



# Clarkson University Student Regulations 2022-2023

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

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

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

**Kelsey Pearson, Interim Dean of Students**

315-268-6620

[deanofstudents@clarkson.edu](mailto:deanofstudents@clarkson.edu)

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## **Clarkson University Nondiscrimination Statement**

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

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

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

Inquiries concerning Title IX, the Age Discrimination Act, or other discrimination concerns should be directed to:

Jen Ball  
Chief Inclusion Officer, Title VI, IX, ADA/504 Coordinator  
ERC 1003A  
[jball@clarkson.edu](mailto:jball@clarkson.edu)  
315-268-4208.

Information on the procession of grievances and charges relating to the above policies can be obtained from the [Chief Inclusion Office](#).

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

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

### **I-A. Preamble**

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

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

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

## **I-B. Rights and Responsibilities of Students at Clarkson**

### **In the Classroom**

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

### **Protection of Freedom of Expression**

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

### **Protection Against Improper Academic Evaluation**

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

### **Student Records**

Clarkson has a carefully considered policy as to the information that is a part of a student's permanent educational record and as to the conditions of its disclosure. To minimize the risk of improper disclosure, academic and disciplinary records are separate. Transcripts of academic records contain only information about academic status. Suspension and/or expulsion after a finding of responsibility for a code of conduct violation may be denoted on a transcript. Information from transcripts, disciplinary, or health and counseling files are not available to unauthorized persons on campus, or to any person off campus without the express consent of the student involved, in accordance with applicable law.

Provision is also made for periodic routine destruction of noncurrent disciplinary records. Administrative staff and faculty members will respect confidential information about students that they acquire in the course of their work.

### **Student Affairs**

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

### **Freedom of Expression & Assembly Policy**

Clarkson University is committed to standards promoting speech and expression that foster the maximum exchange of ideas and opinions. This policy statement outlines principles that ensure these standards.

All members of the Clarkson University community, which includes students, faculty, staff, and administrators, have the right to freedom of speech and expression. This freedom includes the right to express points of view and engage in the expression of ideas. However, this freedom is subject to reasonable restrictions of time, place and manner, as described herein, although such restrictions shall be applied without discrimination toward the content of the view being expressed or the speaker.

The ideas of different members of the University community will often and naturally conflict. It is not the proper role of the University to insulate individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Deliberation or debate may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or ill conceived.

It is for the individual members of the University community, not for the University as an institution, to judge the value of ideas, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting those arguments and ideas that they oppose. Fostering the ability of members of the University community to engage with each other in an effective and responsible manner is an essential part of the University's educational mission.

The University prohibits expression that violates the law, falsely defames a specific individual, constitutes a genuine threat, violates the University's Equal Opportunity, Harassment, and Nondiscrimination Policy, or unjustifiably invades substantial privacy or confidentiality interests. The right of free speech and expression does not include activity that endangers or imminently threatens to endanger the safety of any member of the community or any of the community's physical facilities, or any activity that disrupts or obstructs the functions of the University or imminently threatens such disruption or obstruction.

The Dean of Students has the responsibility for administering these guidelines. Only in extreme cases of violation of these guidelines can the Dean prohibit speech and expression before it occurs. In administering these guidelines, the Dean shall be advised by the Climate and Engagement Committee in the event that they believe the policy has been misapplied. Obviously and in all events, the use of the University forum shall not imply acceptance or endorsement by the University.

#### **A. Time, Place, and Manner**

The right of freedom of speech and expression at the University includes peaceful protests and orderly demonstrations. At the same time, the University has long recognized that the right to protest and demonstrate does not include the right to engage in conduct that disrupts the University's operations or endangers the safety of others. Disruptive conduct is conduct by any member of the University community that substantially obstructs, impairs, or interferes with: (i) teaching, study, research, or administration of the University (ii) the authorized and other permissible use of University facilities, including meetings of University students, faculty, staff, administrators and/or guests. Any member of the University who engages in disruptive conduct may be subject to disciplinary action.

The University reserves the right to ensure the safety of students, faculty, staff, visitors, community members, campus grounds, and facilities, and therefore applies the following restrictions for protests and demonstrations.

- Protests and demonstrations may not be conducted in a manner that violates any federal, state, or local law.
- The location of protests and demonstrations are limited to campus grounds. Protests and demonstrations may not obstruct roadways.
- Protests and demonstrations must not pose unreasonable interference with or disruption to normal campus activities. Activities are not permitted to unreasonably disrupt classes or interfere with educational, research, service, or other legitimate functions of the University.
- Participants in a protest or demonstration are responsible for the proper restoration of the areas used when these areas have been subjected to more than normal wear and tear.
- Any violations of law during a protest or demonstration are subject to the process and consequences enumerated within the Code of Student Conduct and the Employee Operations Manual. Appropriate legal action will be taken for violations of law by any persons who are not a member of the Clarkson community.
- If a protest or demonstration poses a risk to the safety of the campus or campus community, designated University Officials may request the protest or demonstration be disbanded. If the protest or demonstration is not immediately disbanded, Campus Safety and Security or law enforcement may be summoned to disband the protest or demonstration.
- The University recognizes signs and symbols displayed in a manner that does not interfere with legitimate University activities as an element of peaceful demonstration. Signs, per se, are not barred from University events.
- Vocal or physical hampering of any meeting, event, or ceremony is not permitted.

#### **B. Sound Amplification**

- Amplified sound is restricted to prevent unreasonable interference with or disruption to normal campus activities. Sound amplification is not permitted to unreasonably disrupt classes or interfere with educational, research, service, or other legitimate functions of the University.
- All protests, demonstrations, and events must abide by Residence Life quiet hours as indicated in the Residence Regulations.

#### **C. Speakers, Events, Registration, and Advanced Notification**

- Due to size, safety, logistics, and other considerations, all events and planned demonstrations or protests must be registered on Knight Life no fewer than 14 days in advance and meet all requirements for general student organization events.
- If advanced notice is not feasible due to circumstances that could not be reasonably anticipated, such as very recent or still-unfolding news developments, the demonstration must be submitted on Knight Life as much in advance as possible. The University will attempt to accommodate such demonstrations subject to adequate space and resource availability. The University will accommodate spontaneous demonstrations in areas which have not been reserved that day by other

organizations and where the presence of the demonstration will not be disruptive to other groups which have reserved space in the same area.

- Registered student organizations may invite speakers or performers to campus. Speakers can be hosted in any campus reservable space. Registered student organizations are required to register their proposed event/speaker on Knight Life a minimum of two weeks in advance. Individual students may not invite a speaker to campus.
- The host organization is responsible for any and all costs associated with their speaker/event.
- All external speakers and/or presenters must have contracts which clearly identify date, time, location, compensation, and purpose. Contracts may only be signed by the Director of Legal Affairs, Compliance, & Risk Management or the Chief Financial Officer. Contracts must be submitted for review no less than 30 days prior to the event date.
- To address foreseeable risks, hazards, and dangers to health or safety posed by an activity, or the use or erection of the displays or other materials on the University campus, the University reserves the right to require companies, organizations, or individuals to provide insurance and/or indemnification sufficient to protect the University, its community, and the public from property damage, death, or personal injury.
- Events which present a concern for the health or safety of attendees, the University community, or campus guests or potential damage to University property or facilities will be reviewed by the host student organization's advisor, the Dean of Students, the Director of Campus Safety & Security, and the Director of Legal Affairs, Compliance, & Risk Management. This group may require additional safety protocols at the expense of the host organization through the consideration of the following criteria: (a) the number of anticipated attendees, (b) whether the proposed event involves an activity or structure that poses an inherent risk of injury or property damage, (c) where the host intends to charge admission to the event, and (d) any prior incidents of injury or property damage during similar events at the University or other institutions. The Dean of Students will advise the contact person for the host organization about necessary requirements, including the use of monitors and other aspects of crowd control. It is the responsibility of the organization to work with Campus Safety & Security to make necessary arrangements, or other appropriate authority, if additional security is required. If the host organization does not fulfill the additional requirements, the Dean of Students or designee may recommend that the event be canceled.

#### **D. Literature Distribution**

Student organizations are permitted to distribute literature, including literature provided by external organizations. External organizations are not permitted to distribute literature. Unauthorized or hate literature will be confiscated and documented. If the situation merits it, disciplinary action may be taken in accordance with the Code of Student Conduct.

#### **E. Chalking**

Chalking on Clarkson University campuses is limited to registered student groups, official University departments or offices, faculty members, staff members, and registered students.

- Chalking is permitted only in open areas on a horizontal surface, such as sidewalks.
- Chalking must be for only a campus-wide event or program, an event open to all students or services provided by a University department.
- The material used to mark the walk must be water-soluble chalk (sidewalk chalk). The use of markers, paints, oil-based products, or sprayable chalk is prohibited.

#### **Student Participation in University Government**

As constituents of the Clarkson community, students and student organizations may express their views on issues of University policy and on matters of general interest to the student body. Students are encouraged to consult with the student government, which officially represents the student body and its interests. Student government is required to abide by all of Clarkson University's policies and procedures.

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

- University student publications are student organizations and must follow the Student Organization Policy.
- Clarkson University is not responsible for the contents or format of student publications. Students have editorial freedom and financial autonomy in order to maintain free expression. Student publications are free of censorship and advance approval of copy.

- University authorities, in consultation with students and faculty, may provide guidance as to the role and standards of the publication.
- Student media/publications must adhere to the standards of responsible journalism, such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo.
- Editors and managers of student publications are protected from arbitrary suspension and removal because of student, faculty, administrative, or public disapproval of content.
- All University-published and financed student publications must explicitly state on the editorial page that the opinions expressed within are not necessarily those of the University or student body.

### **Exercise of Rights of Citizenship**

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

### **University Authority and Civil Penalties**

Activities of students may upon occasion result in violation of the law. Students who violate the law may incur penalties prescribed by governmental authorities, but University authority will not be used merely to duplicate the function of general laws. Only where the University's interests as an academic community are distinct and clearly involved is the special authority of the University asserted. University action is independent of community pressure and is based on impairment of or interference with the missions, processes, safety or functions of the University.

### **Procedural Standards in Disciplinary Procedures**

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

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

## **II. Course Policies**

### **II-A. Course Enrollment**

1. Within the published course enrollment period, students who are returning to Clarkson for the following term must, with the approval of their adviser, enroll themselves into classes to be taken the next term.
2. A superior upper-division undergraduate student may enroll in graduate courses with the approval of their advisor and the course instructor. To enroll in a 500-level course, the student's cumulative quality point average must be 3.000 or higher; to enroll in a 600 600-level, the student's cumulative quality point average must be 3.500 or higher. A form is available on the Student Achievement Services webpage for use in qualification certification and enrollment approval.
3. When such courses are completed beyond the normal credit-hour requirements for the bachelor's degree, credit for such graduate-level courses may be applied toward a graduate degree with the written permission of the undergraduate student's department chair, program director or designee and the Dean of their School. School of Business graduate courses are open on a limited basis to students pursuing an undergraduate business degree with approval of the Dean of the School of Business.

## II-B. Financial Clearance and Check-In

1. Each student is required to complete the financial clearance and check-in process each term as defined by Student Achievement Services. An undergraduate student who has not completed check-in by the end of the fifth day of class in any term may be charged a \$50 late fee and may be officially withdrawn from the University by the designated responsible administrator. Any graduate student who has not completed check-in and enrolled in at least one (1) course for the term by the end of the relevant add period may be charged a \$50 late fee and will be withdrawn from the university by the designated responsible administrator.
2. Undergraduate students who have been withdrawn and wish to continue at Clarkson are required to contact the Office of the Registrar and request to be readmitted to the University. Graduate students should contact their graduate coordinator to request to be readmitted to the University. See *III-Q. Continuance/Readmission Process*.
3. Per these procedures, readmission must be requested one month prior to the start of the term.
4. Due to compliance and external reporting requirements, no student will be admitted more than two (2) weeks after the start of the term. Students requesting admission after the two-week deadline will be considered for admission to the next term.
5. Check-in cannot be completed and the student cannot be officially admitted to class unless payment or satisfactory arrangements for payment for all tuition, fees, housing and meal expenses have been made through the Bursar's office.
6. Undergraduate Student Status:
  - I. Part time - enrolled for less than 12 credit hours
    - a. Less than half time - enrolled in less than 6 credit hours
    - b. Half time - enrolled for 6 but less than 9 credit hours
    - c. Three quarter time - enrolled for 9 but less than 12 credit hours
  - II. Full time - enrolled for 12 but less than 20 credit hours (or 6 credit hours during the summer)
  - III. Full time (overload) - enrolled for 20 or more credit hours.

Refer to section IX-W, Financial Clearance and Financial Assistance, #2 for information pertaining to tuition for each status.
7. Graduate students will be classified as full-time in any term in which they are registered for at least nine (9) credit hours per semester or six (6) credit hours per quarter. When such degree requirements have been met, students will be required to register for at least one (1) credit hour of project/thesis, be in residence, and be actively engaged full-time in completing the project/thesis in order to be classified as full-time students.
8. A graduate student will be classified as half-time in any term in which he or she is enrolled in at least 4.5 credit hours per semester or 3 credit hours per quarter.

## II-C. Course Syllabus

1. Within the first week of classes, the instructor will provide all students with a course syllabus, and will post an electronic copy on at least one of the following: the course site on the University's course management software (e.g., Moodle, etc.), a course web site, a course folder on the University's shared drive (e.g., the S drive, etc.), or an area reserved for class web pages on the University website. The instructor will also submit a copy of this syllabus to the department chair or appropriate academic officer for archival purposes.
2. The content of the syllabus should include, as a minimum, the following information:
  - a. Topical outline
  - b. Course learning objectives (expected learning accomplishments)
  - c. Demonstrable course outcomes
  - d. Attendance requirements and policies for making up missed course work, laboratory and project work, tests, and examinations
  - e. An explanation of the method used to determine the course grade
  - f. Designation of the course as a non-final exam course, or not
  - g. Policy on granting A or B exemptions from the final exam
  - h. Tentative dates for all tests and other major components of coursework
  - i. Contact information for the course instructor
3. If changes/revisions are made to the syllabus, they should be explained to the class, and the revised syllabus should be posted in the same place(s) as the original, as well as submitted to the department chair or appropriate academic officer for archival purposes.
4. Revisions in attendance policy, course work and course grading policies, and due dates should not become effective until after a reasonable notification period.

## II-D. Credit Hour Definition

1. Clarkson University adheres to the U.S. Department of Education's definition of 'credit hour:'  
"...a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than:
  - a. One hour of classroom or direct faculty instruction and a minimum of two hours of out of class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or
  - b. At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours. (34 CFR 600.2)"
2. Lecture/discussion courses follow option (a.) above. Laboratory, independent study and research, and internship courses, among others, follow option (b.). Examples:
  - a. For 2 hours of credit in a laboratory course – 15 class periods with 3 hours of combined direct instruction and supervised lab work + 2 hours of out-of-class work each week for 15 weeks. In this example, supervised lab work is being weighted more heavily than out-of-class preparation, but less heavily than direct instruction.
  - b. A 1-credit independent study course – 3-4 hours of supervised and/or independent study per week for 15 weeks. In this example, the range of hours recognizes that there will be differing degrees of supervision.
3. The [Course Change/Approval Form](#) includes a certification by the Chair of the department offering the course that it complies with this credit-hour definition. Questions regarding the application of this definition to specific courses or educational activities should be directed to the Provost's Office.

## II-E. Rescheduling of Classes

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

## II-F. Field Trips

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

## II-G. Course Audit Policy

1. **Undergraduate Level Courses**
  - a. Certain Clarkson undergraduate courses may be audited on a space-available basis by currently enrolled Clarkson students. They may also be audited on a space-available basis by faculty and staff, and by their domestic partners and immediate families, (as defined by Clarkson's medical benefit plan), provided the family members have completed their high school level education.
  - b. Courses that include laboratory activities, group or teamwork, collaborative learning, international study, or that satisfy the Professional Experience Requirement cannot be audited. Written permission from the instructor and department chair is required on a Course Audit Form (available on the Student Achievement Services webpage). Course auditors are not expected to do any written or oral course work, nor are faculty expected to evaluate any work that auditors may elect to do. Auditors of undergraduate



courses do not receive course grades, and an undergraduate audit is not transcribed and does not receive any other formal recognition.

## **2. Graduate Level Courses**

- a. Certain Clarkson graduate courses may be audited on a space-available basis with written permission from the instructor and department Chair using the Graduate Course Audit Form (available on the Student Achievement Services webpage.) Course auditors will be charged 50% of the course cost. The cost will be waived for current faculty, staff, and their domestic partners and immediate families, (as defined by Clarkson's medical benefit plan,) provided the family members have completed necessary prerequisites for course enrollment. Certain course restrictions apply such as international study, laboratory courses, and independent studies, at the discretion of the designated responsible administrator(s). Graduate courses that are audited are transcribed with the letter (Z), but without credit or quality points.

## **III. Academic Regulations**

### **III-A. Dropping or Adding a Course**

#### **1. Semester-Based Programs**

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

#### **2. Quarter Based Programs**

- a. Students may add a course through the 5th day of the term with the approval of their academic adviser, department chair, program director or designee. The course add may be done by the student online.
- b. In order to add a course after the 5th day of the term, students must obtain written approval from the following persons: academic adviser, department chair or program director, the instructor of the course that is being added late, and the Dean of the School in which the student is majoring. These approvals will be obtained by submitting a late-add request through myCU.
- c. Students may change class sections of the same course online, if there are seats available, or with permission of the class instructor, through the 5th day of the term. During the second week of the term,

section changes may be made with the approval of the instructors of the sections being added and dropped via an add-drop form. After the second week of the term, section changes will require the same approvals that are listed in sub-section (b.), above.

- d. Students may drop a course through the 10th day of the term after consultation with their academic adviser, department chair, program director or designee. Dropped classes will not appear on the transcript if dropped within the first 10 days of the term.
- e. Students may withdraw from a course after the 10th day of the term, and no later than the last class day (which does not include final exam week). An add/drop form is required after the 5th day of the term, with approval from the student's academic advisor and acknowledgement from the course instructor.
  1. A "W" will appear on the transcript for all drops which occur between the 3rd and 9th weeks of the term.
  2. An "LW" will appear on the transcript for all drops which occur after the 9th week of the term.
- f. Students should be aware that adding or dropping a course might change their tuition charges.
- g. A course affected by academic integrity sanctions cannot be dropped.

### **III-B. Changing Majors and Declaring Undergraduate Minors**

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

### **III-C. Classification of Matriculated, Undergraduate Students**

1. A student shall be classified as a freshman, sophomore, junior or senior based on the total number of hours passed. Only credits appearing on the student's official university record at the time of classification will be considered.
2. Classifications are reviewed and updated at the start of each semester according to the following schedule of credit hours earned:
  - a. Seniors 84+
  - b. Junior 54-83
  - c. Sophomore 24-53
  - d. Freshman 0-23
3. Whenever a student is readmitted, continued or changes majors, the classification will be reviewed by the Registrar's office and be subject to change according to existing rules.
4. The Registrar shall have final authority in determining a student's classification.

### III-D. Non-Matriculated Students

1. An individual may enroll at Clarkson University for special study on either a full-time or part-time basis. Although such individuals are classified as non-matriculating, they are provided an opportunity for academic study with concentration in a particular area of interest. This status may be used to obtain exposure in a particular area as a foundation for further academic work. Many persons with a degree use this status to gain exposure to another discipline without pursuing a degree. Students who are enrolled as non-matriculated students may not earn a degree or advanced certificate from the University without gaining admission to a degree-granting, or certificate-granting program. Admission is obtained through the Office of Freshman Admission, Transfer Admission, or the Graduate School.
2. Undergraduate non-matriculated students may accumulate up to 15 hours of coursework credit while in this status, and must matriculate into a Clarkson degree to earn credit beyond this.
  - a. Persons interested in admission as a non-matriculated undergraduate student should contact the Registrar's office. Non-degree students must obtain approval for the courses they want to take from the Director of University Advising. This approval is given on the basis of the student's academic background and personal goals.
3. Graduate non-matriculated students may accumulate up to 9 credit hours of coursework credit while in this status and must matriculate into a Clarkson degree or advanced certificate program to earn credit beyond this. Graduate non-matriculated students must have received an undergraduate degree prior to course enrollment unless they have evidence of proficiency in the subject area of the course as determined by the responsible administrator(s).
  - a. Persons interested in admission as a non-matriculated graduate student should contact the Graduate School for assistance.
4. Non-matriculated students have no class standing, are not eligible for financial aid and are not eligible to participate in any extracurricular activities involving intercollegiate competition.

### III-E. Cross Registration Policy

1. Cross-Registration is open only to full-time, matriculated students within the member institutions of the Associated Colleges of the St. Lawrence Valley (ACSLV). Eligible students may cross-register for a maximum of two (2) courses per academic year (fall and spring semesters only), totaling no more than 8 credits.
2. Undergraduate students must be enrolled in at least 12 credits at Clarkson (including the cross-registered course) to be eligible to cross-register. As long as the total number of credits taken (including cross-registered courses) does not exceed 19 during the regular semester, there will be no additional tuition charged for undergraduates. Undergraduate students must receive a grade equivalent to a C (2.000) or higher at Clarkson in order to earn credit for the cross-registered course. Grades in such courses are not used in computing a student's GPA.
3. Graduate students must be considered full-time based on their program of study. Graduate students must receive a grade equivalent to a B (3.000) or higher at Clarkson in order to earn credit for the cross-registered course. Grades in such courses are not used in computing a student's GPA. Students enrolled in the Graduate Quarter Calendar programs are not eligible to cross-register.
  - a. Employees taking courses in Clarkson's MBA program may take two half-semester, 2 credit module courses, to count as one course toward the cross-registration limit. If only one 2 credit module is taken, that counts as one course.
4. Students will be enrolled as non-matriculated students at the host institution and the courses(s) will be transcribed at the host institution. At the end of the semester, an official transcript will be sent to the student's home institution and credit will be posted as transfer credit on their Clarkson transcript.
5. Cross Registration Regulations and forms can be found at ACSLV web page at <https://associatedcolleges.org/services/cross-registration/>

### III-F. Attendance

1. Instructors will include in their written course syllabi [see section II-C, Course Syllabus], at the beginning of the semester, their individual attendance requirements, including their policies for making up missed course work, laboratory and project work, tests, and examinations.
2. Absences never exempt a student from the work required for satisfactory completion of the course(s). Students have the responsibility for discussing absences with their instructors, and arranging for completion of work as necessary and possible. Instructors are encouraged to be reasonable in making accommodations.
3. In cases where a student is seriously ill for several days, has been hospitalized, is called home suddenly because of a family emergency, or when the student considers the circumstances of an absence to be too personal or confidential to be discussed with the instructors, the student may contact the Office of the Dean of Students. The Dean of Students will assess the circumstances, and if warranted will notify the instructors of the absence for the student. This does not alter the student's responsibility to work with the instructor eventually to make up missed work. In cases of prolonged absence, in which completion of a course on schedule has been jeopardized, refer to Regulation III-2. Incomplete Grades.
4. An instructor may request verification of a student's cause for an absence from examinations or tests from the Office of the Dean of Students. Such requests will be fulfilled as deemed reasonable and practicable. In those special cases where the Dean has been asked to notify instructors of absences (see section 3 above) the Dean may also request appropriate documentation or verification concerning the reason for the absence.
5. Instructors are requested to report three consecutive absences to the Dean of Students' office in order to provide a minimal check on the physical and academic well being of the student.

