Joshua Eng, Campus Safety & Security Officer
Christopher Flynn, Campus Safety & Security Officer
Carol Huckle, Assistant to the Director of Campus Safety & Security
Fay Jenks, Campus Safety & Security Officer
Tyler Legault, Campus Safety & Security Officer
Christopher Naccari, Campus Safety & Security Officer
Brian Patraw, Campus Safety & Security Officer
Danielle Rose, Campus Safety & Security Officer
Mark Wentworth, Campus Safety & Security Officer

**Capital Region Campus** (Schenectady N.Y.)
Virginia Moore –Bradley, Graduate School Office Manager
Daniel Copagna, Director of Graduate Admissions & Recruitment
Debra Drescher, Director of Legal Affairs, Compliance & Risk Management
Kerop Janoyan, Dean of Graduate School
Angelia Kehl, Assistant Director of Graduate Admissions & Recruitment
Bradley LaMere, Assistant Director of Graduate Admissions & Recruitment
Oliva Mascaro Hoffman, Graduate Admissions Service Coordinator
Colleen Thapalia, Director of International Graduate Admissions & Recruitment
Michael Walsh, Executive Director of Engineering Management Program / Inter