### Religious Observance

1. New York State Law mandates that Clarkson accommodate students who, for religious reasons, are unable to register for classes, take an exam, or attend a class. No student shall be expelled from Clarkson or refused admission because they are unable to register for classes, attend a class, or participate in any examination because of religious beliefs. Students are required to notify instructors of their impending absence in advance so that arrangements can be made for making up missed assignments, quizzes or tests.
2. The provisions of this policy are:
  - a. That faculty and administrative officials make available an equivalent opportunity to register for classes, make up an exam or study or work requirements.
  - b. If registration, classes, or exams are held on Friday after four o'clock or on Saturday, alternatives shall be made, where it is possible and practical to do so.
  - c. That a student may take action with the State Supreme Court if the institution does not make a good faith effort to comply. The only remedy is that Clarkson must comply with the legislation.
  - d. That the provisions of this legislation be made known to the students.

### III-G. Tests

1. In accordance with regulation II-C concerning preparation of a course syllabus, each instructor will provide within the first week after the start of each semester, a course outline to all students. This outline shall include at least tentative dates of tests. Instructors are encouraged to be flexible with examination dates whenever a substantial number of students request a change.
2. A student who fails to take a scheduled test may be marked as failed if they have not made alternative arrangements with the instructor. Make-up tests, if required, shall be held at the instructor's convenience, without charge.
3. Undergraduate exams, excluding the ABC exam series, and review sessions are to be scheduled during regularly scheduled class periods. When necessary, evening exam administration is primarily reserved for courses with multiple sections that don't share a common meeting time, courses scheduled for 50 minute periods for which 75 minute exam periods are needed, or courses where the number of students exceeds the capacity of available space for administering the exam as determined by the room reservation administrator(s) or course instructor. Tests or exams outside the regular class periods will be scheduled in one of the following three approved evening time blocks: Tuesday 6:30- 7:45. Tuesday 8:00-9:15, and Thursday 7:00-8:15.
4. The Provost may also approve other evening time blocks on a semester by semester basis. If a faculty member wishes to give a test or exam outside the regular class periods that is not in one of the approved evening time blocks, they must receive permission from the Provost.

5. If these tests or examinations are not included on the course syllabus (see Regulations II-C and III-G.1), instructors will ensure that written notice is given to students via email, posting to the course management system, or handout at least two weeks prior to the date of the test. At the discretion of the instructor, these tests or examinations given outside regular class periods may be considered rescheduled class meetings. Take-home exams are given at the discretion of the respective course instructor. Violations of the rule will be reported to the appropriate academic dean.
6. Tests and examinations cannot be given within one academic day following the end of a vacation.
7. Homework that is due on the first day immediately following a vacation cannot be assigned on the last day preceding the beginning of the vacation.
8. No tests or examinations of any kind can be given or be due (in the case of take-home exams) on any of the seven calendar days preceding the first day of final examinations or the first reading day, whichever comes first. For example: Spring semesters- the first day of reading and count back seven calendar days. Fall semesters- the first day of exams and count back seven calendar days. The only exception to this policy are tests or exams for laboratory, physical education, aerospace studies, and military science courses. Permitted activities include homework assignments, projects (provided they are not substantively based on material covered during this week), and class presentations.

### III-H. Final Examinations

1. Students will take a final examination in every course in which they are enrolled except for courses where a final project, presentation, or other structured learning component is required in lieu of a final examination. In accordance with Clarkson University Regulations governing the definition of a credit-hour [see II-D, Credit Hour Definition], the final requirement of such courses should occur during the regular final examination period and be comparable to a final examination. For such courses, instructors should include the final requirement in the course syllabus provided to students at the beginning of each semester that the course is to be offered.
2. Final exams may be no more than three hours in length.
3. All final examinations are to be given only during the regular final examination period.
4. No student will be required to take more than three final examinations in one day, or more than four in two consecutive days. For students with conflicts between exams, including too many finals per this regulation:
  - a. Courses in the major department have first priority (the highest numbered of these first),
  - b. Non-major courses in the home school/institute have next priority (the highest numbered first), and
  - c. Non-major courses from other schools/institutes have last priority (the highest numbered first).
5. Students are responsible for bringing final exam conflicts to the attention of course faculty, and faculty and student will schedule a time for the student to take the exam.
6. A student who fails to take a final examination may be marked as failed if they have not made alternative arrangements with the instructor. A make-up examination, if required, shall be held at the instructor's convenience, without charge.
7. In the event of spring semester exam conflicts related to Liberty League and/or NCAA championships (which could impact students on three of the five exam days), student athletes will inform faculty of potential exam conflicts at least three (3) weeks prior to the date of the exam via both an email and a meeting with the involved faculty. Faculty and students are to identify a plan for an alternate exam date at a mutually convenient time during the final exam period. In this specific situation, the alternate exam date could include the two reading days prior to exams if this is acceptable to both parties. The NCAA Faculty Athletic Representative will be available to assist in scheduling and/or proctoring an alternative exam if necessary.

### III-I. Grading System

#### 1. Letter Grades

##### A. Undergraduate Grading System

A+	Excellent	4.000 quality points per credit hour
A	Very Good	4.000 quality points per credit hour
A-		3.667 quality points per credit hour
B+		3.334 quality points per credit hour
B	Good/Above Average	3.000 quality points per credit hour
B-		2.667 quality points per credit hour
C+		2.334 quality points per credit hour
C	Satisfactory/Average	2.000 quality points per credit hour
C-		1.667 quality points per credit hour
D	Acceptable (minimum passing grade)	1.000 quality points per credit hour
F	Failure	0.000 quality points per credit hour
	Earned F Grade	Student attended and completed the course: documentation of an earned F grade must demonstrate that the student completed the course.
	Unearned F Grade	Student began the course and at some point during the semester stopped attending class and ceased participating in academically related activities. Documentation of an unearned F grade must support the last date of attendance or academically related activity as defined by Federal Regulations.
P	Passing	See Pass-No Credit Policy III.O
NC	No Credit	See Pass-No Credit Policy III.O
I	Incomplete	Incomplete grade: given only in cases described below. An I grade must be replaced by one of the above letter grades as required by the rules in below
W	Withdrawal	Grade assigned when a student drops a course or withdrawals from the University during the withdrawal period.
LW	Late Withdrawal	Grade assigned when a student drops a course or withdrawals from the University during the late withdrawal period.

## B. Graduate Grading System

A+	Excellent	4.000 quality points per credit hour
A	Very Good	4.000 quality points per credit hour
A-		3.667 quality points per credit hour
B+		3.334 quality points per credit hour
B	Satisfactory/Average	3.000 quality points per credit hour
B-		2.667 quality points per credit hour
C+		2.334 quality points per credit hour
C	Acceptable (minimum passing grade)	2.000 quality points per credit hour
F	Failure	0.000 quality points per credit hour
Earned F Grade		Student attended and completed the course: documentation of an earned F grade must demonstrate that the student completed the course.
Unearned F Grade		Student began the course and at some point during the semester stopped attending class and ceased participating in academically related activities. Documentation of an unearned F grade must support the last date of attendance or academically related activity as defined by Federal Regulations.
P	Passing	See Pass-No Credit Policy III.O
NC	No Credit	See Pass-No Credit Policy III.O
I	Incomplete	Incomplete grade: given only in cases described below. An I grade must be replaced by one of the above letter grades as required by the rules in below
W	Withdrawal	Grade assigned when a student drops a course or withdrawals from the University during the withdrawal period.
LW	Late Withdrawal	Grade assigned when a student drops a course or withdrawals from the University during the late withdrawal period.
S	Satisfactory	Satisfactory progress towards the completion of on-going project, thesis, or dissertation work for the semester. The S grade is removed and replaced with a P grade when the final report, thesis or dissertation is accepted by the Graduate School.
U	Unsatisfactory	Unsatisfactory progress toward the completion of an on-going project, thesis, or dissertation work for the semester. The U grade is removed and replaced with a P grade when the final report, thesis, or dissertation is accepted by the Graduate School.
Z	Audit	Course audit grade, carries no credit or quality points
WA	Waived with Credit	Indicates course has been waived with credit earned
WR	Waived with Replacement	Indicates course has been waived, with no credit earned. Students will take a replacement course in this case.

## 2. Incomplete Grades

- a. The grade of incomplete (I) is a temporary grade given when a student is unable to complete a course by the end of the academic term due to circumstances that are considered extenuating and beyond the student's control, and can be documented. Incomplete grades can only be given if all of the following conditions have been met:
  - i. The student has documented extenuating circumstances;
  - ii. The student has completed at least 75% of the course, and has no academic integrity violations for the course in the current term;
  - iii. The student's academic performance to date indicates an ability to pass the course; and
  - iv. The student has submitted their request for an incomplete grade no later than the last day of the academic term in which they wish to take an incomplete.
- b. Incomplete grades are contingent upon instructor approval, and instructors are under no obligation to grant them. In cases where an incomplete grade is to be considered, the following provisions apply:
  - i. The student must submit a request for an incomplete (I) grade to the course instructor no later than the last day of the term on an Incomplete Grade Request form. If a student is unable to submit a request for an incomplete (I) grade, the Dean of Students may submit the request on the student's behalf.
  - ii. In cases where normal practice requires extension of course requirements beyond the end of the term (such as travel, fieldwork, or professional experience), a grade of incomplete may be assigned without need for individual student request, with instructor and department chair approval.
- c. Instructors who approve of the request for an incomplete grade must outline the work required to successfully complete the course, as well as designate a deadline for the work to be completed. Whenever possible, the deadline should be no later than two weeks into the following term. If the faculty member disapproves the request, they shall submit the grade earned for the student at the end of the term.
- d. All students seeking more than two incomplete (I) grades in the same semester must consult with the Dean of Students and, if directed to do so, with the Director of University Advising and/or their SAS Specialist, prior to seeking faculty approval for their requests.
- e. The assignment of an incomplete (I) grade will be made by the Registrar's office upon receipt of a complete and approved Incomplete Grade Request form. The form must be received by the Registrar's office before the grading due date, otherwise the course instructor shall submit the grade earned by the student.
- f. To remove an incomplete (I) grade, the instructor shall submit a completed Change of Grade form to their department chair (or comparable administrative officer), and upon approval, it is sent to the Registrar's office. Then the specified grade shall replace the "I" grade in the term in which the student registered for the course.
- g. If a Change of Grade form is not received within five (5) business days from the deadline specified on the Incomplete Grade Request form, then a grade of "F" is recorded.
- h. If the student does not complete the work required to resolve the incomplete grade by the deadline specified on the Incomplete Grade Request form, then a grade of "F" is recorded.

## 3. Midterm Grades

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



#### **4. Posting Grades**

- a. No grades are to be publicly posted by name, social security number or by student ID. Final grades are entered online by the faculty by the designated deadline. Only grades recorded by the Registrar's office will be considered official.

#### **5. Changes in Grades**

- a. Once grades have been submitted electronically and posted by the Registrar to the students' transcript, the following procedure will be followed by all members of the teaching staff when it becomes necessary, for any reason, to change a student's grade.
  - i. Grades for a course must be based only on work performed before the end of each
  - ii. semester. Grade changes (except for the change of "I" grades) are permitted only in cases of errors in calculating or recording grades.
  - iii. The change of grade desired, together with adequate explanation, will be submitted by the faculty member concerned to their department chair (or designated School administrator).
  - iv. If the department chair (or designated School administrator) approves the request for a change of grade, the request will be submitted to the Dean of the School.
  - v. If the request is approved by the Dean of the School, the change of grade will be reported by the Dean of the School to the Registrar's office. The Registrar's office will make the appropriate change on the student's record and notify the student and the staff concerned.
  - vi. If a student determines a grading error has occurred, they may appeal their final grade by consulting with the instructor of record as soon as possible, but no later than the end of the add period of the following term. If exceptional circumstances exist, the Provost or delegate thereof may approve exceptions to this timeframe. If the student is not satisfied with the decision, Student Regulations Section VIII, Grievance Procedures, applies.

#### **6. Pass or No Credit**

- a. For graduate courses, a P indicates performance at or above the level required to maintain progress toward completion of degree requirements, and a NC indicates performance below the level required to maintain progress toward completion of degree requirements.

#### **7. Computation of Quality-Point Ratio**

- a. In the computation of the quality-point ratio, only work taken at Clarkson University and partner institutions for graduate study will be included. The quality-point ratio is computed by multiplying the number of quality points corresponding to the grade in each course by the hours of credit for the course, adding these products for each course taken, and then dividing this sum by the total number of hours taken.
- b. Each student's quality-point ratio will be computed at the end of each semester or term in which the student is enrolled and at the end of the summer session if they have been enrolled for summer work.

#### **8. Repeating Coursework**

- a. Graduate students may repeat courses in which they earned a grade below 3.000 (that is B-, C+, C, or F.) Each course can be repeated only once. There is no limit on the number of courses a student may repeat within the constraint imposed by the requirement that students have the ability to maintain satisfactory academic progress. See III-S. a. ii. concerning satisfactory progress.
- b. Undergraduate students may repeat courses in which they earned a grade below 2.000 (that is, C-, D, or F).
- c. When a course is repeated, the credits earned count only once for the purposes of satisfying degree requirements and calculating the student's GPA. Although the original grades remain on the student's transcript, the higher grade earned will be used in the official GPA calculation.
  - i. When the undergraduate student successfully completes an approved course off-campus with a grade of C (2.000) or higher, the original C- or lower grade will not be used in computing the GPA. When the graduate student successfully completes an approved course off-campus with a grade of B (3.000) or higher, the original B- or lower grade will not be used in computing the GPA. However, in all cases, the original grades remain on the student's transcript.

- ii. Note that a student who has been separated or has withdrawn from Clarkson must be continued or readmitted to the University before they can repeat a course. See III-Q. Continuance/Readmission Process.
- iii. There may be financial aid issues related to repeating courses; consult with the Office of Financial Aid.
- iv. Financial implications for Research and Teaching Assistants may exist; consult with your department prior to repeating a course.
- d. At the discretion of the chair of the department or director of the program in which the student is majoring, courses taken but not required for graduation may be omitted from the calculation of the cumulative average. Such courses, however, must remain on the transcript.
- e. Although a student's GPA may subsequently change due to courses being repeated or omitted, academic standing will not change; academic standing is based solely on the original semester performance. See Section III-R. Undergraduate Academic Honors.

### III-J. Transcripts

1. All individuals who attend Clarkson University have access to an official academic transcript. The academic transcript is the document that reflects the unabridged academic history of each student at the institution. It is a chronological listing of each student's total quantitative and qualitative learning experiences and achievements.
2. In accordance with the Family Educational Rights and Privacy Act of 1974, transcripts are issued only with the express written consent of the student.

### III-K. Off-Campus Courses for Clarkson Credit

#### 1. Undergraduate Students

- a. Courses taken through an academically accredited higher education program—college, university, or other educational entity may receive Clarkson credit upon review and approval.
- b. Courses taken by a Clarkson undergraduate student through cross-registration at one of the Associated Colleges of the St. Lawrence Valley. Credit for approved undergraduate courses taken by cross-registration at one of the Associated Colleges will be accepted and posted as transfer credit on the Clarkson transcript upon receipt of an official transcript indicating a grade equivalent to a C (2.000) or higher at Clarkson for undergraduate students. Grades in such courses are not used in computing a student's GPA. Find the [Cross-Registration Form](#). See III-E. Cross-Registration Policy, for additional information.
- c. Courses taken by a Clarkson undergraduate student at an accredited college or university. A Clarkson student may be granted approval to take a course at another college, university, or educational institution for Clarkson credit, provided the other institution has been accredited by a recognized accreditation body. For US institutions, the US Department of Education designates the nationally recognized accreditation agencies (for a current list of these see <http://ope.ed.gov/accreditation/>). To avoid the possibility of having a completed course disapproved, a student should obtain approval before taking a course. Undergraduate students obtain approval by completing an Off-Campus Permission Form through myCU. A catalog description of the course should accompany the Off-Campus Form, and the Form must have approval by the Clarkson department or school responsible for the subject of the course and by the student's department or program. Credit will be awarded for approved courses upon receipt of an official transcript indicating a grade equivalent to a C (2.000) or higher at Clarkson. Grades in such courses are not used in computing a student's GPA.
- d. Courses transferred into Clarkson for accredited non-collegiate instruction. A special case of transfer credit is credit granted by Clarkson for accredited non-collegiate instruction. Example of this are: credit recommendations by the American Council on Education on a Joint Services Transcript issued by the Department of Defense and satisfactory work as certified by an approved non-collegiate program listed in The Directory of the National College Recommendation Service (formerly known as the National Program on Non-collegiate Sponsored Instruction).
- e. Courses transferred into Clarkson by an incoming transfer student. Clarkson reviews prior course work at the college level as part of the transfer admissions process. Credit is granted on the basis of official transcripts from accredited institutions (see sub section C. above). Credit at the undergraduate level will be approved only for courses that are passed with grades equivalent to a C (2.000) or higher at Clarkson. Grades in such courses are not used in computing a student's GPA.

- f. Course credit for an incoming first-year student. Clarkson grants credit to incoming first-year students through its Advanced Placement program. See section III-M. Undergraduate Advanced Placement, below for detailed information.

## 2. Graduate Students

- a. In conformance with the requirements set forth in the University Catalog, Clarkson may grant permission to transfer graduate credit toward a masters degree (up to 10 credit hours) or a doctoral degree (up to 30 credit hours). With the Dean of the Graduate School's approval, a maximum of 12 credit hours of transfer credit may be granted toward a masters degree from a post-baccalaureate certificate program. In order to qualify for transfer credit, the student must have passed the graduate courses with a minimum grade of B or equivalent.)
- b. Courses taken by a Clarkson graduate student through cross-registration at one of the Associated Colleges of the St. Lawrence Valley: Credit for approved graduate courses taken by cross-registration at one of the Associated Colleges will be accepted and posted as transfer credit on the Clarkson transcript upon receipt of an official transcript indicating a grade equivalent to a B (3.000) or higher at Clarkson for graduate students. Grades in such courses are not used in computing a student's GPA.
- c. Courses taken by a Clarkson graduate student at a partner institution for graduate study: Credit for pre-approved graduate courses from partner institutions for graduate study for which the Clarkson President has approved a formal partnership and exchange agreement may be accepted with letter grades as assigned by the institution in accord with Clarkson grading standards and policy. The Office of the Dean of each Clarkson school maintains a current list of such partner institutions and approved courses. With the permission of the Dean of the student's school, grades in such courses may be used in computing a student's GPA. The Dean of the student's school must approve such courses prior to enrollment. The total credit hours a graduate student may receive from a partner institution for graduate study plus graduate transfer credit from other institutions is limited to no more than 50% of the credit hours required for the student's Clarkson degree program.
- d. Courses taken by a Clarkson student at an accredited college or university: Graduate students should consult with their graduate coordinator about the approval process in their program. Credit will be awarded for approved courses upon receipt of an official transcript indicating a grade equivalent to a B (3.000) or higher at Clarkson. Grades in such courses are not used in computing a student's GPA.

## III-L. Graduate Course Waivers with Credit

1. There are circumstances in which a student's undergraduate academic preparation provides sufficient mastery of particular topic(s) that the student does not need to take a graduate course covering similar topic(s). In such cases, a course on the list of graduate program requirements may be "Waived with Credit" through assessment of prior undergraduate academic preparation. Courses that are "Waived with Credit" are recorded as (WA) on the transcript along with the credit they carry but are not counted in the GPA computation.
  - a. Up to 9 graduate credits can be waived
  - b. The total waived plus transfer credits cannot exceed 12 credits for master's level programs, and 32 credits for doctorate level programs.
  - c. Students must earn a grade of B or better in each course to receive the waiver
  - d. Applicants must have completed the specific courses at the institution with which Clarkson has the agreement.
  - e. Advanced Placement (AP), International Baccalaureate (IB), or other test credits do not count toward waivers
  - f. Waivers can only be granted if the student is admitted into a masters or doctoral level program within five (5) years from when the student completed the first undergraduate course for that particular waiver.
2. A list of specific Course Waivers with Credit may be established by formal agreement between Clarkson and another institution via an agreement approved by the designated responsible administrator(s). These agreements list the courses at the other institution that can be used in the given Clarkson degree program. These lists are established through the following procedure:
  - a. Validation that courses are from an accredited institution comparable to Clarkson's accrediting entities by School or Institute.

- b. The individual courses that will be used in a given Clarkson degree program are evaluated for possible inclusion on the list by the Clarkson faculty associated with the degree program.
  - c. This faculty then recommend the list to the appropriate Clarkson academic administrators, and upon their approval the list is included in the partner and agreement submitted to the designated responsible administrator(s) for approval.
3. With approval from the designated responsible administrator(s), similar coursework outside the frame work of an agreement may be established with an accredited, four-year, domestic undergraduate program, using the same guidelines noted above.

### **III-M. Undergraduate Advanced Placement**

1. Advanced placement credit, defined as college-level credit earned either in high school or college prior to matriculation at any college, may be awarded by high attainment on College Level Examination Program (CLEP) Examinations, College Board Advanced Placement (AP) Examinations, examinations specially prepared or approved by the Clarkson departments involved, or by transfer of college courses taken elsewhere. Consideration will also be given for International Baccalaureate (IB) High Level Course examinations. Academic credit for non-college work done outside the framework of nationally recognized programs such as CLEP, AP, and IB will not be granted unless students can show proficiency by testing. Advanced placement credit may be counted toward graduation requirements, but it will not be used in computing a student's GPA. Additional information including standards and required scores can be found at Clarkson's Advanced Placement website, <https://www.clarkson.edu/student-achievement-services-sas/ap-credit-transfer-information>. The following conditions apply:
  - a. College Level Examination Program (CLEP) credit for those courses applicable to the curriculum will be given to an applicant with a score of 60 and above in the examinations that cover individual subjects. Credit will not be given for the four general examinations – Humanities, College Mathematics, Natural Sciences, and Social Sciences and History.
  - b. An applicant successfully completing a College Board Advanced Placement (AP) Examination with a score of four (4) or better may receive credit for those courses applicable to the University curriculum. Follow this [link](#) for scores required in specific tests and Clarkson course equivalency.
  - c. The University offers advanced standing and/or credit for scores of 5 through 7 on the International Baccalaureate (IB) Higher Level Examinations for those courses applicable to the University curriculum.
  - d. Advanced placement credit based on a college-level course transferred from another academically accredited institution (see III-K-C for more information) will be awarded upon receipt of both a course description and an official transcript indicating a grade equivalent to a C (2.000) or higher at Clarkson, provided the course is evaluated to be appropriate for Clarkson credit by the Clarkson department or school responsible for the subject of the course. The special case of credit for accredited non-collegiate instruction is handled as specified in Section III. K.
2. All advanced placement credit is assigned by the Registrar's office according to policy set by the University's academic units. Advanced placement should be determined before the student's first registration on campus, but must be finalized before the student's second registration on campus. Advanced placement credit based on tests or examinations (including AP, CLEP, IB, and Clarkson advanced placement and proficiency examinations) will be limited to a combined total of 30 hours.

### **III-N. Credit For Armed Forces Courses**

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

### **III-O. Pass or No Credit Policy**

#### **1. Undergraduate Courses**

- a. Certain undergraduate courses that may involve innovative teaching methods and/or objectives that do not readily lend themselves to traditional methods of evaluation may be designated by the department as pass or no credit courses. Departments must designate them as pass or no credit prior to registration.
- b. For undergraduate courses, a grade C (2.000) and above will be considered passing (P). A grade of C- (1.667) and below will be considered no credit (NC).
- c. Undergraduate students may take up to 24 credit hours on a pass or no credit (P/NC) basis. Up to six hours may be taken per semester with the following provisions:
- d. Any free or undesignated elective may be taken on a pass or no credit basis without further restriction. (Free or undesignated electives are those courses in a student's curriculum upon which there are no restrictions or limitations other than the listed prerequisites.)
- e. With the approval of the degree-granting department or program and the department supervising the course, any other course may be taken on a pass or no credit basis.
- f. No course having non-zero credit hours that is used to satisfy a requirement for a minor may be taken on a pass or no credit basis.
- g. An undergraduate student wishing to take a course on a pass or no credit basis must submit to Student Achievement Services a pass/no credit form within the first two weeks of classes indicating approval of advisor, and, if not a free or undesignated elective, approval of the course department chair.
- h. The student will be permitted to change their designation up to the end of the add period.
- i. The instructor will not be informed that a student is taking a course on a pass or no credit basis.
- j. The Registrar will convert the instructor's letter grade to Pass (P); in the case of non-pass, the course will appear on the student's transcript with an NC (no credit) notation.
- k. Pass grades will not affect the quality-point average (GPA) but a Pass grade will be applied to the credit hour requirement for graduation.
- l. If a student transfers to another department or program and has received pass credit for courses that are now requirements, the department will accept these credits toward the major requirements.

#### **2. Graduate Courses**

- a. Departments may designate certain graduate courses as pass no-credit courses. Typically these are courses that involve innovative teaching methods and/or objectives that do not readily lend themselves to traditional methods of evaluation. Departments must designate them as pass or no credit prior to registration.
- b. For these designated graduate courses, a P indicates performance at or above the level required to maintain progress toward completion of degree requirements, and a NC indicates performance below the level required to maintain progress toward completion of degree requirements.
- c. Pass grades will not affect the quality-point average (GPA) but a Pass grade will be applied to the credit hour and other requirements for degree and graduate certificate completion.
- d. If a student transfers to another department or program, the new department or program will accept these credits toward degree or graduate certificate requirements.

### **III-P. Leave of Absence and Withdrawals**

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

Any graduate student planning to exit the University, whether permanently or for a Leave of Absence, should initiate the process with the Graduate School. The University may require a written statement from the student, and other documentation as may be appropriate, to support a Leave of Absence or withdrawal request.

## 1. **Leave of Absence – Undergraduate**

- a. A Leave of Absence can only be granted to undergraduate students who were in good academic standing the semester prior to the leave as noted on the academic transcript for the previous full semester. A leave may also be granted for new students with no prior academic semester standing. Please refer to section III-S for rules relating to academic standing. Leaves of Absence are always enacted for future semesters. Should a student exit the University during a semester, the University defines that action as a Withdrawal (see C below.)
- b. A student in good academic standing may apply to the Dean of Students or their designee for a Leave of Absence. For students who are seeking a Medical Leave of Absence see 4. Medical Withdrawal below.
- c. An approved leave provides the student with the right to return to Clarkson according to the readmission procedure (see III-Q. Continuance/Readmission Process) and subject to any restrictions or requirements as may be imposed at the time of the leave.
- d. A Leave of Absence cannot exceed two (2) consecutive semesters.
- e. Students considering a Leave of Absence are required to contact their Student Achievement Specialist to discuss appropriate requirements for exit from the University.

## 2. **Leave of Absence – Graduate**

A Leave of Absence for a graduate student is permitted at the discretion of the graduate coordinator or the dean of the school.

## 3. **Withdrawals**

If a student's intent is to permanently leave or the student is not in good standing with the University, and/or the student wishes to exit during a semester, students are withdrawn from Clarkson University. If a withdrawn student desires to return, the student must follow the readmission procedure (see III-Q. Continuance/Readmission Process). The University does not guarantee a place for a withdrawn student in any particular term of return.

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

## 4. **Medical Withdrawal**

### a. **Voluntary Medical Withdrawal**

When a student experiences serious medical (physical or psychological) problems while enrolled as a student in a Clarkson program, they may request to take a voluntary medical leave of absence for a future semester/term, or, if the student's request is to be excused from the University during a semester/term, a medical withdrawal will be initiated. If a withdrawal is approved, the student will leave campus immediately, and could be granted grades of W/LW (depending on date of withdrawal) in all enrolled

courses. For withdrawals, the student will be notified of and obligated to follow III-Q. Continuance/Readmission Process if they desire to return to Clarkson. Documentation from an appropriate medical professional may be required to support a request for a medical leave of absence or withdrawal or a subsequent request to return to Clarkson.

**b. Involuntary Medical Withdrawal**

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

- i. Poses an imminent threat to the lives or safety of themselves or other members of the Clarkson community, or
- ii. Has a medical (physical or psychological) problem that cannot be properly treated in the University setting, or
- iii. Has evidenced a medical condition or behavior that seriously interferes with the student's ability to function and/or seriously interferes with the educational pursuits of other members of the Clarkson community. Except in unusual circumstances where safety is of immediate concern, the University will make a decision to involuntarily withdraw or place the student on leave of absence only after providing the student with advance notice and an opportunity to be heard.
- iv. In unusual circumstances, the University may impose an interim withdrawal or impose other conditions (e.g., restricted campus or housing access) without first meeting with the student. In those instances, the student will be provided with notice in the interim and will be provided with an opportunity to be heard (normally within 72 hours) before a final decision is reached. A student may be required to undergo evaluation by either a counselor from the University's health and counseling center or an external medical professional of the University's choosing.
- v. This process will also apply to those instances where the student is not withdrawn entirely from the University but where the University imposes restrictions on the student's campus participation (e.g., restricted campus or housing access).
- vi. A student withdrawn involuntarily must leave campus immediately and will receive appropriate transcript grade notations based on their exit date. For leaves of absence or withdrawals, the student will be notified of and obligated to adhere to any readmission requirements if they desire to return to Clarkson. Documentation from an appropriate medical professional may be required to support a subsequent request to return to Clarkson.
- vii. A student who feels aggrieved by a final decision which involuntarily withdraws the student or places the student on leave of absence or which refuses the student's request for a voluntary withdrawal or leave of absence may file a written request for reconsideration with the Vice President for Enrollment & Student Advancement within seven (7) calendar days of notification of the decision.

### **III-Q. Continuance/Readmission Process**

#### **1. Undergraduate**

- a. All students who have left Clarkson University for any reason must complete the appropriate process for return. The University requires students to request to return by the process as indicated on the Clarkson website. Documentation may be required to establish that the issue necessitating the leave has been addressed. However, returning to Clarkson will not be allowed if a student is delinquent on a Clarkson loan or has an outstanding tuition balance. The University reserves the right to deny continuance or readmission where intervening circumstances warrant a denial.
- b. All cases of undergraduate continuance and readmission are reviewed and either approved or denied through the University's Continuance and Readmission Committee. Appeals are considered only when (1) a procedural error has occurred that has a direct impact on the outcome, or (2) new evidence has come to light that has a direct impact on the outcome, and that could not have been discovered during the original review. The decision made by the Committee is final. The Committee reserves the right to require a change in a student's academic major, class schedule, and/or advisor as part of the continuance process. The Committee may also stipulate certain requirements for students (i.e. attending tutoring or seeing their advisor regularly) as part of the decision.

- c. **Continuance or Readmission following Academic Separation:** Any student who has been placed on academic separation and who wishes to return to Clarkson must request continuance or readmission by completing the Request for Continuance or Readmission process as described on the Clarkson website.
  - i. The Request for Continuance process indicates the student wishes to return the semester immediately following academic separation.
  - ii. The Request for Readmission process indicates there has been a break of one or more semesters between the student's academic separation, and the semester in which they wish to return.
- d. **Readmission:** Former students who have been away from Clarkson for at least one semester and did not leave due to academic separation must request readmission by submitting a Request for Readmission form. If readmission is approved, they must pay a \$300 deposit before the official readmission takes place.
- e. **Readmission after a Leave of Absence:** Former students who have been away from Clarkson on a Leave of Absence for at least one semester must request readmission by submitting a Request to Return from a Leave of Absence form to the Continuance and Readmission Committee. In cases of a return from an official leave of absence, such approval is assumed but needs to be verified.
- f. **Medical Readmission:** If a Leave of Absence or withdrawal was granted for medical reasons, additional documentation may be requested from health care professionals verifying the student is medically fit to return. Decisions about the need for such documentation will be made on a case-by-case basis, given the student's circumstances, available medical information, and the needs of the University programs to which the student intends to return.
  - i. During a medical leave of absence, the university expects the student to undergo professional health-care treatment as the primary method of resolving the initial problem to the point where the student can successfully and safely participate in the educational program. Failure to seek ongoing treatment will raise serious doubt as to the student's readiness to return, and in such cases the university may withhold readmission until appropriate treatment has been received.
- g. **Deadlines for requesting Continuance and Readmission Continuance:**
  - i. All Continuance requests must be made by the deadline outlined in the separation email sent by the Registrar to the student. Once the deadline has passed, the process is closed, and Continuance will not be possible.
  - ii. Readmission requests must be received one month before the beginning of the semester the student wishes to return and any supporting documents 2 weeks prior to the first day of class.

## 2. Graduate

- a. **Continuance for students in graduate Business, Engineering, and Interdisciplinary programs:** Students who are separated from the University by the process described in Section III-S. Academic Standing, may not enroll in future terms until approved by The Graduate School's Readmission and Continuance Committee. Appeals to this committee for continuance must be made in writing by the student, following the guidelines and deadlines set forth in the Notice of Academic Separation sent to the student. The decision must be given to the student and the Registrar in the published time frame. If continued, students are placed on academic warning for the term into which they are continued.
- b. **Continuance for students in Graduate Health Science programs**
  - i. Academic progress is evaluated at the end of each term and/or course by the appropriate program faculty. Students are notified as to their academic standing within five (5) business days of completion of the semester or course by the appropriate department.
  - ii. Students who are determined not to be meeting minimum GPA requirements or not maintaining satisfactory academic progress will be separated from the University. Students and the Registrar will be notified within 5 business days of completion of the academic term or course by the appropriate department. Students who are separated from the University by the process described above may not enroll in future terms.
  - iii. Appeal: Students who are separated from the University may appeal the decision in writing to the Graduate School's Readmission and Continuance Committee within three (3) business days of receiving notification of separation from the University. For students in the professional health sciences programs the committee shall consist of the Dean or Associate Dean of Arts and Sciences or Dean of Students (or his/her designee), and one faculty member from each of the graduate professional Health Science programs. The chair of the program in which the student was enrolled will serve on the committee to provide information, but will not be a voting member. The committee will review all appropriate information and provide a decision to the student



regarding the appeal within five (5) business days of receipt of the appeal. If allowed to continue in the program, the student is placed on academic warning for the term into which they are continued and may need to develop an approved action plan to support their academic progress in subsequent terms.

- c. **Continuance for students in Graduate Department of Education programs:** Consult the department handbook.
3. Academic standing status for past terms is not modified based on future GPA changes due to courses being repeated or omitted from the cumulative GPA.

### III-R. Undergraduate Academic Honors

1. An undergraduate student must be enrolled in at least 14 credits, of which 12 or more must be for letter grade, and receive no failing grades in order to qualify for the Dean's List or as a Presidential Scholar.
  - a. A student is eligible for the academic Dean's List in any semester in which they earn at least a 3.250 quality-point average.
  - b. A student is eligible for the Presidential Scholar List in any semester in which they earn at least a 3.800 quality-point average.

### III- S. Academic Standing

#### 1. Undergraduate Students: Academic Standing

- A. Academic Standing is assigned at the end of the Fall or Spring semesters based on semester GPA, credits attempted, and prior term standing.
- B. A student in good standing whose current semester quality-point average falls below 2.000 shall be placed on academic warning.
- C. A student on academic warning whose current semester quality-point average is at least 2.000 and who has received grades for at least 12 credit hours in the current semester will be placed on academic good standing. A student on academic warning whose current semester quality-point average falls below 2.000 or who fails to receive grades for at least 12 credit hours in the current semester shall be placed on academic probation.
- D. A student on academic probation whose current semester quality-point average is at least 2.000 and who has received grades for at least 12 credit hours in the current semester will be placed on academic warning. A student on academic probation whose current semester quality-point average falls below a 2.000 or who fails to receive grades for at least 12 credit hours in the current semester shall be separated from the University.
- E. Students enrolled as part-time may be exempt from the 12-credit-hour regulation with concurrence of the Chair of the student's department and the Executive Director of Academic Affairs.
- F. Any student whose current semester quality-point average falls below 1.000 will be separated from the University. Please see III-Q Continuance/Readmission Process related to readmission following academic separation for further information.
- G. The academic status acquired at the end of any semester shall take effect at the beginning of the next summer school or semester in which the student registers, or in the case of separation, shall take effect prior to the beginning of the next academic term (summer school or semester, whichever comes first).
- H. Academic standing is based solely on performance within the semester and does not change due to subsequent changes in GPA due to courses being repeated or omitted.

#### 2. Graduate Students: Academic Standing & Separation

This section applies to all graduate students except those in Health Sciences and Department of Education programs.

- A. Clarkson graduate students are regarded in "academic good standing" if they satisfy two conditions:
  - i. Minimum Cumulative Grade Point Average (GPA)

1. Academic good standing: Students are in academic good standing if they have a minimum 3.000 cumulative Grade Point Average (GPA). The cumulative GPA is calculated at the end of each term.
  2. Academic warning: Students in good academic standing whose cumulative GPA falls below 3.000 will be placed on academic warning. Students on academic warning whose cumulative GPA is 3.000 or higher at the end of their next term will return to academic good standing.
  3. Academic separation: Students on academic warning whose cumulative GPA is below 2.700 at the end of their next term will be separated from the University, and this separation will be recorded on the official transcript.
- ii. Satisfactory Degree Progress
1. Graduate students are required to maintain satisfactory academic progress. In order to maintain satisfactory academic progress, students must be able to complete their degree within the published maximum time frame allowed for that particular degree. Multiple factors determine this: the courses and other academic requirements remaining to complete the degree program, the time remaining to complete these, other program/degree requirements, and the mathematical possibility of achieving the 3.000 cumulative GPA required for graduation.
- B. Academic progress is evaluated at the end of each term by the appropriate Graduate Coordinator and Program Administrator(s).
- C. Students who are determined not to be maintaining satisfactory academic progress will be separated from the University.
- D. Thesis-based students who have completed all coursework and receive two consecutive terms of unsatisfactory progress may be dismissed following evaluation by the Graduate School's evaluation committee.
- E. The designated responsible administrator shall notify the students and the Registrar of separations within 5 business days of the decision. Separation will be recorded on the official transcript.
- F. Academic standing status for past terms is not modified based on future GPA changes due to courses being repeated or omitted from the cumulative GPA.

### 3. Graduate Health Sciences: Academic Standing and Separation

Academic Standing and Separation for Graduate Professional Health Sciences Programs (OT, PT, and PA) encompass academic course work, clinical skills, and professional behaviors.

- A. Clarkson University graduate students in the Professional Health Sciences program are regarded in "academic good standing" if they satisfy the following conditions:
- i. Minimum Cumulative GPA Standards
    1. Academic Good Standing: students are in Academic Good Standing if they have a minimum 3.000 cumulative GPA. The cumulative GPA is calculated at the end of each term.
    2. Academic Warning: Students in good academic standing whose cumulative GPA falls below 3.000 will be placed on academic warning. Students may also be placed on academic warning for not meeting department professional behavior standards. Students on academic warning whose cumulative GPA is 3.000 or higher at the end of their next term will return to academic good standing.
    3. Academic Separation - Students will be separated from the University for any one or more of the following:
      - a. The student is on academic warning and has a cumulative GPA below 2.700 at the end of the term following initial placement on academic warning
      - b. The student receives a grade below a C in any course.
        - Students in the Physician Assistant Studies program may receive a grade below a C on one full-time clinical education course. However, in this case,

students must petition the department to continue in the program and will need to retake that full-time clinical education course.

- c. The student receives a grade of No Credit (NC) in a full time or integrated clinical education course.
  - d. The student demonstrates professional behaviors that violate the profession's code of ethics.
  - e. The student is on academic warning for more than a total of 2 semesters.
  - f. The student withdraws from a course because they will not be able to satisfactorily pass the course
  - g. Not meeting Satisfactory Academic Progress, [see section 2. ii. above]
- ii. Satisfactory progress toward the degree
    1. Graduate health science students are required to maintain satisfactory academic progress. In order to maintain satisfactory academic progress, students must be able to complete their degree within the published maximum timeframe allowed for that particular degree. The following factors determine this: professional behavior standards of the programs, safety with clinical skills, the courses and other academic requirements remaining to complete the degree program, the time remaining to complete these, other program/degree requirements, and the feasibility of achieving the 3.000 cumulative GPA required for graduation.
    2. Students in the Physician Assistant Studies program must have a cumulative GPA of 3.000 at the end of the didactic portion of the curriculum to proceed to clinical internships.

#### **4. Graduate Department of Education programs: Academic Standing and Separation**

Consult the department handbook.

#### **III-T. First Year Seminar Requirement (FY100)**

1. All entering Clarkson students who are classified as first-year students are required to complete the FY100 course (PE100 for Clarkson School students) as a requirement for graduation. The Dean of Students may designate some other first-year transition experience as a substitute for FY100. It is recommended that students complete this course during their first year, and they are automatically enrolled in this course if they enter in the fall semester.
2. Three categories of students who are exempt from FY100 requirement:
  - a. Students who have previously matriculated as a full-time student at a residential university
  - b. Military veterans, and;
  - c. Entering Clarkson students who are classified as transfer students.
3. The Dean of Students and First Year Seminar Coordinator will work together to provide exempt students with access to relevant information equivalent to what newly matriculated students can access through FY100.

#### **III-U. Double Majors and Second Clarkson Degrees**

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

### III-V. Graduation

1. Based on information supplied by the University, each student is responsible for ascertaining and meeting the requirements for graduation. The student must satisfactorily complete the curriculum and satisfy the graduation requirements prescribed by any one catalog in force during a period of the student's matriculation at Clarkson.
2. At the time of graduation, all requirements for the student's program of study, completing a double major and any minors or concentrations must have been completed. All majors, minors, concentrations, degrees, and certificates must be formally registered and part of the student's academic record prior to the date the degrees are approved.
3. To be eligible for graduation, an undergraduate student must satisfy each of the following requirements:
  - a. A student entering as a first semester freshman must have been in residence for at least four semesters, including the final undergraduate semester; or, if entering with advanced standing, have completed at least half the remaining upper-level undergraduate work in residence at Clarkson. The program must include a minimum of two semesters (30 credit hours) including the final undergraduate semester.
  - b. Must have satisfactorily completed the curriculum in which the student is registered.
  - c. Any student who, upon matriculation at Clarkson, is assigned to the Class of 1989 or later must achieve a cumulative GPA of at least 2.000.
  - d. Any student who, upon matriculation at Clarkson, was assigned to the Class of 2004 or later, must achieve a cumulative GPA of at least 2.000 in the major field of study, and if completing one or more minors, must have achieved a GPA of at least 2.000 in each minor. The lists of courses that constitute the major and minor fields are determined by the department or academic unit that offers the degree program or minor and are maintained by the Registrar's office.
  - e. Must have satisfied the FY100 requirement, unless exempt, as outlined in III-T First Year Seminar Requirement (FY100).
  - f. Must have completed the Clarkson Common Experience as specified in the catalog.
4. The student becomes a degree candidate when the department chair or program director certifies that the student has completed department or program and University requirements for graduation and, consequently, recommends them to the faculty for the conferring of the appropriate degree. If a failed course has been removed from the curriculum or is an elective, the student may meet graduation requirements by the substitution of another course that has the written approval of the chair or director of the degree-granting department or program.
5. Successful completion of minors or concentrations, if any, is certified by the department chairs or program directors of the academic units offering the minors.
6. With the written approval of the Chair or Director of the degree-granting department or program, an undergraduate student who has completed all but six hours for graduation may take them off-campus. (See Section III-K. Off-Campus Courses for Clarkson Credit for further information.) These undergraduate students are also eligible to participate in the Commencement ceremony. At commencement an undergraduate student will receive the bachelor's degree "with distinction" if their cumulative quality-point average is at least 3.250 or "with great distinction" if it is at least 3.750.
7. In order to receive their diploma, students must have met all financial obligations to the University within the time specified by the Bursar's office. No diploma will be prepared for any student whose financial obligations to the University have not been met.

### III-W. Exceptions

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

## **IV. Academic Integrity**

### **IV-A. Code of Ethics**

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

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

### **IV-B. Academic Integrity Committee**

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

The Committee is the primary body for adjudicating alleged violations. If faculty members elect to levy sanctions on their own authority against students for violations committed in their courses, they must inform the charged students of their right to appeal the sanction to the Committee and inform the Academic Integrity Committee of any sanctions levied. Once the faculty notifies the student of their action, it should be noted in the letter from the faculty member that the student has the right to appeal the decision to the Academic Integrity Committee and has seven (7) calendar days to make their decision to appeal known to the chair of the Academic Integrity Committee. Once the seven days have passed, the decision of the faculty member is considered final.

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

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

Duties of the Committee:

1. To adjudicate referred cases
2. Hear appeals to sanctions imposed by individual faculty members
3. Inform the Dean of Students Office

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

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

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

### **Appointment Requirements and Procedures**

- Undergraduate student members shall be selected by the Student Senate in the spring to serve for the following academic year. The Student Senate shall appoint three members and one alternate to the Committee. If any vacancy shall exist during the year, the Student Senate shall appoint the alternate to the Committee for the balance of the year. Recall: The student members of the Committee shall be ancillary to Article XIII of the CUSA Constitution.
- Graduate student members shall be selected in partnership by the University Faculty Senate and the Graduate Student Association in the spring to serve for the following academic year. The Faculty Senate shall appoint three members and one alternate to the Committee. If any vacancy shall exist during the year, the Faculty Senate shall appoint the alternate to the Committee for the balance of the year.

- The Faculty Senate will select from the full-time Clarkson faculty the chair, three additional members, and two alternates in the spring to serve for the following academic year.

### **Responsibilities of the Chair**

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

### **Procedures**

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

### **Hearings**

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

integrity occur during the period of ethical probation, a recommendation to the president for ethical suspension would ensue automatically.

2. Grade of F for the assignment or examination.
3. Grade of F for the course or for a percentage of the course. A grade of F submitted by the instructor, either for a piece of work or for the course, as a sanction for a violation of academic integrity, may be overturned by the Committee.
4. Grade sanction for the course, equal to half integral amounts of a letter grade up to a maximum of three letter grades.
5. "Ethical Suspension" the student will be suspended for a period of time indicated in a letter from the chair of the Academic Integrity Committee. The committee may enact other conditions as part of the sanction of ethical suspension. The chair will make it known to the Registrar's Office, the Provost, and the Vice President for Student Affairs and the Dean of Students.
6. "Ethical Expulsion" the student will be expelled from the University and will be notified by a letter from the chair of the Academic Integrity Committee. The chair will make it known to the Registrar's Office, the Provost, and the Vice President for Student Affairs and the Dean of Students.
7. A course affected by academic integrity sanctions cannot be dropped. The chair may vote to break ties. The chair shall forward the recommendations to the President or his designated representative.

## **Adjudication**

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

### **Right to Appeal the Decision by the Academic Integrity Committee**

Should a student choose to appeal the decision by the Academic Integrity Committee, the appeal of an Academic Integrity Committee decision must be submitted in writing to the Provost within 7 calendar days from the date of the Hearing Committee decision.

The ground(s) for the appeal must be included and clearly stated in the request. Grounds for appeal are limited to:

- a. A procedural error occurred during the process that had a direct impact on the outcome;
- b. New evidence has come to light that has a direct impact on the outcome which could not have been discovered by a properly diligent person before or during the original proceeding; or
- c. The decision as to responsibility and/or sanction is arbitrary or capricious, including but not limited to as a result of bias or disregard of substantial evidence, or because the sanction(s) is (are) clearly disproportionate to the violation.

The Provost will have the right to question any and all individuals who can assist in the final determination of the appeal.

The Provost will then make one of the following decisions:

- a. Affirm the finding of responsibility and affirm the sanction(s).
- b. Affirm the finding of responsibility and increase or decrease the sanction.
- c. Remand the case back to the original Academic Integrity Board or ask that a new one be formed. This may occur if specified procedural errors were so substantial as to effectively deny the student a fair hearing, or if new and significant evidence became available which could not have been discovered by a properly diligent person before or during the original proceeding.

The Provost will notify the student and Dean of Students of the decision with an explanation of the final action.

## **V. Code of Student Conduct**

### **V-A. Definitions**

1. University: Clarkson University all locations.
2. Academic Community: all members of the faculty, administration, staff, and student body.
3. Student: an individual who is enrolled (full or part time) in courses offered by the University.
4. University Premises: buildings and grounds owned, leased, and used by the University.
5. University-sponsored Activity: any activity on or off campus that is initiated, organized, controlled and/or supervised by the University.

6. Organization: a number of people belonging to a recognized University group.

## **V-B. Prohibited Conduct**

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

1. Violations of any federal, state, or local law, where, in the judgment of the University, the person charged endangers the property or threatens the personal safety of the academic community.
2. Violations of University policies and regulations as stated in this booklet and any other regulations that may be enacted.
3. Fraudulent or dishonest conduct, including but not limited to, providing false information to the University.
4. Failure to comply with instructions of administrative officials, including resident advisers, who have duly identified themselves.
5. All forms of academic dishonesty, including cheating, fabrication, plagiarism, and aiding and abetting a dishonest act. (A violation pertaining to this item will be handled through the Academic Integrity procedures.)
6. Intentional disruption or obstruction of teaching, research and administrative activities or any other form of infringement upon the rights or freedoms of a member of the academic community.
7. Theft from or damage to the University, University-affiliated services, members of the academic community, or visitors to campus, as well as damage to their property.
8. Abuse, verbal or physical, or threat of same upon any member of the academic community.
9. Any behavior that is socially or morally unacceptable.
10. Unauthorized use, possession or storage of any weapon, explosive device or material, including but not limited to firearms, knives, fireworks or ammunition.
11. Possession, use or distribution of a controlled substance or illegal drug or paraphernalia related to its use.
12. Tampering with fire-warning devices, protection equipment and other related devices designed to protect the safety of the academic community.
13. Engaging in recruitment or initiation activities with, becoming a member of, perpetuating, or otherwise engaging in activities as an actual or prospective member of a fraternal or similar selective membership organization not officially recognized by the University.
14. Repeated offenses, which, by themselves, would not warrant suspension or dismissal, but collectively indicate that further attendance by the student is not in the best interests of the student or the University.

## **VI. Disciplinary Proceedings**

### **VI-A. Designation of Authority**

Any person assigned a role pursuant to this policy may delegate their Authority with approval of the Dean of Students, or the University may require reassignment of such role, to another appropriate person to avoid bias or conflicts of interest, or in other circumstances, as deemed necessary. The University may also utilize appropriately trained individuals for any role under this policy as it may deem necessary or appropriate.

### **VI-B. Dean's Inquiry**

A Dean's inquiry occurs when the name of a student or organization comes to the attention of the Dean of Students staff as someone who may have committed a violation of the Code of Student Conduct. The disciplinary process is an administrative and not a criminal proceeding, therefore, there is no need to define prohibited conduct or the investigation or adjudication procedures with the specificity required in criminal law. In general, a student or organization shall be entitled to a proceeding that is fundamentally fair and that shall comply generally with the following. Strict adherence is not required.

Generally Applicable Procedures:



- A. The student or organization will be notified of the charges, which will consist of the following information at a minimum: the nature of the misconduct in which the student and/or organization is suspected of having engaged and the section(s) of the Code of Conduct that may have been violated. A Dean's inquiry, which is a fact-finding process, may or may not lead to sanctions against the student and/or organization.
- B. The nature of the investigation depends on the nature of the matter under inquiry.
- C. A Dean's inquiry may be conducted as a series of meetings, typically including meetings with the charged student or organization and/or relevant witnesses.
- D. As a general rule, the only person who may attend a Dean's inquiry is the person being interviewed. Other persons, such as an advisor or support person, may be present during the interview process at the Dean of Students' discretion. In cases of alleged violation of the University's Equal Opportunity, Harassment, and Nondiscrimination Policy, there is a right to an advisor. A party (*i.e.*, the charged student or organization, or the person reporting an allegation (if applicable)) is not entitled to attend meetings with other parties or witnesses.
- E. The University endeavors to complete the Dean's inquiry phase promptly. Ordinarily, this phase is completed no more than 30 calendar days after the allegations come to the attention of the Dean of Students office. However, several circumstances may require a longer Dean's Inquiry process, including but not limited to the complexity of the case, involvement of law enforcement, and availability of witnesses.
- F. Pending the decision as to whether the student or organization is responsible for the violation(s), the status of a student should not be altered, or their right to be present on the campus and to attend classes suspended, except in circumstances where the Dean of Students deems such action necessary to protect the safety and/or well-being of the student, other members of the campus community and/or University property or operations. In certain cases, interim measures may be necessary to safeguard the campus environment, including but not limited to housing or course reassignments or temporary suspension. The University retains the right to impose interim protective measures in its sole discretion.
- G. In some instances, a student or organization may be subject to criminal investigation or prosecution carried out by law enforcement officials. The University may or may not delay its disciplinary procedures in light of criminal proceedings. Further, the University retains the right to make its own, independent determination as to whether a student or organization has violated University policy regardless of the outcome of any criminal proceedings.
- H. Except where required by state and/or federal law, the University reserves the right to withhold the name(s) of reporting parties and/or witnesses if the Dean deems necessary and appropriate in their sole discretion.
- I. All documentation related to the Dean's inquiry and disciplinary process will be maintained as student or organization conduct records by the Dean of Students.
- J. A student who withdraws from or otherwise leaves the University, or an organization which ceases to operate at the University, while a Dean's inquiry is incomplete should understand that the case may (at the discretion of the Dean) continue without the student's or organization's participation. If this occurs, a determination will be made based on the available information.
- K. Responsibility is determined based on a preponderance of the evidence standard.
- L. The Dean of Students and the charged student or organization will work to come to an agreement on whether the charged student or organization is responsible for a violation of the University Regulations, and, if so, whether disciplinary sanction action is warranted.
- M. The Dean of Students will provide reasonable notice (no fewer than 3 calendar days, unless waived by the charged student or organization) to the charged student or organization of a meeting to attempt to resolve the matter through mutual agreement on the finding and (if applicable) specific sanction(s) to be assigned. If the charged student or organization fails to participate after such notice, the Dean of Students will make a finding and assign sanctions without the charged party's participation.
- N. In instances of demonstrated severe misconduct, the Dean of Students has the right to make a determination, based on the preponderance of the evidence standard as applied to the results of the inquiry, and immediately suspend or expel (in the case of students) or revoke recognition (in the case of organizations) without adherence to the otherwise applicable requirements of this policy for mutual agreement or Student Conduct Hearing. Examples of extreme circumstances include but are not limited to those involving significant safety implications, hazing, death, or hate incidents.

- O. The case may be resolved in one of the following ways:
  - a. If the Dean of Students and the charged student or organization agree with the finding and sanction(s), the case is considered resolved and does not proceed to a Student Conduct Hearing.
  - b. If the Dean of Students and the charged student or organization cannot agree with the finding and/or sanction(s), the case will proceed to a Student Conduct Hearing.
  - c. For matters which include one or more violations of the Equal Opportunity, Harassment, and Nondiscrimination Policy, that policy supersedes this one.
- P. The charged student or organization's past conduct violations may be considered for purposes of determining the appropriate sanction after a finding of responsibility.
- Q. The Dean of Students may impose sanction(s) up to and including expulsion and/or revocation of recognition. Unless otherwise indicated, sanctions imposed take effect immediately.

Additional Procedures Applicable to Inquiries involving the University Equal Opportunity, Harassment, and Nondiscrimination Policy:

- A. The complainant and the charged student or organization will have an equal opportunity to present evidence and information for consideration.
- B. In reaching a decision on charges of violation, the Dean of Students may rely in whole or in part on the investigation conducted by the Title IX Coordinator and/or Title IX investigator(s) instead of conducting meetings as described above, and the Dean of Students may consult with the Title IX Coordinator and/or Title IX investigator(s) and/or Affirmative Action Officer as the Dean of Students reaches their determination.
- C. If the Dean of Students finds that a violation has been established, the Dean of Students then will consider sanctions. In cases involving sexual assault, dating violence, domestic violence, or stalking where the Dean of Students finds that a violation has been established, the Dean of Students will inform the charged student or organization and the complainant that a conclusion has been reached as to responsibility on the charge(s) and both parties will be allowed to submit a written impact statement within three (3) calendar days. A decision as to sanction(s) then will be made. To the extent consistent with law, the complainant will be informed of the finding and sanction(s).
- D. In any meeting conducted pursuant to this policy that either the charged student or complainant is required or entitled to attend, the charged student and complainant may be accompanied by an advisor of their choice. If the advisor is a paid advisor, this will be at the party's own expense. The advisor may be present but may not participate as an advocate in the proceedings. The advisor may not speak for the advisee or make objections. The role of an advisor is limited to providing quiet counsel and advice to the advisee. The Dean of Students, or designee, may dismiss any advisor who disrupts the meeting or fails to follow rules as set by this policy or the Dean, and the meeting will proceed without the opportunity for the advisee to secure another advisor. A meeting may be delayed for a short period of time (generally not to exceed three calendar days) due to an advisor's unavailability, and a student is advised to take into account a potential advisor's availability when selecting an individual to serve in this capacity.
- E. In cases where a law enforcement investigation or criminal charge is pending, the University will not delay its disciplinary process for more than 10 calendar days unless law enforcement justifies a longer delay.
- F. Both the charged student and complainant shall have the right to exclude their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment from admittance in any disciplinary proceeding held under this policy. The charged student's past disciplinary violations may be considered for purposes of determining the appropriate sanction after a finding of responsibility.
- G. Both the charged student and complainant will receive simultaneous written notice of outcome, to the extent permitted by law. The outcome letter shall include factual findings supporting the determination, the decision and the sanction, if any, as well as the rationale for the decision and sanction.
- H. The charged student and complainant will have an equal right to appeal if they disagree with the finding and/or sanction(s).
- I. Students are referred to the Students' Bill of Rights, found in the University Equal Opportunity, Harassment, and Nondiscrimination Policy.

## VI-C. Student Conduct Hearing

If the Dean of Students and the charged student or organization are unable to come to an agreement on responsibility and/or sanctions, the case will proceed to a Student Conduct Hearing. All procedures applicable during the Dean's Inquiry—including the additional procedures for charges related to the Equal Opportunity, Harassment, and Nondiscrimination Policy—remain applicable during the Student Conduct Hearing.

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

Generally Applicable Procedures:

- A. The Student Conduct Hearing panel will be comprised of the following:
  - a. Three members of the Clarkson community: one employee chair, one additional employee, and one student. Where required by federal or state law, such as is the case for violations related to sexual misconduct, the student representative will be replaced by an employee.
  - b. The Dean of Students will select Student Conduct Hearing members who are capable of adjudicating cases in a fair, knowledgeable, and impartial manner.
  - c. Student Conduct Hearing members will receive training at least on an annual basis, which will include the necessary education and training regarding University policies.
  - d. For each hearing, the Dean of Students will choose from a list of currently trained Student Conduct Hearing members.
  - e. Student Conduct Hearing members shall not participate in a hearing for which they have personal knowledge of the relevant facts or a conflict of interest. A Student Conduct Hearing member's knowledge of, or prior interaction with, one or more parties and/or witnesses in a case is not, in and of itself, a conflict of interest, provided that it does not prevent the member from serving in an impartial and unbiased manner.
- B. The panel will hear evidence and make a determination of responsibility based on a preponderance of evidence standard and, as applicable, sanctions. The Dean of Students will present evidence and, if/as appropriate, call witnesses who have direct knowledge of the incident.
- C. The chair will schedule and facilitate the hearing, maintain procedure, and is a full participant and voting member of the hearing panel. The chair will have discretionary authority to determine whether the hearing panel will receive and consider particular information, and to resolve any procedural questions or disputes arising in the course of a hearing.
- D. For each Student Conduct Hearing, the charged student or organization [and complainant, in cases involving the Equal Opportunity, Harassment, and Nondiscrimination Policy]:
  - a. Receives written notice, through University email, of the date/time/location for the hearing at least 5 calendar days in advance. The charged student or organization may request a waiver of the 5 calendar day notification. In such cases, reasonable effort will be made to honor the request. For compelling reasons, the charged student or organization may request a temporary adjournment, generally not to exceed 5 calendar days. In such cases, reasonable effort will be made to honor the request.
  - b. Receives a link to access the hearing procedures.
  - c. Receives notice that a hearing may be held and a decision rendered as to responsibility and sanction, if any, despite the failure of the charged student or organization to appear.
  - d. Has the right to be assisted by an advisor of their own choice from within the Clarkson community and who may not be a lawyer. The advisor may be present but may not participate as an advocate in the proceedings. The advisor may not speak for the advisee and may not address the panel or make objections. The role of an advisor is limited to providing quiet counsel and advice to the advisee. However, in cases involving charges of violation of the University Equal Opportunity, Harassment, and

Nondiscrimination Policy, the charged student or organization may have an advisor of their choice and this person may be an attorney or other paid advisor at the party's own expense.

- e. Has the right to request the appearance of witnesses who have direct knowledge of the incident. The University may not be able to compel the participation of potential witnesses, but will make reasonable efforts to request that witnesses appear if they would be expected to provide relevant information.
  - f. Hears the conduct charges and incident description.
  - g. Has an opportunity to provide their perspective of the incident.
  - h. Has an opportunity to ask questions or receive clarification.
  - i. May be asked questions by the Student Conduct Hearing panelists.
- E. The Student Conduct Hearing panel will schedule hearings around student academic schedules only.
- F. The chair may dismiss any advisor from the proceeding who disrupts the proceeding or fails to follow rules as set by this policy and the chair, and the hearing will proceed without the opportunity for the advisee to secure another advisor. The charged student or organization [and complainant, if applicable] should consider the availability of prospective advisors for the scheduled hearing date when selecting an individual to serve in this capacity.
- G. Student Conduct Hearings are administrative in nature and, as such, are not considered a court of law where formal rules of process, procedure, or technical rules of evidence apply.
- H. Incidents involving multiple students for the same incident may be resolved at one hearing.
- I. Only those persons having a role in the hearing shall be permitted to attend, and, even then, only during the part of the hearing in which their presence is required, or as permitted, by the chair.
- J. The chair will audio record the hearing and file the recording as part of the charged party's conduct record. The recording is property of the University and will not be duplicated or released unless required by law or legal process. Participants are prohibited from making their own recording during the hearing (including but not limited to audio, photographic, and/or written recording). The charged party may submit a written request to the Dean of Students for permission to listen to the official audio recording in a supervised location on campus.
- K. Evidence directly related to the incident is permitted. Character testimony will not be considered. The chair will make the final decision related to the admissibility of evidence.
- L. The chair will decide the method of questioning, which may be limited to questions presented through the chair, except where required by law. The chair may exercise discretion in terms of the manner in which testimony is taken, including whether witnesses should be shielded in some way (e.g., a screen or closed circuit television). Witnesses may appear by teleconference or videoconference if the chair allows.
- M. The chair may allow written statements or summaries of interviews to be considered as evidence in lieu of testimony.
- N. A charged student or organization who fails to appear or to participate in a hearing after proper notice will be deemed to have waived their opportunity to be heard. A charged student or organization's absence at the hearing will not preclude a finding of responsibility for the charges(s) pending against the student or organization and the student or organization will be subject to the sanction, if any, levied by the Student Conduct Hearing panel. Similarly, if applicable, a hearing may be held and a decision rendered as to responsibility and sanction, if any, despite the failure of the complainant to appear.
- O. Decisions will be made based on evidence submitted during the hearing, by simple majority, and based on a preponderance of evidence standard.
- P. In cases of charges of violation of the University Equal Opportunity, Harassment, and Nondiscrimination Policy, the charged student or organization or complainant may request the opportunity to review the case file before the hearing. The University reserves the right to make redactions to the extent required or permitted by law.
- Q. The charged student or organization will be notified, in writing, of the decision of the Student Conduct Hearing and of the right to appeal.
- a. In case of charges of violation of the University Equal Opportunity, Harassment, and Nondiscrimination Policy, both the charged student or organization and complainant will receive simultaneous written notice of the decision, to the extent permitted by law, and the decision letter shall include factual findings supporting the determination, the decision and the sanction, if any, as well as the rationale for the decision and sanction.

- R. Sanctions up to and including expulsion for students, or revocation of recognition for organization, may be imposed.

#### **VI-D. Appeal of Student Conduct Decision**

An appeal can be submitted based on limited grounds (described below) following a mutual agreement of finding and sanction(s) from a Dean's Inquiry or following a Student Conduct Hearing. All procedures applicable during the Dean's Inquiry—including the additional procedures for charges related to the Equal Opportunity, Harassment, and Nondiscrimination Policy—remain applicable during the appeal of the Student Conduct Hearing.

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

##### Generally Applicable Procedures:

- A. A charged student or organization may request an appeal of a Student Conduct Hearing for the grounds described below. For cases in which at least one charge is related to the Equal Opportunity, Harassment, and Nondiscrimination Policy, the complainant may also request an appeal for the reasons described below.
- B. The grounds for appeal are limited to:
  - a. A procedural error occurred during the process that had a direct impact on the outcome;
  - b. New evidence has come to light that has a direct impact on the outcome which could not have been discovered through proper diligence before or during the original proceeding;
  - c. The decision as to responsibility and/or sanction is arbitrary or capricious, including but not limited to, as a result of bias or disregard of substantial evidence, or because the sanction(s) is (are) clearly disproportionate to the violation.
- C. The appeal must contain the grounds for appeal, relevant information as to why the grounds are applicable, and whether the appeal is on the issue(s) of the determination as to responsibility or sanction(s) or both.
- D. The appeal must be submitted in writing to the Dean of Students within 7 calendar days of the date of the original decision letter.
  - a. For cases involving the Equal Opportunity, Harassment, and Nondiscrimination Policy, the Dean of Students will forward a copy of the appeal to the non-appealing party and the non-appealing party may respond within 3 calendar days. The appealing party will receive a copy of any statement submitted but is not allowed a right of further submission or response.
- E. Appeals will be considered by an appeal panel comprised of the following:
  - a. Three members of the Clarkson community: one employee chair, one additional employee, and one student. Where required by federal or state law, such as is the case for violations related to sexual misconduct, the student representative will be replaced by an employee.
  - b. The Dean of Students will select appeal panelists from the preexisting pool of Student Conduct Hearing members who are capable of adjudicating cases in a fair, knowledgeable, and impartial manner.
  - a. Appeal panelists will receive training at least on an annual basis, which will include the necessary education and training regarding University policies.
  - c. For each appeal, the Dean of Students will choose from a list of currently trained Student Conduct Hearing members.
  - d. Appeal panelists shall not participate in an appeal for which they have personal knowledge of the relevant facts or a conflict of interest. An appeal panelist's knowledge of, or prior interaction with, one or more parties and/or witnesses in a case is not, in and of itself, a conflict of interest, provided that it does not prevent the panelist from serving in an impartial and unbiased manner.
- F. The Student Conduct Hearing panelists selected to review the appeal are not constrained by the reason for the appeal, meaning, for example, that a charged student or organization may appeal on the ground that the sanction

is too severe, but the appeal may find that a more severe penalty is appropriate. Similarly, a complainant may appeal the sanction on the ground that it is too lenient, but the panelists may impose a less severe sanction than was previously imposed.

- G. Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). An appeal is not an opportunity for the appeal panel to substitute their judgment for that of the original decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- H. Appeals shall be decided only upon the existing case file, including the record of the original proceeding if applicable, and the written appeal statement(s) submitted by the charged student or organization and/or complainant, unless the appeal panel deems it necessary to seek additional information (in which case the panel may take such actions as it deems appropriate).
- I. While the appeal is pending, the sanctions imposed will remain in effect unless the Dean of Students decides otherwise.
- J. Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s) only if there is a compelling justification to do so. The appeal may result in any of the following actions with respect to the original decision on each charge being appealed:
  - a. Affirm the finding of responsibility and affirm the sanction(s)
  - b. Affirm the finding of responsibility and increase or decrease the sanction.
  - c. Affirm the finding of no responsibility.
  - d. Reverse the finding of responsibility to a finding of no responsibility and eliminate the sanction(s).
  - e. Reverse the finding of no responsibility to a finding of responsibility and assign sanction(s).
  - f. Remand the case to the original or a new Student Conduct Hearing panel. This may occur if specified procedural errors were so substantial as to effectively deny a fair hearing. Appeals granted because new and significant evidence became available which could not have been discovered through proper diligence before or during the original proceeding should normally be remanded to the original or a new Student Conduct Hearing for reconsideration.
- K. Sanctions up to and including expulsion for students, or revocation of recognition for organization, may be imposed.
- L. In cases in which the appeal results in reinstatement to Clarkson University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term. Once an appeal is concluded, no further appeals are allowed.

## **VI-E. Sanctions**

A finding letter indicating responsibility and any related sanctions will be kept in the student or organization's conduct record.

The following may be imposed upon students or organizations for violation of the Code of Student Conduct:

- A. Disciplinary reprimand: A written warning that further misconduct may result in more severe disciplinary action (generally given in cases of minor misconduct). A copy of this warning is kept in the student or organization's conduct file.
- B. Disciplinary probation: The student or organization is notified that further violations may result in more severe sanctions, up to and including suspension or expulsion from the University. Forfeiture of privileges or other sanctions may also be enacted.
- C. Restitution: The student or organization is required to pay for damages resulting from a violation of this code.
- D. Disciplinary suspension: Given for extremely serious misconduct when it is believed that the student or organization should be removed from the University for a specified period of time. Upon readmission, the student or organization is placed on disciplinary probation for a minimum of one semester. A letter may be sent to parents and notice is sent to the dean of the appropriate school and the department chair.

- E. Disciplinary expulsion: Given for extremely serious misconduct when it is the judgment of the University that the student or organization should never be permitted to reenter or otherwise be affiliated with the University. A letter may be sent to parents and a notice is sent to the dean of the appropriate school and the department chair.
- F. Revocation of degree: Where a degree has been conferred, the University may revoke the degree if the sanction imposed would have been expulsion had the individual been a student at the time of the hearing and the conduct is sufficiently egregious to warrant the revocation of a conferred degree.
- G. Parental notification: When a student under the age of 21 has violated University regulations regarding alcohol or drug use for a second time, or in a manner that is considered particularly dangerous or risky for the student or others, parents or legal guardians will typically be notified of the violation, disciplinary sanctions, and recommendations for appropriate action. This represents an effort to recognize parents as partners in the educational process, and the University encourages parents to discuss the situation with their student before the student faces potentially more serious repercussions. A letter will typically be sent to parents at the student's legal address on file with the University. In the case of dangerous or risky situations, a Student Affairs administrator may call the family. The University encourages families to discuss such matters together, and find positive and creative means for preventing further problems.
- H. Mandatory assessment: The student may be required to complete a mandatory assessment (e.g. substance use or anger management) by a licensed professional. Unless otherwise indicated, the student is expected to comply with all treatment recommendations following the assessment. If expenses are incurred, they are the responsibility of the student.
- I. Other sanctions: Instead of, or in addition to, sanctions appearing in 1 through 5, other sanctions may be imposed. These could include, without limitation, suspension from University housing, fines, denial of driving privileges, fines, participation in educational program(s), student employment, extra curricular activities, and/or assignment to work or research projects that benefit a charitable or nonprofit institution, including the University.

#### **VI-F. Medical Amnesty and Good Samaritan Exemption**

Clarkson's Medical Amnesty and Good Samaritan Exemptions are integrated components of Student Regulations and the Code of Student Conduct and are designed to focus first on the safety and wellbeing of students without fear that actions to protect the safety and wellbeing of students will result in individual or organizational sanctions relating to the use of Drugs and/or Alcohol. As such, the university seeks to advance through the system two fundamental responsibilities of students – respect and appreciation for the safety of self and others and respect and appreciation for the law and university policy. The university acknowledges that there may be times when students are unable to successfully meet the two aforementioned responsibilities and as such seeks to help students learn from experiences in which they were unable to uphold their responsibility and to move students toward a broader understanding, appreciation and ownership for personal accountability.

The Medical Amnesty exemption is not viewed as an avenue through which a student may escape responsibility, but rather the means by which they will be challenged and supported to discern their responsibilities and to be accountable as members of the Clarkson community. In instances when the Medical Amnesty exemption is applied, the outcome will not result in a conduct process or sanctions, should the incident be limited to a violation of the Policy on Alcoholic Beverages and Drug Policy. Medical Amnesty will be employed only in situations where the impact is limited to the effects of personal consumption. That is, it would not be available to a student who provided alcohol to another student where both required emergency care.

In order for the Medical Amnesty process to be effective, students are expected to understand the risks of alcohol or other drug overdose and to be aware of signs that suggest an emergency response may be necessary. The goal of this program is to increase student awareness of the risks of alcohol or other drug overdose and to reduce the instances of such overdoses. Thus for situations in which the Medical Amnesty exemption applies, students will be expected to review

their case with university officials to possibly include the Dean of Students, Director of Residence Life, or other University administrator.

Core Components of the Medical Amnesty Exemption:

- A. The Dean of Students may offer medical amnesty to students who have found themselves in need of acute, emergency medical care. Amnesty provides the student the opportunity to avoid disciplinary consequences following an incident. Students who are offered medical amnesty are expected to complete a series of conversations and partake in an educational program. Should students fail to complete these obligations disciplinary proceedings may be instituted.
- B. The Medical Amnesty exemption can only be employed when violations are limited to the Policy on Alcoholic Beverages and Drug Policy.
- C. There are no limitations on the number of Medical Amnesty exemptions a student may be granted.
- D. Students who are eligible for the Medical Amnesty exemption may be requested to meet with the Dean of Students or designee to discuss the situation and how to avoid future violation of the Policy on Alcoholic Beverages and Drug Policy. A plan to properly educate individuals or organizations will be determined. The purpose of this meeting is to educate and protect against future issues that may put students at risk.
- E. Students who are discovered alone by a University official, including a resident advisor, campus safety officer or a local law enforcement official and who require emergency medical care as a result of their alcohol or other drug use are not eligible for the Medical Amnesty exemption.
- F. In situations where emergency care is required - and for which the Medical Amnesty exemption is not available - the Student Regulations related to Alcohol and Drug use, the Code of Student Conduct, and any other applicable policy will be in full effect.
- G. In all such cases, the student shall be expected to comply with any conduct process and potential sanctions associated with this process. This includes a mandatory substance use assessment as determined by the Dean of Students or designee.
- H. Students who may be eligible for the Medical Amnesty exemption are not immune from any legal or other law enforcement actions that may result from a given situation.

Core Components of the Good Samaritan Exemption:

- A. Students or organizations who call for assistance on behalf of an individual(s) who is in need of medical attention due to consumption of alcohol and/or drugs, and who themselves may be in violation of the University's Policy on Alcoholic Beverages and Drug Policy, are eligible for the Good Samaritan exemption. In cases where the Good Samaritan exemption applies, the student(s) calling for assistance will not be considered in violation of policy related to alcohol and drugs, and the organization calling for assistance will not be sanctioned for a violation relating to alcohol and drugs. There are no limitations on the number of Good Samaritan exemptions a student or organization may have.
- B. If a student in need of medical attention is in a student residence, the students who occupy the room, and/or others present, are expected to make a call for assistance. Similarly, for situations occurring in residential common spaces (such as lounges, suites, or apartment common living space), and for locations controlled or used by an organization for organizational activities, it is expected that the community or organization will make a call for assistance. Should it be determined that a student or organization knowingly failed to call for assistance, the student or organization may be subject to disciplinary action under the Code of Student Conduct.
- C. In cases where there have been other violations of campus policy (e.g., hazing, harassment, assault, vandalism), calling for assistance for an individual in need of medical attention may be considered a mitigating factor in any disciplinary process arising out of such violations (and failure to seek assistance may be considered an aggravating factor in any such disciplinary process).

Students or organizations who may be eligible for the Good Samaritan exemption are not immune from any legal or other law enforcement actions that may result from a given situation.



## VI-G. No Contact Orders

The Dean of Students, Chief Human Resources Officer, Title IX Coordinator, or designees may issue a No Contact Order (NCO) requiring a student to refrain from avoidable direct or indirect contact or other interaction with one or more other members of the campus community. This may occur, among other circumstances, when the Disciplinary Officer or designee determines that such restrictions are advisable to protect the physical or emotional safety or well-being of specific members of the campus community and/or the orderly functioning of campus operations. Students are expected to comply with NCOs in accordance with the Code of Student Conduct, which provides that "Failure to comply with instructions of administrative officials, including resident advisers, who have duly identified themselves."

The issuance of a NCO is not a disciplinary action and does not appear on academic, employment, or disciplinary records, unless the individual subsequently violates the NCO. A NCO is designed to provide a measure of relief for an individual who wishes to maintain distance from another individual. A NCO cannot guarantee that the individuals will not encounter one another on campus, but it does establish parameters for those encounters in terms of distance and communication. The parties are each afforded the opportunity for a prompt review of the need for interim or accommodative measures, including the potential modification of these measures. The parties are each allowed to submit evidence in support of, or in opposition to, the request. The University reserves the right to obtain evidence independent of the parties. If a NCO is in place, any alleged violations of the NCO are investigated. In the event a violation is substantiated, further restrictions may be imposed and/or disciplinary action may be warranted.

The University will consider all facts and circumstances that may be relevant to whether an NCO should be issued, including, but not limited to, the following factors:

- a. When there are allegations, threats, or evidence of physical violence by one person against another;
- b. When there are allegations, threats, or evidence of emotional abuse or harassment by one person of another;
- c. When there is a substantial risk of emotional harm from continued contact between persons;
- d. When continued contact between persons may have a material impact on campus disciplinary proceedings; and
- e. When there are allegations of serious University policy violations.

"Contact" includes, but is not necessarily limited to, in-person contact, telephone calls, email, texts and other forms of electronic communication, social media-based messages or postings, and third party communications including through proxies.

NCOs may include additional protective measures or other terms specific to the safety, well-being, or other needs of either or both parties subject to the NCO, when deemed necessary by the University. Any additional terms shall be expressly stated in the NCO. Additional protective measures or other terms need not be reciprocal. They may include, but are not limited to, the following:

- a. Restricting an individual from being in close proximity to the other individual;
- b. Restricting or limiting an individual's access to certain campus locations or events, including, but not limited to, specific residential, academic, dining, co-curricular or extra-curricular, and/or work spaces;
- c. Requiring that the individuals not be enrolled in the same academic course(s); and
- d. Restricting contact at non-University owned locations or sponsored events.

The University may review all NCOs annually. Each NCO will remain in effect until the graduation or withdrawal or termination of employment of at least one of the parties, unless the NCO expressly provides otherwise or is modified or rescinded by the University. A student seeking the modification or rescission of an NCO shall make the request to the administrator who issued the NCO. The issuing administrator shall consult with both parties before determining whether or not to modify or rescind the NCO.

Violations of NCO are subject to discipline under the Code of Student Conduct, Operations Manual, or the retaliation provisions of the Equal Opportunity, Harassment, and Nondiscrimination Policy, as appropriate.

Individuals who have interpersonal conflicts that do not raise concerns for individual health and safety will not be granted NCOs. These individuals should pursue other forms of conflict resolution offered through the appropriate administrative office.

## **VI-H. Conduct Records Release**

A student, or an external entity on behalf of the student's application for employment or transfer, may request a release of the student's conduct record. In accordance with federal law, students have the right to access their education records, which includes conduct records. A student may submit a request for their entire conduct record by contacting the Dean of Students.

The University will only release conduct records to an entity other than the student upon written request and only when such request contains the student's signature. In such a case, the University will only release conduct records that resulted in the probation, suspension, or expulsion of the student. The release may contain the following information: date of incident, date and length of probation or suspension, date of expulsion, and policy violated that resulted in probation, suspension, or expulsion.

## **VI-I. Mandatory Assessment**

Students may be required to complete a mandatory assessment in situations such as perceived or potential risk of harm to self or others. The assessment may be performed by a University administrator or an external source.

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

### **VII-A. Preamble**

Clarkson University is chartered by and operates under the laws of the State of New York. Its students, faculty, administration, and staff compose a community whose primary purposes are the development and transmission of knowledge – the search for truth. These are endeavors of reason. They demand freedom of inquiry and expression, with dissent recognized as a fundamental ingredient in the pursuit of ultimate truth. These purposes require freedom from violence and from the threat of violence. It is the right and duty of all members of the academic community to foster and preserve this environment, and it is the right and responsibility of both faculty and students to participate, in accordance with experience, competence and particular interest, in making the rules and regulations required for the furtherance of these purposes.

In accordance with the above, the following general principles and procedures are submitted for the maintenance of public order on the campus. These principles and procedures apply with equal force for all members of the Clarkson community: students, faculty, administration and staff, and also for visitors.

### **VII-B. Principles for the Maintenance of Public Order**

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

grievance procedures as the primary method to avoid the disruption of public order on the campus, the University shall continue to develop such procedures; and this document will be amended to include such additional procedures at the earliest possible date.

### **VII-C. Determination of a Disorder**

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

### **VII-D. Actions and Penalties**

- a. Even though a demonstration is not judged to be a disorder, the participants are responsible for the proper restoration of the areas used when these areas have been subjected to more than normal wear and tear.
- b. If disorder ceases when the President or their designated representative reads the statement in VII-C. b. above, and no violation of law, damage to property, or physical injury has taken place, and as noted above, restoration has been carried out, no penalties shall be levied by the University.
- c. If disorder ceases but the law has been violated through physical injury or severe property damage, those responsible for the violation shall be treated in accordance with the law. Those determined to be responsible for any damage shall be charged for the cost of repairs.
- d. If disorder does not cease when the President or their designated representative reads the statement in C-b of this statement, the following action will be taken:
  - If immediate violence to persons or severe property damage is taking place or threatened, the President or their designated representative will request that law be invoked.
  - The action and rapidity of action taken in other cases must be decided on the basis of the circumstances by the President or their designated representatives and the advisory committee. It is expected that broad consultation with all concerned elements of the University community will take place whenever time and circumstance permit.
  - All those who continue to take part in a disorder after a formal request to cease has been made will be subject to disciplinary proceedings (and legal implications, where applicable). In such circumstances, the penalty for a student may be expulsion from the University. In the case of an employee, such action may be grounds for dismissal.
- e. Any person not a member of the Clarkson community who is taking part in a disorder will be requested to leave immediately. If they do not comply, appropriate action will be taken.
- f. Any individual or organization authorizing an "initiation or affiliation disorder" shall be subject to rescission of permission to operate on campus property in addition to any other legal penalty.

### **VII-E. Hearing and Appeals**

1. As a result of any declared disorder, a hearing will be held within 30 days.
2. The University will adhere to VI. Disciplinary Proceedings related to the hearing.
3. A major function of the hearing will be to determine the cause of the disorder, to suggest appropriate measures to relieve the situation, and where appropriate to recommend University action.
4. The hearing will serve as a fact-finding process regarding disciplinary action to be taken. On the basis of this hearing, appropriate University action will be recommended to the President. The University will take no punitive actions before receiving the hearing recommendations. Appeals will follow the normal University procedure with great care taken that students' rights are not violated and that the University policies on academic freedom and tenure are adhered to.

5. The hearing panel shall hold open hearings (a witness may request that the hearing go into executive session and that they have an adviser) at an announced time after adequate notice. Any member of the University community may request that they be heard by the panel. This panel may require any member of the University community to appear as a witness. Failure to appear is itself grounds for disciplinary action unless sufficient reason for the absence can be presented. A record of all actions and testimony shall be forwarded to the President. A person accused before the hearing shall have the right to question their accusers.
6. If a member of the panel has been involved in the disorder or in the declaration that it is a disorder, they shall not serve on the hearing panel on that disorder.
7. This hearing panel will also review the circumstances under which a declaration of disorder is made, including the action of the President, their designated representative, or the advisory committee, to determine whether bad faith or error was present. In such cases it may recommend censure.
8. Apart from the actions of this hearing panel, the normal lines of communication as noted in B-4 of this statement will be used to study the cause and its remedy for any peaceful demonstration as well as to study any peaceful demonstrations or disorders involving the Clarkson community taking place off the University campus.

#### **VII-F. Amendment Procedures**

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

#### **VII-G. Definitions**

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

#### **VII-H. Interpretation of Public Order Policy**

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

### **VIII. Grievance Procedures for Students**

#### **VIII-A. Preamble**

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

## **VIII-B. Definition**

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

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

## **VIII-C. Procedures**

1. Any student with a grievance should promptly consult with the person by whom they feel aggrieved in an effort to resolve the grievance. Every effort should be made to solve the problem informally. A student may also choose to pursue mediation with the person by whom they feel aggrieved. The University can assist in determining whether both parties are willing to participate, and if so, will assign a mediator. The mediation will be handled in confidence.
2. In the event that informal consultations or mediation have not resolved the grievance, the student bringing the complaint may present the grievance, in writing, to the next appropriate administrative level (e.g., if the complaint is directed against a faculty member, then the grievant should address the faculty member's department chair; if the problem is with a member of the administrative staff, then the grievance should be submitted to the staff member's immediate supervisor). This written statement of the grievance should be submitted within ten business days from the date informal consultations ended. The administrator receiving this grievance should review the matter, decide upon what actions, if any, are appropriate, and should inform the grievant and the party or parties against whom the grievance was filed of this decision in writing. The administrator's written response to the grievant should be sent within ten business days of receipt of the grievance.
3. If, after following the aforementioned procedures, the student still believes the grievance exists, they may petition the Standing Review Committee (SRC) for a formal hearing. This petition must be submitted within ten business days of receipt of the written, administrative response described in VIII-C-2. Within eight business days of receipt of the grievant's petition for a hearing, the chair of the SRC should inform the grievant of the date set for the formal hearing. The date of the formal hearing should be as early as practicable, but should not be more than ten business days subsequent to the notification sent to the grievant regarding the date set for the formal hearing.
4. While the calendar deadlines detailed in these procedures are designed to ensure the timely review of a grievance, they should not be imposed too rigidly: instead, they should be interpreted so as to accommodate the academic calendar of the student submitting the grievance (e.g., the pressures of final exam week, the presence of summer break, etc.).

## **VIII-D. Standing Review Committee (SRC)**

### **VIII-D-1. Composition**

The SRC shall consist of six members selected in the spring to serve for the following academic year. Members may be selected for no more than three successive terms. The membership shall be:

- Two undergraduate students selected by the Student Senate from full-time students in good standing who will be juniors or seniors during their term and who are not members of the Student Senate;
- One graduate student nominated by the Dean of the Graduate School/Provost from full-time graduate students in good standing;
- Two faculty members selected by the Faculty Senate from full-time faculty who are not members of the Faculty Senate;
- One member selected by the Administrative Council.
- Corresponding alternates shall be selected at the same time and in the same manner. At least two alternates shall be selected for each member appointed to the SRC. The body originally designating members of the SRC shall fill permanent or temporary vacancies as they occur for both regular and alternate positions.

No SRC member shall sit in review of a case in which they have previously been involved. A quorum for the SRC shall consist of five members. Decisions of the SRC shall be by a majority of those present and voting. Members of the SRC shall elect a chair from their membership. The chair shall vote only in case of a tie. The student filing the grievance petition has the privilege of excusing up to three members of the SRC. Those so excused will be

replaced for the duration of the hearing in question by one of their previously designated alternates. Assignment of the replacement alternate will be on a rotational basis.

#### **VII-D-2. Hearing Procedures**

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

#### **VIII-E. Restrictions**

If a student suspects that they have been discriminated against because of race, color, national or ethnic origin, ancestry, age, religion or religious creed, disability or handicap, sex or gender (including pregnancy, sexual harassment and other sexual misconduct including acts of sexual violence such as rape, sexual assault, sexual exploitation and coercion), gender identity and/or expression (including a transgender identity), sexual identity, military or veteran status, genetic information, or any other characteristic protected under applicable federal, state or local law, the student should register this complaint with the Chief Inclusion Officer. In such cases, IX-N. Equal Opportunity, Harassment, and Nondiscrimination Policy is the appropriate means of seeking redress; as such, they supplant the present Grievance Procedures for Students.

### **IX- Policy Statements**

#### **IX-A. Alcohol Policy**

Clarkson University is committed to maintaining safe conditions for all members of the campus community. Faculty, staff, students, and guests must 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 provide a framework for the responsible use of alcohol. Abstinence is always considered a responsible strategy. Those who choose to consume alcoholic beverages are expected to do so in moderation and within the guidelines of this policy. Violators of this policy are subject to University action, including sanctions as described in VI. Disciplinary Proceedings and may be subject to appropriate legal action.

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
3. A description of counseling services for employees and students.

Underage/Serving Minors

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. 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.

#### Drinking Contests and Open Bars

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.

#### On campus

- a. Private use  
Only those individuals 21 years of age and older may possess and/or consume alcoholic beverages within the privacy of residence hall rooms or apartments. Possession and consumption of alcoholic beverages by individuals under the age of 21 is a violation of this policy and New York State Law. Individuals 21 and over are responsible for monitoring their possession of alcoholic substances to ensure those under 21 do not have access to alcohol. 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.
- b. Public use  
Individuals 21 years of age and older have the privilege of possessing and/or consuming alcoholic beverages in public, only at events registered with and approved by the University. Public areas are defined as any room, lounge, classroom, multipurpose space, common area outside a residence hall room, apartment, or office (i.e. hallways, stairwells, floor lounges, etc.), any outdoor area, and all campus grounds. Public possession and consumption of alcoholic beverages by individuals 21 years of age and older without University approval is a violation of this policy.

#### Student events (on and off campus)

- a. Event registration  
Student events must have a designated chair that has the overall responsibility for compliance with the law and this policy at the event. The event chair is responsible for registering the event with the University by submitting the Event Registration for Events with Alcohol form on KnightLife.
- b. Risk management
  - i. Event planners should carefully examine the risks of serving alcohol. 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 or other third party vendors as the server of alcoholic beverages.
  - ii. Event chairs and recognized organizations hosting the event are responsible for the behavior of all guests at the event and will be held accountable for inappropriate behavior displayed by guests.
  - iii. Individuals 21 and over are responsible for monitoring their possession of alcoholic substances to ensure those under 21 do not have access to alcohol.
  - iv. The quantity of alcohol will be determined by using the following formula: number of servings = number of legal drinkers in attendance x hours of event.
  - v. The serving of alcohol must cease at least one-half hour before the scheduled end of the event.
  - vi. Students over 21 are permitted to bring their own beverage (BYOB) to an approved event with alcohol for their own consumption, only. BYOB is defined as one (1) six-pack of 12-ounce beers or one (1) four pack of wine coolers or (1) six-pack of spiked seltzer.
  - vii. Student events may not provide any shared sources of alcohol including kegs, fish bowls, jugs, beer balls, wine boxes, etc. Hard liquor is also prohibited.
  - viii. Non-alcoholic beverages and food must be provided for the duration of the event.
  - ix. Guests have the right to abstain from consuming alcohol and should not be pressured into consuming alcohol. 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.
  - x. The following events require the use of the University's food service vendor:

1. On campus 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.
2. Public consumption using University facilities (excluding Theme Houses).

### **Advertising**

- a. 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").
- b. Event advertisements must not portray drinking as a solution to personal or academic problems of students or as necessary to social successes.
- c. All events and corresponding advertisements sponsored by on campus entities involving alcohol need approval for posting from the Office of Student Life and must go through the poster policy listed in the Undergraduate Regulations.

### **Off-campus**

It is a violation of New York State Law for individuals under the age of 21 to possess or consume alcoholic beverages. It is a crime in New York State to serve or sell alcoholic beverages to an individual under the age of 21 and for an individual under the age of 21 to use fraudulent means to obtain alcoholic beverages. 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.

### **Sanctions**

Individuals found responsible for violating this policy, are subject to sanctions as described in VI-E. Sanctions, ranging from disciplinary reprimand to expulsion, based on the severity of the incident as well as prior conduct history.

### **Laws**

- I. New York State Penal Law: Unlawfully dealing with a child in the first degree
  - a. A person is guilty of unlawfully dealing with a child in the first degree when they give or sell or cause to be given or sold any alcoholic beverage to a person less than 21 years old. Unlawfully dealing with a child in the first degree is a class A misdemeanor.
- II. Alcoholic Beverage Control Law: Prohibited sales
  - a. 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:
    - i. Any person, actually or apparently, under the age of 21 years;
    - ii. Any visibly intoxicated person.
  - b. Procuring alcoholic beverages for persons under the age of 21 years.
    - i. 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.
    - ii. Offense for one under 21 years to purchase or attempt to purchase an alcoholic beverage through fraudulent means.
    - iii. No person under the age of 21 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 their own for the purpose of purchasing or attempting to purchase any alcoholic beverage.
- III. Unlawful possession of an alcoholic beverage with intent to consume by persons under the age of 21 years: No person under the age of 21 years may possess any alcoholic beverage with intent to consume such beverage.

### **IX-B. Drug Policy**

- A. Clarkson University and the individuals within it are subject to federal and state law. As the University accepts federal funding, it must comply with federal laws regarding marijuana and other substances regardless of changing state laws. 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.

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

### **IX-C. Hazing Policy**

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

Hazing is when any individual, organization, or team engages in any action or situation that recklessly or intentionally endangers mental or physical health. Organizations who have been found responsible for hazing shall be subject to University disciplinary action, in addition to any other legal penalty pursuant to the penal law or any other law to which a violator or organization may be subject. Hazing creates a substantial risk of physical or emotional injury to another person and thereby causes such injury. University disciplinary action in the case of a student may result in their reprimand, suspension, or expulsion; and in the case of an organization, rescission of permission for that organization to operate on campus property.

Anti-hazing statements are required to be part of the constitution and/or by-laws of all organizations operating at Clarkson. The Office of Student Life shall review all organization constitutions and by-laws to ensure the anti-hazing statement requirement is met.

### **IX-D. Health Center Required Immunizations/Screenings**

If a student does not comply with the Universities immunization/screening requirements, the University will charge the student a non refundable \$100 dollar fee- initially, and, there may be further charges subject to the student pending timing of completion of these requirements.

The University is compelled by state law to deny non-compliant students further attendance. No New York State student may attend in excess of thirty days and no out-of-state or foreign student may attend in excess of forty-five days without the above New York State requirements documented and on file with the University.

The health requirements need to be completed by logging onto <https://clarkson.medicatconnect.com/>.

The University reserves the right to require additional immunizations from time to time. The University will communicate any additional immunization requirements via University email, University announcements, and the University website.

#### **Measles, Mumps, and Rubella Immunizations**

New York State law requires college students to be immunized and submit proof of immunity against measles, mumps and rubella.

#### **Vaccination Requirements**

- a. Each vaccinations require a total of two doses
  - i. First dose is given no more than 4 days prior to the student's first birthday
  - ii. Second dose is given at least 28 days after the first dose

#### **Meningitis Immunization**

New York State requires college students to be immunized and submit proof of immunity against meningitis. In the absence of proof of a meningitis vaccine, submission of a signed response form is required to be submitted and kept on file documenting the student's waiver of the immunization.

## Vaccination Requirements

- a. One (1) dose of Meningococcal ACWY vaccine within the last five (5) years or
- b. A complete two (2) or three (3) dose series of MenB or
- c. Signed response form is required to be submitted and kept on file documenting the student's waiver of the immunization.

## Tuberculosis Screening – Graduate Students

Graduate students must complete a Tuberculosis Screening Form. If the answer to any of the questions on the form is "yes", a Quantiferon Gold (IGRA lab test) is required. No other test will be accepted by the University. If it is found that an answer of "no" was given but it should have been answered as a "yes", the Student Health Center will contact the student to obtain the required lab work.

## IX-E. Personal Computer Program

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

## IX-F. Email Policy

### University Use of Email

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

### Email Redirecting/Forwarding

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

### Email Privacy

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

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

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

- a. Assist in the investigation of misconduct or misuse
- b. Protect public health and safety
- c. Prevent interference with the academic mission

- d. Locate substantive information required for the university business that is not more readily available by some other means
- e. Fulfill obligations to law enforcement for criminal or civil investigations
- f. Where not otherwise restricted by law or policy, the university will inform users if their email was inspected or disclosed without their prior consent.
- g. To protect the user and the university, faculty and staff should attach the following statement to their email signature: *"This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system."*

## **Email Retention**

In many cases, email is considered the official correspondence of the University. As such, users have a responsibility to retain email records as required law or policy. Each office or department should have guidelines and retention plans that provide guidance to determine which items will be retained and for what length of time.

If you know, or should have reason to know, that litigation is imminent, all records relating or possibly relating to the litigation must be excepted from this retention policy. Electronic documents should be retained in electronic format to preserve possible metadata.

## **IX-G. Information Systems Acceptable Use Policy**

### **Definitions**

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

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

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

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

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

The University reserves the right to restrict the use of its information resources and facilities, and to limit access to its computers systems and networks when faced with evidence of violations of University policies or standards, of

contractual obligations or of federal or state laws. The University also reserves the right to remove or limit access to material posted on or transmitted by its computers and network facilities.

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

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

- a. Clarkson supports the principles of academic freedom and free inquiry and expression in the online environment as well as in the classroom. This freedom must however be balanced with the responsibility not to infringe on other rights of individuals.
- b. Acceptable use of shared information technology facilities follows the same standards of common sense, courtesy, and restraint that govern the use of other public facilities. Clarkson regulations IX-N Equal Opportunity, Harassment, and Nondiscrimination Policy also apply to the online environment. Acceptable use requires users to be ethical and respectful of the rights of others and of the diversity of the University community, and to maintain a climate which does not interfere with the studies, work or living environment of any members of the Clarkson community.
- c. Acceptable use of information facilities respects individuals' rights to privacy and to freedom from threats, intimidation, harassment and unwarranted annoyance.
- d. Acceptable use includes the right of individuals to access and save any legal files on the internet. It is not acceptable to display and print potentially offensive material in public computer labs where others cannot avoid seeing these files. Such material should be viewed in a private location. Material which is potentially offensive to others should not be publicly displayed without an academic reason.
- e. Acceptable use standards require everyone to take prudent and reasonable steps to prevent unauthorized access. Access authorization relies on user identification and password for each user. The user-ID forms the basis for mechanisms which are designed to establish ownership and responsibility for computing resources and use. Acceptable use respects these identification and security mechanisms.
- f. Acceptable use requires that all users refrain from any illegal and improper intrusions into the accounts of others and/or into any University information technology resources and systems.
- g. Acceptable use requires that all users recognize and honor the intellectual property rights of others.
- h. Acceptable use of information facilities respects University regulations, contracts with University suppliers, and all local, state, and federal laws. Software theft, also known as software piracy, is a topic of much concern. Acceptable use of software respects all associated license and/or purchase agreements; if you have not met the conditions of such an agreement for a given software package, do not copy the package for your use.
- i. Acceptable use of all off-campus network connections, i.e., use of the Internet, respects the University's network access contracts which impose strict requirements. In general, off-campus network use must be for education or research. The University's access contracts prohibit commercial activities such as advertising. They also require all users to promote efficient use of the network to minimize and avoid, if possible, congestion of the network which interferes with the work of others.
- j. Acceptable use of information technology resources requires that all users refrain from acts that waste resources and prevent others from having broad access to University computers and resources.

### **Enforcement**

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

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

### **Email Use, Content, and Confidentiality**

Access to and the responsible use of modern information resources are essential to the pursuit and achievement of excellence at Clarkson University. The University encourages appropriate use of email (electronic mail) to enhance productivity through the efficient exchange of information in furtherance of the University's mission of research, instruction and public service. Use of email should be consistent with this mission and this policy and guidelines based on common sense, common decency, and civility applied to the network-computing environment.

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

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

### **Information Security**

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

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

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

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

The objectives of this Policy are to:

- a. Encourage the full and free exchange and expression of creative and/or scholarly ideas within the context of the mission of the University and applicable laws and regulations; a. Maintain and enhance the reputation of the University;
- b. Promote the transmission of knowledge, the pursuit of truth, the development of students, free inquiry, and free expression;
- c. Promote the public good;
- d. Enhance opportunities for cooperation and productive interaction with persons who may visit WWW sites served by the University;
- e. Ensure that the physical limits and demands on the network and electronic resources of the University are protected.

### **World Wide Web (WWW) Policy**

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

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

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

### **Copyright Law and WWW Materials**

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

### **Electronic Publishing Guidelines**

- a. Each user is responsible for the page(s) published and the pages to which they directly link.
- b. The name and email address of the page owner must appear on all published pages.
- c. Student personal home pages must not imply that the author represents the University in any official capacity.
- d. Users should assume that materials (including pictures) found on the WWW are copyrighted unless a disclaimer or waiver is expressly stated. If a user wishes to display a copyrighted picture that is already on the WWW, the user should create a remote link to the material.
- e. Special care should be taken in the use of materials licensed to Clarkson by their owner. Unless otherwise stated, these materials are restricted to use within Clarkson. Under no circumstances should such materials be redistributed.
- f. Do not place any pictures or videos of people on the Web page without the permission of the subjects in the picture or video. Use without permission may be a violation of or invasion of a right to privacy.
- g. Campus information technology facilities should not be used to communicate information which is of an abusive, obscene, hostile, harassing, or discriminatory nature.
- h. Refer to WWW Publishing Guidelines above. However, these guidelines are not the law. Reference is specifically directed to the U.S. Code and other applicable law.

### **Pertinent Laws**

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

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

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

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

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

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

Applicability of Clarkson Rules and Regulations Violations of this policy may result in disciplinary action pursuant to the established procedures of the University.

## **Publishing Guidelines**

### Requirements

- a. Each personal Web page publisher is responsible for the page(s) they publish and the pages to which they directly link. This includes designing, writing, avoiding copyright violations, and keeping information up-to-date.
- b. The name and email address of the page owner must appear on all published pages.
- c. The date of the last update must appear on each such page.
- d. A views and opinion disclaimer must appear on all personal home pages.
- e. Student personal home pages must not imply that the author has official representation of the University.
- f. All copyright laws must be obeyed.
- g. Personal web pages must be constructed so that they are not wasteful of the University resources. Disk space limitation(s) will be enforced as per the University Quota Policy for all student and faculty accounts.
- h. Personal web pages must follow the Acceptable Use Guidelines for Computer and Network facilities as they relate to academic freedom and concomitant responsibilities not to infringe on the rights of others in the pursuit thereof.

### Recommendations

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

### Definitions

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

## **IX-H. Computer Software Policy**

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

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

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

### **IX-I. Cards and Access**

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

The ID card is the property of the University, is non-transferable, and must be carried at all times. This card must be presented or surrendered upon demand by a University official; failure to do so, or lending this card to anyone, is considered misuse and may subject the holder to disciplinary action. Lost or stolen cards should be reported immediately to and can be replaced 24/7 at Campus Safety & Security.

### **IX-J. Access to and Privacy of Student Records**

#### **A. General Statement**

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

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

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

#### **B. Access**

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

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

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



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

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

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

Within the University, education record information may be accessed by university officials with legitimate educational interests.

A "university official" is a person employed by the University in an administrative, supervisory, academic, research or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another university official in performing their tasks.

A university official has a "legitimate educational interest" if he, she or it needs to review an education record in order to:

- a. Perform a task specific to their job description or his, her or its contractual duties to the University,
- b. Perform a task related to the student's education (including without limitation discipline of the student),  
or
- c. Provide a service or benefit relating to the student or the student's family.

Requests for access to a student's education records other than

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

### **C. Release of Information**

Pursuant to the federal Family Educational Rights and Privacy Act ("FERPA"), a student has the right to consent to the disclosure of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent. Accordingly, personally identifiable education record information with respect to a student or former student will be released only with their prior written consent, or as otherwise required or permitted by FERPA.

This policy describes some of the circumstances under which FERPA permits disclosure of education record information; however, the University reserves the right to disclose such information to the extent required or permitted by law.

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

Persons who release education record information on behalf of the University must inform the recipient that the disclosure is subject to the condition that the recipient not disclose the information to any other party without the prior consent of the student.

The requirements of this paragraph do not apply to disclosures:

- a. to the student,
- b. to the parents of a dependent student,
- c. to a university official,
- d. to a party seeking directory information,
- e. to a party receiving the information pursuant to a judicial order or lawfully issued subpoena,
- f. of certain information regarding student disciplinary proceedings as expressly permitted by FERPA, or
- g. to parties otherwise authorized to receive the information pursuant to FERPA without the student's consent, provided that the parameters of permissible re-disclosure have been established and documented prior to the initial disclosure.

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

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

#### **D. Directory Information**

The items below are considered directory information:

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

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

#### **E. Letters of Appraisal**

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

Documents of appraisal relating to students collected by any department or office of the University on or after January 1, 1975, will be maintained confidentially only if a waiver of the right of access has been executed by the student. In the absence of such a waiver, all such documents will be available for student inspection or review. If a student files a written waiver with the department or office concerned, letters of appraisal respecting admission to any educational agency or institution, an application for employment, or the receipt of an honor or honorary recognition, received pursuant to that waiver will be maintained confidentially. Forms will be available for this purpose.

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

#### **F. Challenges to the Record**

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

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

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

#### **G. Exceptions**

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

- a. Statements or forms submitted by parent/guardian in support of financial aid are considered to be confidential between those persons and the University and not regarded as part of the student's official record.
- b. University employment records of students relating exclusively to their status as employees and not used for any other purpose, where the employment is not related to the employee's status as a student, are not subject to this policy.
- c. Health and/or counseling records made or maintained by a professional or paraprofessional acting in their professional or paraprofessional capacity in the course of treating the student, and disclosed only to individuals treating the student, are not subject to this policy.
- d. Records of the University's Department of Campus Safety & Security that are created and maintained by the Department for law enforcement purposes are not subject to this policy.
- e. Other data or information not constituting "education records" as defined by FERPA.

#### **H. Other**

The full text of FERPA is available at <https://www.ecfr.gov/current/title-34/part-99..>

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

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-8520

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

## **IX-K. Fraternity-Sorority Policy**

Clarkson values collegiate fraternities and sororities as an important component of the undergraduate experience. Clarkson supports the intent of its fraternities and sororities to promote the personal and professional growth of their members. It is incumbent upon the University to take appropriate cognizance of Recognized Social Fraternities and Sororities as they exist at present and as their role may evolve in the future. Clarkson's Recognition Policy for Fraternities and Sororities ("Recognition Policy") is the governing policy for fraternities and sororities.

Fraternities and sororities are held to high academic standards, good social behavior, and constructive co-curricular activities. These organizations will maintain a sound financial structure, satisfactory housing conditions, sanitary kitchen and health arrangements, be responsible citizens of the University community and neighborhood, foster continued interest in the University by their alumni(ae), and abide by all University Regulations the Recognition Policy established by the University.

Clarkson refuses to recognize any organization that practices discrimination based on the protected classes identified in IX-N.15 Policy on Nondiscrimination. Fraternities and sororities retain the right to be single sex organizations.

Fraternities and sororities are required to abide by IX-C Hazing Policy and must include an anti-hazing statement in the organization's constitution and/or by-laws.

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

## **IX-L. Student Organization Policy**

### **Definitions**

- a. Advisor: A member of the University faculty or full time staff who advises the members of an organization.
- b. Organization: A student group holding a valid registration that has been approved by the Office of Student Life.

### **Student Organization Registration**

- a. Students are free to organize and join associations to promote their common interests.
- b. The membership, policies, and actions of a student organization are determined by a vote of only those persons who are faculty, staff, and students at Clarkson University.
- c. Affiliation with an outside organization should not disqualify a student organization from University recognition.
- d. With exception for organizations which have advisors designated by University employment responsibilities such as Clarkson University Student Association and Clarkson Union Board, each student organization chooses its own advisor. Campus advisors may advise organizations in the exercise of responsibility, but they do not have the authority to control the operations of student organizations. Campus advisors, if and when they are made aware, have the authority and expectation to stop an organization's activity which negatively impacts members of the organization or University.
- e. Campus organizations, including those affiliated with an outside organization, must be open to all students regardless of their affiliation with the protected classes identified in IX-N.15 Policy on Nondiscrimination without respect to race, creed or national origin, except for religious qualifications that may be required by organizations whose aims are primarily sectarian to the extent permitted by applicable law.
- f. Individuals or groups who wish to organize must have no fewer than three (3) members in good academic standing and make an application to become a recognized student organization through the Office of Student Life by filling out the Student Organization Registration form on Knight Life.
- g. As a condition of being a registered student organization during an academic year, every new and previously registered organization must submit to the Office of Student Life within 30 days of the beginning of Fall semester a completed Student Organization Registration Form containing the following:
  - i. Name of the organization
  - ii. Type of organization
  - iii. Purpose of organization

- iv. Membership qualifications including dues and G.P.A. requirements in the organization constitution
  - v. Advisor name and email address
  - vi. Representative or officer names and email addresses
  - vii. List of members and email addresses (full membership lists are required for social fraternities and sororities), and
  - viii. A current copy of the constitution and bylaws of the organization. Each organization's constitution and/or by-laws must include an anti-hazing statement as indicated in IX-C. Hazing Policy and a statement that any instances of sexual misconduct will be reported to the Title IX Coordinator.
- h. The president or authorized representative of the organization shall ensure that the organization is registered with the Office of Student Life and that any changes in officers, advisors, members or purposes will be reported to the Office of Student Life no later than ten (10) working days after the change has been made.
  - i. No registered student organization or group may have any person as a member who is not either a student or a member of the faculty or staff of the University. A registered student organization may state that its membership is composed of students, or of students, faculty, and/or staff of the University, but it shall not suggest or imply that it is acting with the authority or as an agency of the University.

### **Organizational Standards of Conduct**

- a. Student organizations are expected to comply with all University policies and regulations.
- b. Student organizations, through their activities and actions, are expected to always meet the following:
  - i. Respect normal University operations (i.e. class schedules, movement of traffic, etc.);
  - ii. Honor and support the rights of its members in their academic pursuits;
  - iii. Not deny or interfere with the rights of others (this includes respecting the dignity of the human person and compliance with the anti-hazing policy);
  - iv. Refrain from discrimination in membership;
  - v. Represent the purpose and intent of the organization accurately and ethically, be aware of and in full compliance with applicable civil laws and University policies and regulations;
  - vi. Refrain from affiliation with or otherwise endorsing activities by or membership in fraternal or social organizations whose recognition was rescinded by the University. Endorsement includes, but is not limited to, attending activities or events sponsored by these organizations and allowing these organizations to participate in activities or events sponsored by a student organization;
  - vii. Be aware of and in full compliance with applicable civil laws and University policies and regulations.

### **Consequences of Violations**

- a. Any student organization is subject to disciplinary action or revocation of recognition as a student organization for violation of the University Regulations. Student organization Code of Student Conduct violations are pursuant to VI. Disciplinary Proceedings.
- b. In addition to possible disciplinary action taken against an organization under these regulations, members are individually subject to disciplinary action.
- c. In addition to charges initiated by the Office of Student Life or the Dean of Students, any student, faculty, staff member, or student organization may report alleged violations to the Office of Student Life or the Dean of Students.
- d. Any student group that fails to properly register as an organization will have its recognition revoked and will no longer be permitted the privileges associated with student organizations, including but not limited to room reservations, hosting events, and posting signs.

## **IX-M. Student Use of Motor Vehicles**

### **A. Potsdam Campus**

Clarkson University requires all undergraduate and graduate students to register with the University the motor vehicles that they intend to operate on campus. 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.

#### **Registration**

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

- a. A numbered sticker will be provided which is to be placed on the back of the rearview mirror.
- b. The persons to whom registration stickers are issued will be held responsible for violations regardless of the actual driver of the vehicle. When vehicles are disposed of, it is therefore important to remove stickers.
- c. Accessible parking permits are issued at the Village of Potsdam Police Department. This parking privilege is only for the use of the person to whom it is issued. All accessible parking spaces are clearly marked on the University campus. All other vehicles parked in these spaces will be towed at the owner's expense.
- d. Requests for temporary accessible parking permits for use on Clarkson University property only must be submitted through the Office of Accessibility Services. Upon approval by the Office of Accessibility Services, these permits are issued by Campus Safety & Security for use on Clarkson University property only. These permits are not valid at any locations off campus.

### **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.

### **Parking**

Parking in all designated lots is on a first-come, first-served basis. All responsibility for locating a legal parking space rests with the vehicle operator. Vehicle registrants are responsible for all fines. Lack of space in any lot does not justify parking illegally. Each academic year the Office of Campus Safety & Security provides a listing of all lot designations and where campus community members and guests can park. All members of the campus community are asked to familiarize themselves with these regulations. Additional copies can be obtained from the Office of Campus Safety & Security.

### **Speeding**

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

### **Abandoned Vehicles**

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

### **Repair to Vehicles**

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

### **Motorcycles & Utility Trailers**

All traffic and parking regulations mentioned here also pertain to owners of motorcycles, motorbikes, utility trailers, or other similar transportation.

### **Vehicle Access**

No parking or driving on lawns, sidewalks or other pedestrian paths and trails (e.g. Munter, Adirondack, Back 40, etc.) is permitted. Driving to the boathouse is also not permitted. The only exceptions to this policy are authorized University and emergency vehicles.

### **Recreational Vehicles**

Snowmobiles, ATVs, dirt bikes, etc. are not allowed on Clarkson University's property at any time. Use of mechanized vehicles on University ski trails is prohibited. Exceptions are made for University sanctioned programs, such as SPEED Teams, with the approval of Campus Safety & Security.

### **Violations**

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

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

As determined by the Dean of Students or designee, 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, [here](#) within five (5) business days of receiving notice of a violation. Unpaid fines will be charged to the student's account.

### **Laws**

Students are expected to abide by all state laws, ordinances of the Village of Potsdam, and regulations of the University pursuant to the operation of vehicles. Misuse of the privilege to operate a motor vehicle on campus may result in revocation of this authorization and could result in other disciplinary action as warranted.

### **B. Capital Region Campus**

Students may park in the Graduate Center parking lot during business and extended hours. No long-term parking is permitted. Students do not need a parking permit for the Graduate Center lot however they may be asked to present a valid University ID.

## **IX-N. Equal Opportunity, Harassment, and Nondiscrimination Policy**

### **A. Definitions**

**Advisor:** a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

**Complainant:** an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity. [Formerly Reporter]

**Complaint (formal):** a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that Clarkson University investigate the allegation.  
[https://cm.maxient.com/reportingform.php?ClarksonUniv&layout\\_id=40](https://cm.maxient.com/reportingform.php?ClarksonUniv&layout_id=40)

**Confidential Resource:** an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status), such as Student Health and Counseling Center staff.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Clarkson University has designated individuals who have the ability to have communications as Confidential Resources. For more information about Confidential Resources, see section IX-N.

When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when:

- a. the individual gives written consent for its disclosure;
- b. there is a concern that the individual will likely cause serious physical harm to self or others; or
- c. the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

**Day:** a business day when Clarkson University is in normal operation.

**Education program or activity:** locations, events, or circumstances where Clarkson University exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination is alleged to have occurred and also includes any building owned or controlled by a student organization that is officially recognized by Clarkson University.

**Final Determination:** A conclusion by preponderance of evidence that the alleged conduct occurred and whether it did or did not violate policy.

**Finding:** A conclusion by preponderance of evidence that the conduct did or did not occur as alleged.

**Formal Complaint:** A document filed/signed, including via electronic or physical signature, by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Clarkson University investigate the allegation(s).

**Formal Grievance Process:** "Process A," a method of formal resolution designated by Clarkson University to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

**Grievance Process Pool:** includes any investigators, hearing officers, appeal officers, and advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

**Hearing Decision-maker(s):** those who have decision-making and sanctioning authority within Clarkson University's Formal Grievance process.

**Investigator:** the person or persons charged by Clarkson University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

**Mandated Reporter:** an employee of Clarkson University who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator or an Official with Authority.

**Notice:** an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

**Official with Authority (OWA):** an employee of Clarkson University explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of Clarkson University.

**Parties:** include the Complainant(s) and Respondent(s), collectively.

**Privacy:** information related to a complaint will be shared with a limited number of Clarkson University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. Even University offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. This is explained further in Section 11 below. All employees who are involved in Clarkson University's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in Clarkson University's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies.

**Process A:** the formal grievance process detailed below and defined above as the formal grievance process.

**Process B:** the informal alternative resolution procedures detailed below.



**Remedies:** post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Clarkson University's educational program.

**Respondent:** an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class, or retaliation for engaging in a protected activity.

**Resolution:** the result of an informal resolution or Formal Grievance Process under either Process A or B.

**Sanction:** a consequence imposed by Clarkson University on a Respondent who is found to have violated this policy.

**Sexual Harassment:** umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

**Supportive measures:** non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Clarkson University's education program or activity, including measures designed to protect the safety of all parties or Clarkson University's educational environment, and/or deter harassment, discrimination, and/or retaliation.

**Title IX Coordinator:** the official designated by Clarkson University to ensure compliance with Title IX and Clarkson University's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

**Title IX Team:** the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

## B. Rationale for Policy

Clarkson University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Clarkson University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Clarkson University values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

## C. Applicable Scope

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using Clarkson University's "Process A" or "Process B," as determined by the Title IX Coordinator or appropriate Official with Authority, and as detailed below.

When the Respondent is a member of the Clarkson University community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Clarkson University community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

One or more of Clarkson University's personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. The processes described in this policy apply to any situation where a student or a student organization is the Complainant or Respondent. In all other situations, the University reserves the right to apply this process or another applicable University policy or process. The University will apply this process to any situation where the University determines that applicable law (including but not limited to Title IX) requires the application of this process.

## D. Title IX Coordinator

Jennifer Ball, Chief Inclusion Officer, serves as the Title IX Coordinator ADA/504 Coordinator and Title VI Coordinator for purposes of Clarkson University's policy on equal opportunity, harassment, and nondiscrimination. Amy

McGaheeran serves as the Title VII and Affirmative Action Officer and oversees implementation of Clarkson University's Affirmative Action and Equal Opportunity plan. The Title IX Coordinator has the primary responsibility for coordinating Clarkson University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. Both the Chief Inclusion Officer and the Chief Human Resources Officer serve as primary contacts for reporting non discrimination violations under New York State law.

#### **E. Title IX Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures related to Title IX, Title VI, and ADA/504. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Clarkson University President at [president@clarkson.edu](mailto:president@clarkson.edu) or designee. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the Clarkson University President [president@clarkson.edu](mailto:president@clarkson.edu) or designee. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator .

#### **F. Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, should be made internally to:

**Jennifer L. Ball, PhD**

Title IX Coordinator  
Chief Inclusion Office  
1003b ERC  
Office: (315) 268-4208  
Cell: (315) 212-8940  
Email: [TitleIX@clarkson.edu](mailto:TitleIX@clarkson.edu) or [jball@clarkson.edu](mailto:jball@clarkson.edu)  
Web: <https://www.clarkson.edu/nondiscrimination>

**Amy McGaheeran**

Deputy Title IX Coordinator, Human Resources  
Clarkson University  
102 Graham Hall  
Office: (315) 268-3788  
[amcgaher@clarkson.edu](mailto:amcgaher@clarkson.edu)

Clarkson University has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints of violations of this policy on behalf of Clarkson University.

**Kelsey Pearson**

Dean of Students  
Price Hall 1003A  
Office: (315) 268-6620  
[deanofstudents@clarkson.edu](mailto:deanofstudents@clarkson.edu)

Clarkson University has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation.

Inquiries may be made externally to:

**Office for Civil Rights (OCR)**

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

**U. S. Department of Education**

32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: (646) 428-3800  
Facsimile: (646) 428-3843  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

For complaints involving employees: Equal Employment Opportunity Commission (EEOC)

**G. Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

- a. File a complaint with, or give verbal notice to, the Title IX Coordinator or deputies or Officials with Authority (see contact information above). Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.
- b. Submit a complaint online, using the reporting form posted at [https://cm.maxient.com/reportingform.php?ClarksonUniv&layout\\_id=40](https://cm.maxient.com/reportingform.php?ClarksonUniv&layout_id=40). Anonymous reports are accepted, but be advised that such reports can give rise to a need to investigate. Clarkson University tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report where the Complainant cannot be identified.

A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. A formal complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly. In order to proceed with a Title IX process, a formal complaint is necessary. However, other reports of non-Title IX based incidents may proceed without a formal complaint under Process B.

**H. Supportive Measures**

Clarkson University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Clarkson University's education program or activity, including measures designed to protect the safety of all parties or Clarkson University's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator or appropriate Official with Authority promptly makes supportive measures available to the parties upon receiving notice or a complaint. The Title IX Coordinator or appropriate Official with Authority works with the party to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Clarkson University will maintain the privacy of the supportive measures, if privacy does not impair Clarkson University's ability to provide the supportive measures. Clarkson University will act to ensure as minimal an academic

impact on the parties as reasonably possible. Clarkson University will implement measures in a way that does not unreasonably burden the other party.

For notice of potential Title IX Violations (as defined below), when supportive measures are offered, Clarkson University will inform the Complainant, in writing, that they may file a formal complaint with Clarkson University either at that time or in the future, if they have not done so already.

Supportive measures may include, but are not limited to:

- a. Referral to counseling, medical, and/or other healthcare services
- b. Referral to the Employee Assistance Program
- c. Referral to community-based service providers
- d. Visa and immigration assistance
- e. Student financial aid counseling
- f. Education to the community or community subgroup(s)
- g. Altering campus housing assignment(s)
- h. Altering work arrangements for employees or student-employees
- i. Safety planning
- j. Providing campus safety escorts
- k. Providing transportation accommodations
- l. Implementing mutual contact limitations (no contact orders) and, in certain circumstances, one-directional contact limitations, between the parties
- m. Academic support, extensions of deadlines, or other course/program-related adjustments
- n. Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- o. Timely warnings
- p. Class schedule modifications, withdrawals, or leaves of absence
- q. Increased security and monitoring of certain areas of the campus
- r. Any other actions deemed appropriate by the Title IX Coordinator or appropriate Official with Authority

Violations of no contact orders or Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders will be referred to appropriate student or employee conduct processes for enforcement including referral to appropriate law enforcement.

## **I. Emergency Removal**

This section applies only to student and student organization Respondents. Employee respondents are not subject to this section and may be placed on administrative leave pursuant to the University's policies and/or collective bargaining agreements during the pendency of a process under this policy.

Clarkson University can act to remove a student or student organization Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator or appropriate Official with Authority in conjunction with the Behavioral Intervention Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator or designee prior to or at the time of such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 10 days after the Respondent is notified of the emergency removal, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this review if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations of Title IX Violations. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

In cases involving allegations of Title IX Violations, the Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

Clarkson University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator or appropriate Official with Authority, these actions could include, but are not limited to:

- a. Removing a student from a residence hall
- b. Temporarily re-assigning an employee
- c. Restricting a student's or employee's access to or use of facilities or equipment
- d. Allowing a student to withdraw or take grades of incomplete without financial penalty
- e. Authorizing an administrative leave
- f. Suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator or appropriate Official with Authority, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

#### **J. Promptness**

All allegations are acted upon promptly by Clarkson University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Clarkson University will use reasonable efforts to avoid undue delays within its control.

Any time the general time frames for resolution outlined in Clarkson University procedures will be delayed, Clarkson University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Any internal University investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays in the University's internal process may be requested by local law enforcement authorities for the purpose of gathering evidence. Any such temporary delay shall not last more than ten (10) business days, except when local law enforcement authorities specifically request and justify a longer delay.

#### **K. Privacy**

Every effort is made by Clarkson University to preserve the privacy of reports. For the purpose of this policy, privacy and confidentiality have distinct meanings. Please see above. Clarkson University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as otherwise permitted or required by law, or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Clarkson University reserves the right to designate which Clarkson University officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Title IX Team members or Officials with Authority. Information will be shared as necessary with Investigators, Hearing Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as

reasonably possible to preserve the parties' rights and privacy. Clarkson practices need-to-know privacy in all reports and complaints.

Clarkson University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk or when otherwise permitted by law, but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically below.

#### **L. Jurisdiction of Clarkson University**

This policy applies to the education program and activities of Clarkson University, to conduct that takes place on the campus or on property owned or controlled by Clarkson University, at Clarkson University-sponsored events, or in buildings owned or controlled by Clarkson University's recognized student organizations. The Respondent must be a member of Clarkson University's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Clarkson University's educational program or activity. Clarkson University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial Clarkson University interest.

Regardless of where the conduct occurred, Clarkson University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Clarkson University interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any action that raises a compliance obligation under civil law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- c. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- d. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- e. Any situation that is detrimental to the educational interests or mission of Clarkson University.

If the Respondent is unknown or is not a member of the Clarkson University community, the Title IX Coordinator or appropriate Official with Authority will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. If University community members believe they have been subjected to misconduct of the sort prohibited by this policy by a guest or other non-community member in connection with a University program or offering, they should make a report to the Title IX Coordinator, who will work with Campus Safety or other Officials with Authority to conduct an appropriate investigation. The officials will report their findings to the Title IX Coordinator for action. The decision of the Title IX Coordinator in such matters will be final.

Further, even when the Respondent is not a member of Clarkson University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or appropriate Official with Authority.

In addition, Clarkson University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Clarkson University property and/or events. All vendors serving Clarkson University through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator or appropriate Official with Authority can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator or appropriate Official with Authority may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment

external to the Clarkson University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

### **M. Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator or appropriate Official with Authority. However, if the Respondent is no longer subject to Clarkson University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator or appropriate Official with Authority, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Clarkson University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

### **N. Online Harassment and Misconduct**

The policies of Clarkson University are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Clarkson University's education program and activities or use Clarkson University networks, technology, or equipment.

While Clarkson University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Clarkson University, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Clarkson University community.

### **O. Policy on Nondiscrimination**

Clarkson University adheres to all federal and state civil rights laws and regulations prohibiting discrimination in private institutions of higher education.

Clarkson University does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- a. Race
- b. Religion
- c. Personal appearance
- d. Color
- e. Sex
- f. Pregnancy
- g. Political affiliation
- h. Source of income
- i. Place of business
- j. Residence
- k. Religion
- l. Creed
- m. Ethnic or national origin (including ancestry)
- n. Citizenship status
- o. Physical or mental disability (including perceived disability)
- p. Age
- q. Marital status
- r. Familial status

- s. Sexual orientation/identity
- t. Gender identity
- u. Gender expression
- v. Veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran)
- w. Predisposing genetic characteristics
- x. Domestic violence victim status
- y. Any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Clarkson University community whose acts deny, deprive, or limit the educational or employment or residential and/or social access, benefits, and/or opportunities of any member of the Clarkson University community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the Clarkson University policy on nondiscrimination.

When brought to the attention of Clarkson University, any such discrimination will be promptly and fairly addressed and remedied by Clarkson University according to the appropriate grievance process described below.

## **P. Policy on Disability Discrimination**

Clarkson University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by Clarkson University, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

Jennifer Ball, Chief Inclusion Officer, has been designated as Clarkson University's ADA/504 Coordinator responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status will be addressed using Process B. For details relating to appealing disability accommodations, see Grievance Process detailed in the Policy of Disability Accommodation.

## **Q. Policy on Disability Accommodation**

### **I. Students with Disabilities**

Clarkson University is committed to ensuring equal educational opportunity and access to services, programs, and activities for persons with disabilities.

It is the policy of the University to provide reasonable accommodation to a qualified student or prospective student with a qualified disability. The University's responsibility to make a particular reasonable accommodation is limited by the qualification that to do so would not impose an undue hardship upon the University's operations, programs or activities.

If a particular accommodation imposes an undue hardship to University resources or would fundamentally alter a University course or program, the University will consider whether there are alternative accommodations that would not impose such hardship. This policy also applies to concerns regarding physical barriers or policies and procedures preventing access.

### **Definitions**



**Substantially Limits:** The inability to perform a major life activity that the average person in the general population can perform; or a significant restriction as to the condition, manner or duration under which an individual can perform a major life activity as compared to the condition, manner, or duration under which the average person can perform that same major life activity.

**Major Life Activities:** Includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**Physical or Mental Impairment:** Defined by the regulations of the ADA/504 to include any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Qualified Individual with a Disability:** An individual with a disability who meets the skill, experience, education, and other course or program requirements, and who, with or without reasonable accommodation, can perform the essential functions of the course or program.

**Undue Hardship:** An excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the program or activity, or the institution.

**Essential Functions:** The fundamental elements of the course or program.

**Obvious Disability:** A person has an obvious disability when the disability is visible or readily apparent to a reasonable person (e.g., physical disabilities such as mobility impairments or blindness).

**Procedures:** A student or prospective student may request reasonable accommodation by contacting the Office of Accessibility Services (OAS). OAS, with the assistance of the ADA/504 Coordinator as needed, will make a determination of the reasonableness and appropriateness of the requested accommodation.

If the request must be denied because of undue hardship or fundamental alteration of a course or program, the party will be notified by OAS.

It is the obligation of an individual with a disability to make a request for a reasonable accommodation to OAS. This request will state the functional limitations associated with the disability and the specific accommodation(s) requested. OAS will engage the party in an interactive process to determine the appropriate accommodation. Accommodations may include temporary or permanent modifications to the course or program, living, and/or dining environments.

When a request is made for a reasonable accommodation, and the disability is not obvious and has not been previously documented, the student or prospective student may be required to provide written verification from a health care professional that they have a disability as claimed, including the functional limitations associated with the disability. The University reserves the right to request the party to submit to an Independent Medical Exam, at the University's expense, in the event an issue arises concerning a disability or the related functional limitations.

A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential requirements of the course or program without the accommodation, they will not be considered to be an otherwise qualified individual with a disability after refusing the accommodation.

In the event of an obvious disability, the student shall contact OAS to ensure appropriate accommodations are considered and implemented.

**Undue Hardship:** The University's responsibility to make a particular reasonable accommodation is limited by the qualification that to do so would not impose an undue hardship upon the University's operations or would fundamentally alter the nature of operation of a particular program or activity. If a particular accommodation imposes an undue hardship, the University will consider whether there are alternative accommodations that would not impose such hardship.

The following criteria shall be considered in determining undue hardship:

- a. The nature and net cost of the accommodation needed, taking into consideration the availability of funding sources;

- b. The overall financial resources of the University, the number of employees, and the effect on expenses and resources;
- c. The impact of the accommodation on the operation of the department involved and the University's mission, including the impact on others' housing and dining environments and the ability of other students to complete their course or program, and the University's ability to conduct its business.

**University Commitments:** The need for a reasonable accommodation shall not adversely affect the consideration of an individual with a disability for a course or program to avail themselves of equal benefits, privileges, and conditions of University attendance.

The University will share information regarding the presence or nature of a party's disability only on a need to know basis.

Any student or prospective student who feels that they have been unfairly denied reasonable accommodation(s) may [ask for a review of the denial](#) by the Director of Accessibility Services. If this does not resolve the matter, the individual may file a written grievance with the ADA/504 Coordinator who will review the grievance with two trained members of the ADA/504 Committee. In the event of a conflict of interest or other compelling reason, there will be a reassignment of authority under this grievance procedure from the named University officials to other appropriate individuals.

This grievance procedure shall be the exclusive internal procedure for grieving matters arising under this policy.

## II. Employees with Disabilities

Philosophy Clarkson University (the "University") is committed to assuring equal employment opportunity and equal access to services, programs and activities for persons with disabilities.

It is the policy of the University to provide reasonable accommodation to a qualified employee or applicant with a disability to enable that person to perform the essential functions of the position for which the employee or applicant is applying or is employed. The University's responsibility to make a particular reasonable accommodation is limited by the qualification that to do so would not impose an undue hardship upon the University's operations, programs or activities. If a particular accommodation imposes an undue hardship, the University will consider whether there are alternative accommodations that would not impose such hardship. This policy also applies to concerns regarding physical barriers or policies and procedures preventing access.

This policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, job application procedure, hiring, training, advancement, classification, transfer and reassignment, and promotions.

An employee or applicant may request reasonable accommodation by completing a Request for Reasonable Accommodation and submitting it to Human Resources. Human Resources, with the assistance of medical advice and/or legal counsel as needed, will make a determination of the reasonableness and appropriateness of the requested accommodation.

If the request must be denied because of undue hardship, the employee/applicant will be notified of the decision by Human Resources.

### Definitions

**Substantially Limits:** The inability to perform a major life activity that the average person in the general population can perform; or a significant restriction as to the condition, manner or duration under which an individual can perform a major life activity as compared to the condition, manner, or duration under which the average person can perform that same major life activity.

**Major Life Activities:** Includes functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

**Physical or Mental Impairment:** Defined by the regulations of the Equal Employment Opportunity Commission to include any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or

more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

**Qualified Individual with a Disability:** An individual with a disability who meets the skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of the job.

**Undue Hardship:** An excessively costly, extensive, substantial, or disruptive modification, or one that would fundamentally alter the nature or operation of the program or activity, or the institution.

**Essential Functions:** The fundamental job duties of the position.

**Obvious Disability:** A person has an obvious disability when the disability is visible or readily apparent to a reasonable person (e.g., physical disabilities such as mobility impairments or blindness).

### **Employee/ Applicant Responsibility**

- a. It is the obligation of an individual with a disability to make a request for a reasonable accommodation to Human Resources, unless the need for an accommodation is obvious. This request will state the functional limitations associated with the disability and the specific accommodation(s) desired. Human Resources will advise the supervisor of the request.
- b. When an applicant or employee makes a request for a reasonable accommodation, and the disability is not obvious and has not been previously documented, the employee or applicant may be required to provide written verification from a health care professional that they have a disability as claimed, and the functional limitations associated with the disability. The University reserves the right to request an employee or applicant to submit to an Independent Medical Exam, at the University's expense, in the event an issue arises concerning a disability or the related functional limitations.
- c. A qualified individual with a disability has the right to refuse an accommodation. However, if the individual cannot perform the essential functions of the job without the accommodation, they will not be considered to be an otherwise qualified individual with a disability after refusing the accommodation.

### **University Commitments**

- a. The need for a reasonable accommodation shall not adversely affect the consideration of an individual with a disability for employment, training, promotion or opportunity to avail themselves of equal benefits, privileges and conditions of employment.
- b. The University will share information regarding the presence or nature of an employee's or applicant's disability only on a need to know basis.

### **Procedure for Obvious Disability**

In the event of an obvious disability, the supervisor shall contact Human Resources to ensure appropriate accommodations are considered and implemented.

### **Procedure for Recruitment/Selection**

The University will provide reasonable accommodation in all stages of the recruitment, application and selection process according to the following procedure:

- a. Applicants will be notified of the right to make an accommodation request and be given information on how to initiate such a request.
- b. The University will respond to requests to provide accommodation in a timely manner.

### **Reasonable Accommodation Request Process**

- a. An employee may request reasonable accommodation by completing a Request for Reasonable Accommodation form and submitting it to Human Resources. An applicant may request an accommodation by contacting Human Resources.

- b. Where possible, Human Resources will propose a reasonable accommodation to the employee. The accommodation may include, but is not limited to:
  1. Modification of the work environment;
  2. Modification of the employee's regular job duties and/or work schedule within the current position; or
  3. Temporary appointment in accordance with applicable policies, collective bargaining agreements, laws and regulations.
- c. If the request must be denied because of undue hardship, the employee/applicant will be notified of the decision by Human Resources.

### **Undue Hardship Limitation**

- a. The University's responsibility to make a particular reasonable accommodation is limited by the qualification that to do so would not impose an undue hardship upon the University's operations or would fundamentally alter the nature of operation of a particular program or activity. If a particular accommodation imposes an undue hardship, the University will consider whether there are alternative accommodations that would not impose such hardship.
- b. The following criteria shall be considered in determining undue hardship:
  1. The nature and net cost of the accommodation needed, taking into consideration the availability of funding sources;
  2. The overall financial resources of the University, the number of employees, and the effect on expenses and resources;
  3. The impact of the accommodation on the operation of the department involved and the University's mission, including the impact on the ability of other employees to perform their duties, and the University's ability to conduct its business.

### **Grievance Procedure**

Any employee or applicant who feels that they have been unfairly denied reasonable accommodation(s) [may file a written grievance](#) with the University's Chief Human Resources Officer. An employee or applicant may appeal the decision of the Chief Human Resources Officer to the University's ADA and Section 504 Coordinator, who will review with two members of the ADA/504 Committee to determine whether the University's policies and procedures have been followed. In the event of a conflict of interest or other compelling reason, there will be a reassignment of authority under this grievance procedure from the named University officials to other appropriate individuals.

This grievance procedure shall be the exclusive internal procedure for grieving matters arising under this policy. The general grievance procedures set forth in Section 3.1.13 of the University's Operations Manual shall not be applicable to matters arising under this policy. The grievance procedure available to employees and applicants under this policy is intended to address issues involving the accommodation of a disability and is not available to dispute determinations involving job performance, compensation or other terms and conditions of employment. It shall be within the discretion of the ADA and Section 504 Coordinator to determine whether a grievance properly falls within this grievance procedure.

## **R. Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. Clarkson University's harassment policy is not meant to inhibit or prohibit educational or research content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under Clarkson University policy. When speech or conduct is protected by academic freedom, it will not be considered a violation of Clarkson University policy, though supportive measures will be offered to those impacted.

### **Discriminatory Harassment Other than Sexual Harassment**

Discriminatory harassment constitutes a form of discrimination that is prohibited by Clarkson University policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis

of actual or perceived membership in a class protected by policy or law. Discriminatory harassment as defined in this section does not include sexual harassment or harassment based on sex, sexual orientation, gender identity or gender expression. Sexual harassment is defined in Section below.

Clarkson University does not tolerate discriminatory harassment of any employee, student, visitor, or guest. Clarkson University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational Institutions Investigative Guidance. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Clarkson University may also impose sanctions on the Respondent through application of the appropriate grievance process below.

Clarkson University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct may fall under Clarkson University policy, but may also be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms.

For assistance with Alternate Resolution and other informal resolution techniques and approaches, contact the Chief Inclusion Officer, the Dean of Students (students) or Human Resources (employees).

### **Sexual Harassment**

This policy sets forth conduct expectations for our community and provides a process for the reporting, investigation and adjudication of alleged Violations. This policy applies to alleged conduct violative of Title IX of the Education Amendments of 1972 (i.e., "Title IX Violations") and also applies to a broader range of contexts and behaviors inconsistent with the University's commitment to equal opportunity (i.e., "University Standards Violations").

The designation of conduct or allegations as either "Title IX Violations" or "University Standards Violations" is not a function of the seriousness of the alleged conduct but rather a function of the scope and coverage of Title IX versus the University's broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

Clarkson University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, gender identity and/or gender expression of those involved.

### **Title IX Violations**

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

In accordance with Title IX as interpreted by the Department of Education, the University recognizes the following as conduct violations within the meaning of Title IX, provided that the context and circumstances of the conduct fall within the scope of Title IX. This is including but not limited to that the Complainant was in the United States at the time of the alleged conduct, that the Complainant be participating in or seeking to participate in the University's education program or activity at the time of the complaint, and that the conduct occurred in the context of the University's education program or activity.

## Sexual Harassment

“Sexual harassment” means conduct on the basis of sex (including gender, sexual orientation, or gender identity or expression) that satisfies one or more of the following:

- a. An employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct (commonly referred to as a “quid pro quo”)
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity (commonly referred to as a sexually or gender-based “hostile environment”).
- c. Unwelcome conduct on the basis of sex that does not rise to the level described above may be addressed as a University Standards Violation as described below, provided that it meets the definition of sexual harassment as a University Standards Violation.

## Sexual Assault

Consistent with federal law, the University defines sexual assault as a sexual act directed against another person without consent of the other person, including instances where the other person is incapable of giving consent.

Sexual assault consists of the following specific acts:

- a. **Non-Consensual Sexual Intercourse**  
Sexual assault of this type includes the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the other person.
- b. **Non-Consensual Sexual Contact**  
This form of sexual assault includes any intentional touching, however slight, for purposes of sexual gratification, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person without the consent of the other person, including instances where the other person is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing.
- c. **Incest**  
Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape**  
Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.
- e. **Dating Violence**  
Dating violence refers to violence (including but not limited to sexual or physical abuse or the threat of such abuse) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on the Complainant’s statement with consideration of the following factors:
  - i. the length of the relationship;
  - ii. the type of relationship; and
  - iii. the frequency of interaction between the persons involved in the relationship. Dating violence can include behavior such as coercion, isolation or other forms of emotional, verbal or economic abuse if it reflects a threat of sexual or physical abuse as described above. Dating violence does not include acts covered under the definition of domestic violence.
- f. **Domestic Violence**  
Domestic violence refers to violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the University is located, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship as described above.
- g. **Stalking**  
Stalking is engaging in a course of conduct directed at a specific person on the basis of sex (including gender, sexual orientation, or gender identity or expression) that would cause a reasonable person to fear for

their safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition,

- a “course of conduct” means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;
- “reasonable person” means a reasonable person under similar circumstances and with similar identities to the Complainant; and
- “substantial emotional distress” means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Examples of behavior that may constitute stalking include repeated, intentional following, observing or lying in wait for another; using “spyware” or other electronic means to gain impermissible access to a person’s private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual’s relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual. Stalking that does not occur on the basis of sex may be addressed as a University Standards Violation as described below.

## **University Standards Violations**

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

## **Sexual Harassment**

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

Harassing conduct can occur in various forms, including:

### **a. Verbal**

Conduct such as unwelcome sexually suggestive, demeaning, or graphic comments; unwelcome verbal sexual advances; using slurs to refer to a person; bullying, yelling or name-calling; refusing to use a person’s preferred pronouns or name; or jokes or comments that demean a person on the basis of gender, sexual orientation, gender identity or gender expression.

### **b. Physical**

Conduct such as unwanted sexual contact or physical sexual advances (e.g., unwanted touching, pinching, patting, kissing, hugging, grabbing, brushing against another person’s body or poking another person’s body); sexual intimidation through physical threats; or physical threats toward or intimidation of another on the basis of gender, sexual orientation, gender identity or gender expression.

### **c. Visual**

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

### **d. Communication-based**

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

the ease of transmission and/or anonymity of the Internet or other technology to harm another member of, or group within, the University community.

e. **Sex stereotyping**

Conduct in which another person's or group's conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

A determination as to whether sexual harassment occurred depends on the totality of the circumstances, including the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness or severity of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual or group and the learning community.

A "**hostile environment**" is created when the offensive behavior interferes with an individual's ability to participate in the University's programs (i.e., to work and to learn) when judged against a reasonable person standard. However, the University encourages individuals experiencing or witnessing offensive behavior to make a report as early as possible so as to have the situation corrected before it reaches the level of a hostile environment. Individuals with a concern need not worry about whether the behavior is sufficiently serious to constitute a hostile environment. The University reserves the right to remedy sexual harassment pursuant to this policy even if the behavior in question does not rise to the level of legally recognized or actionable harassment.

The fact that a person was personally offended by a statement or incident does not alone constitute a violation of this policy. The determination as to whether this policy has been violated takes into account the totality of the circumstances as described above. In all instances, a key factor is whether the complained-of behavior occurred because based on sex (including gender, sexual orientation, gender identity or gender expression) or was sexual in nature. If it did not or was not, the behavior is not regulated by this policy. However, even if the conduct is not sexual in nature or based upon on sex, and/or does not otherwise constitute prohibited conduct under this policy, the University may respond by providing individual and community support and resources to those who have been impacted.

The University also prohibits "**quid pro quo**" **sexual harassment**, which means "this for that" harassment. It is a violation of this policy for any person to condition any benefit on submission to sexual activity. No person should believe that any other person -- no matter their position of authority -- has a right to require sexual activity in exchange for any benefit or advantage; they do not.

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

Sexual assault consists of the following specific acts:

i. **Non-Consensual Sexual Intercourse**

Sexual assault of this type includes the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the other person or where the other person is incapable of consent due to mental or physical incapacity. This type of sexual assault also includes non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

ii. **Non-Consensual Sexual Contact**

This form of sexual assault includes any intentional touching, however slight, for purposes of sexual gratification or with sexual intent, of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person without the affirmative consent of the other person, including instances where the other person is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing. This may also include forcing or causing another without affirmative consent to touch one's own private body parts.



**Sexual exploitation** involves taking non-consensual or abusive sexual advantage of another for one's own benefit or for the benefit of anyone other than the person being exploited, if the conduct does not otherwise constitute another offense under this policy. Examples of Sexual Exploitation include:

- i. sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed);
- ii. taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent or beyond the parameters of consent), including the making or posting of revenge pornography;
- iii. exposing one's genitals in non-consensual circumstances or non-consensual disrobing of another person so as to expose the other person's private body parts;
- iv. prostituting another person;
- v. engaging in sexual activity with another person while knowingly infected with a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the STD or STI;
- vi. causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity;
- vii. misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections;
- viii. forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;
- ix. knowingly soliciting a minor for sexual activity.

**Dating violence** refers to violence (including but not limited to sexual or physical abuse or the threat of such abuse) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, but that does not constitute dating violence as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs. For example, because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity. The existence of such a relationship shall be determined based on the statement of the Complainant with consideration of the following factors:

- i. the length of the relationship;
- ii. the type of relationship; and
- iii. the frequency of interaction between the persons involved in the relationship. Dating violence can include behavior such as coercion, isolation or other forms of emotional, verbal or economic abuse if it reflects a threat of sexual or physical abuse as described above. Dating violence does not include acts covered under the definition of domestic violence.

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

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress, but that does not constitute stalking as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint,

or because the conduct did not occur in the context of the University's education program or activity). For the purposes of this definition:

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

### **Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.

**Affirmative Consent. A.k.a. Consent:** Affirmative Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Whenever the word "consent" is used in this policy, it should be understood to mean affirmative consent as defined here. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.

Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. In New York, a person less than 17 years of age is incapable of consenting to any sexual activity. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. When consent is withdrawn or can no longer be given, sexual activity must stop. Consent that meets this definition must be obtained to engage in sexual activity.

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

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Clarkson University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM (bondage, discipline/dominance, submission/sadism, and masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so Clarkson University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Violation of any other Clarkson University policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

### **Expectations Regarding Unethical Relationships**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty member and student or supervisor and employee). These relationships may, in reality, be less consensual than perceived by the individual whose position confers power or authority. Similarly, the relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Circumstances may change, and conduct that was once welcome may, at some point in the relationship, become unwelcome.

Even when both parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. Clarkson University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of Clarkson University. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must bring these relationships to the timely attention of the Human Resources Office and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an affected relationship existed prior to adoption of this policy, the duty to notify the appropriate supervisor still pertains. This type of relationship includes Resident Advisors (RAs) and students over whom the RA has direct responsibility.

While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.

Clarkson University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

### **Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator or appropriate Official with Authority and will be promptly investigated. Clarkson University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for Clarkson University or any member of Clarkson University's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner (including as or in support of a Complainant or Respondent) in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct violations that do not involve discrimination or harassment but arise out of the same facts or circumstances as a report or complaint of discrimination or harassment, for the purpose of interfering with any right or privilege secured by law or this policy, constitutes retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

### **Mandated Reporting**

All Clarkson University employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator or appropriate Official with Authority (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Clarkson University for a Complainant or third-party (including parents/guardians when appropriate):

a. **Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

On-campus confidential resources:

- Student Counseling Center at (315) 268-2327
  - Student Health Services at (315) 268-6633
- These counseling and health services are provided to University students free of charge.
- Harassment, Assault, and Abuse Response Team (HAART) at (315) 268-4466
- HAART Advocates are employees of the university who can offer confidential advice on your options to report misconduct and access support resources. They are not mental health counselors or legal advisors, but can help you coordinate contact with our Counseling center, Renewal House or the local police.

Off-campus confidential resources (non-employees):

- Renewal House at (315) 379-9845
- Canton-Potsdam Hospital at (315) 265-3000
- Reach Out at (315) 265-2422
- Legal Aid Society at (315) 386-4586
- Athletic trainers (if licensed and privileged under state statute, and/or working under the supervision of a health professional)

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Clarkson University employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client or patient.

b. **Mandated Reporters and Formal Notice/Complaints**

All employees of Clarkson University, excluding most student employees, with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator or appropriate Official with Authority all known details of a report made to them in the course of their employment.

Mandated Reporters must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Clarkson University.

Supportive measures may be offered as the result of such disclosures without formal Clarkson University action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of Clarkson University policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though Clarkson University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

### **When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator or appropriate Official with Authority, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether Clarkson University proceeds when the Complainant does not wish to do so, and in cases involving potential Title IX Violations the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate risk assessment. When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. When Clarkson University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish.

In both cases involving potential Title IX Violations and cases involving potential University Standards Violations, the University's decision as to responsive action will depend on the nature of the offense, whether the Respondent has a history of violent behavior or is a repeat offender, whether the incident represents escalation in unlawful conduct from previously noted behavior, the risk that the Respondent will commit additional acts of violence, whether there was a single perpetrator or multiple, whether the Respondent used a weapon or force, whether the Reporting Individual is a minor, whether available information reveals a pattern of perpetration at a given location or by a particular group or organization, whether the circumstances otherwise suggest an ongoing or future risk to the campus community or the Complainant, and similar considerations. Clarkson University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator or appropriate Official with Authority must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Clarkson University's ability to pursue a Formal Grievance Process fairly and effectively.

Note that Clarkson University's ability to remedy and respond to notice may be limited if the Complainant does not want Clarkson University to proceed with an investigation and/or grievance process and/or does not participate. The goal is to provide the Complainant with as much control over the process as possible, while balancing Clarkson University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Clarkson University to honor that request, Clarkson University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Clarkson University, and to have the incidents investigated and properly resolved through these procedures.

### **Federal Timely Warning Obligations**

Parties reporting incidents should be aware that under the Clery Act, Clarkson University must issue timely warnings for certain incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Clarkson University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Clarkson University policy.

## **Amnesty for Complainants and Witnesses**

The Clarkson University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Clarkson University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the Clarkson University community that Complainants choose to report misconduct to Clarkson University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

The health and safety of every student at Clarkson University is of utmost importance. The 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, or other conduct in violation of this policy, occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Clarkson University strongly encourages students to report domestic violence, dating violence, stalking, sexual assault or other violations of this policy to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, sexual assault or other violation of this policy to University officials or law enforcement will not be subject to University disciplinary action (including but not limited to action under this policy) for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to Campus Safety or a Resident Assistant).

Clarkson University maintains a policy of amnesty from minor policy violations as described above for students who offer help to others in need. While such policy violations cannot be overlooked, Clarkson University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

## **Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a. All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b. Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c. VAWA\*-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

\*VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040

All personally identifiable information is kept private, but statistical information must be passed along to Campus Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, campus safety & security, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

### **Disabilities Accommodation in the Resolution Process**

Clarkson University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution processes at Clarkson University. Anyone needing such accommodations or support should contact the Director of Disability Services, who will review the request and, in consultation with the person requesting the accommodation, and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

### **Recordkeeping**

Clarkson University will maintain for a period of at least seven years, or as required by state or federal law or institutional policy, records of (as applicable):

- a. Investigations including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- b. Any disciplinary sanctions imposed on the Respondent;
- c. Any remedies provided to the Complainant designed to restore or preserve equal access to Clarkson University's education program or activity;
- d. Any appeal and the result therefrom;
- e. Any Informal Resolution and the result therefrom;
- f. All materials with respect to Title IX jurisdiction investigation and adjudication processes used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Clarkson University will make these training materials publicly available on Clarkson University's website; and
- g. Any actions taken in response to a report.
- h. Any actions, including any supportive measures, taken in response to a report or formal complaint under this policy, including (as applicable):
  - i. The basis for all conclusions that the response was not deliberately indifferent;
  - ii. Any measures designed to restore or preserve equal access to Clarkson University's education program or activity; and
  - iii. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Clarkson University will also maintain any and all records in accordance with state and federal laws.

### **Revision; Interpretation**

These policies and procedures will be reviewed and updated annually by an appropriate group of Officials with Authority and the Title IX Coordinator. Clarkson University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect.

The Title IX Coordinator has discretionary authority to construe and interpret this policy and associated procedures, and to determine the meaning of any disputed or uncertain provisions. The Title IX Coordinator or appropriate Official with Authority may make minor modifications to these procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules.

The Title IX Coordinator or appropriate Official with Authority may also vary procedures materially with notice (on the Clarkson University website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedure.



Policy in effect at the time of the offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy.

If government regulations change in a way that impacts this document, this document will be construed to comply with the most recent government regulations.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

## **Process A Title IX Jurisdiction - Resolution Process for Alleged Violations of the Policy on Equal Opportunity, Harassment, and Nondiscrimination**

### **Overview**

Clarkson University will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Nondiscrimination (“the Policy”) involving alleged Title IX Violations by or against students, staff, administrators, or faculty members that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as “Process A.”

Except as described below with respect to collateral misconduct, the procedures below apply only to allegations of Title IX Violations involving students, staff, administrator, or faculty members.

If other aspects of the Policy are invoked, such as policies on protected class harassment or discrimination above, please see procedures applicable to the resolution of such offenses, known as “Process B.”

Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A (i.e., allegations of University Standards Violations consisting of such offenses), as determined by the Title IX Coordinator.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another, or University Standards Violations alleged to have occurred as part of the same incident involving Title IX Violations). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and staff Codes of Conduct and Operations Manual.

### **Notice/Complaint**

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, Clarkson University initiates a prompt initial assessment to determine the next steps the University needs to take.

Clarkson University will initiate at least one of three responses:

- a. Offering supportive measures because the Complainant does not want to proceed formally; and/or
- b. An informal resolution; and/or
- c. A Formal Grievance Process including an investigation and a hearing. The investigation and grievance process will determine whether or not the Policy has been violated. If so, Clarkson University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

### **Initial Assessment**

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration. If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about

the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties. The steps in an initial assessment can include:

- a. If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
- b. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a risk assessment indicates a compelling threat to health and/or safety.
- c. If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- d. The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- e. The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- f. The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
  - i. If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - ii. If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - iii. If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls includes potential Title IX Violations:
    - a. If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or
      - a culture/climate issue, based on the nature of the complaint.
    - b. If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly (which may include referring the matter for resolution under Process B). Please note that dismissing a complaint under Title IX is just procedural, and does not limit Clarkson University’s authority to address a complaint with an appropriate process and remedies.

### **Violence Risk Assessment**

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- a. Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- b. Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- c. Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- d. To help identify potential predatory conduct;
- e. To help assess/identify grooming behaviors;
- f. Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- g. Whether to permit a voluntary withdrawal by the Respondent;
- h. Whether to impose a transcript notation or communicate with a transfer institution about a Respondent;
- i. Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- j. Whether a Clery Act Timely Warning and/or persona-non-grata order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Behavioral Intervention Team (BIT) team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT or threat

assessment team. Where a VRA is required by the Title IX Coordinator and the involvement of the Respondent is requested, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

- a. an appraisal of risk factors that escalate the potential for violence;
- b. a determination of stabilizing influences that reduce the risk of violence;
- c. a contextual analysis of violence risk by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
- d. the application of intervention and management approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the BIT. The BIT will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

### **Dismissal (Mandatory and Discretionary)**

These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45. Clarkson University must dismiss a formal complaint or any allegations therein to the extent alleging Title IX Violations from Process A if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute a Title IX Violation as defined in the Policy hereinabove, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by Clarkson University (including buildings or property controlled by recognized student organizations), and/or Clarkson University does not have control of the Respondent; and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of Clarkson University.

Even if allegations of Title IX Category Violations are subject to dismissal, the University may continue to process the allegations as University Standards Violations (using "Process B" or, if applicable, as ancillary allegations under this process if it is to continue) if the allegations, if true, would constitute University Standards violations.

Clarkson University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by Clarkson University; or
3. Specific circumstances prevent Clarkson University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Clarkson University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

### **Counterclaims**

Clarkson University is obligated to ensure that the grievance process is not abused for retaliatory purposes. Clarkson University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by the Respondent may be made

in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the applicable grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

### **Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available. *“Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.*

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

Clarkson University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

### **Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Clarkson University community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Clarkson University, the Advisor will be trained by Clarkson University and be familiar with Clarkson University’s resolution process.

If the parties choose an Advisor from outside the pool of those identified by Clarkson University, the Advisor may not have been trained by Clarkson University and may not be familiar with Clarkson University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

### **Advisors in Hearings/Clarkson University-Appointed Advisor**

Under U.S. Department of Education regulations applicable to Title IX, an opportunity for cross-examination is required during the hearing, but must be conducted by the parties’ Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, Clarkson University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party’s Advisor will not conduct cross-examination, Clarkson University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

## **Advisor's Role**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Clarkson University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Clarkson University is not obligated to provide an attorney.

## **Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Clarkson University's policies and procedures, not to discuss case details.

## **Advisor Violations of Clarkson University Policy**

All Advisors are subject to the same Clarkson University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Clarkson University officials in a meeting or interview unless invited to do so. The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

## **Sharing Information with the Advisor**

Clarkson University expects that the parties may wish to have Clarkson University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. If a party requests that communication be made through their attorney Advisor, Clarkson University may comply with that request at the discretion of the Title IX Coordinator.

## **Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Clarkson University. Clarkson University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Clarkson University's privacy expectations.

## **Expectations of an Advisor**

Clarkson University generally expects an Advisor to adjust their schedule to allow them to attend Clarkson University meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Clarkson University may also make reasonable provision to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

## **Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

## **Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Clarkson University policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. Clarkson University encourages parties to discuss this with their Advisors before doing so.

### **A. Informal Resolution**

Informal Resolution can include three different approaches:

1. When the parties agree to resolve the matter through an alternate resolution mechanism [including mediation, restorative practices, etc.];
2. When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
3. When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Clarkson University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Clarkson University.

Clarkson University will obtain voluntary, written confirmation that parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

### **B. Alternate Resolution**

Alternate Resolution is an informal process by which a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of Alternate Resolution.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- a. The parties' amenability to Alternate Resolution;
- b. Likelihood of potential resolution, taking into account any power dynamics between the parties;
- c. The parties' motivation to participate;
- d. Civility of the parties;
- e. Cleared violence risk assessment/ongoing risk analysis;

- f. Disciplinary history;
- g. Whether an emergency removal is needed;
- h. Skill of the Alternate Resolution facilitator with this type of complaint;
- i. Complaint complexity;
- j. Emotional investment/intelligence of the parties;
- k. Rationality of the parties;
- l. Goals of the parties;
- m. Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

**C. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Clarkson University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Clarkson University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

**D. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and Clarkson University. Negotiated Resolutions are not appealable.

**Grievance Process Pool**

The Formal Grievance Process relies on a pool of trained employees (“the Pool”) to carry out the process.

The list of Pool members and a description of the Pool can be found at [www.clarkson.edu/nondiscrimination](http://www.clarkson.edu/nondiscrimination).

**A. Pool Member Roles**

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- a. To provide appropriate intake of and initial guidance pertaining to complaints
- b. To act as an Advisor to the parties
- c. To serve in a facilitation role in informal resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
- d. To perform or assist with initial assessment
- e. To investigate complaints
- f. To serve as a hearing facilitator (process administrator, no decision-making role)
- g. To serve as a Decision-maker regarding the complaint
- h. To serve as an Appeal Decision-maker

**B. Pool Member Appointment**

The Title IX Coordinator, in consultation with the President, appoints the Pool, which acts with independence and impartiality. While members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Clarkson University can also designate more limited roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

**C. Pool Member Training**

The Pool members receive annual training based on their respective roles. This training includes, but is not limited to:

- a. The scope of Clarkson University's Discrimination and Harassment Policy and Procedures
- b. How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- c. Implicit bias
- d. Disparate treatment and impact
- e. Reporting, confidentiality, and privacy requirements
- f. Applicable laws, regulations, and federal regulatory guidance
- g. How to implement appropriate and situation-specific remedies
- h. How to investigate in a thorough, reliable, and impartial manner
- i. How to uphold fairness, equity, and fundamental fairness
- j. How to weigh evidence
- k. How to conduct questioning
- l. How to assess credibility
- m. Impartiality and objectivity
- n. The effects of trauma
- o. How to render findings and generate clear, concise, evidence-based rationales
- p. The definitions of all offenses
- q. How to apply definitions used by Clarkson University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- r. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- s. How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- t. The rights of the Respondent, including the right to a presumption that the Respondent is "not responsible" until a finding of responsibility is made pursuant to this Policy
- u. Any technology to be used at a live hearing
- v. Issues of relevance of questions and evidence
- w. Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- x. How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations

Specific training is also provided for Investigators, Appeal Decision-makers, intake personnel, Advisors (who are Clarkson University employees), and Panel Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here: [www.clarkson.edu/nondiscrimination](http://www.clarkson.edu/nondiscrimination).

**D. Pool Membership**

The Pool includes:

- a. 2 chairs
- b. 3 or more members of the administration/staff
- c. 2 representatives from Human Resources
- d. 2 faculty members



## **Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator or designee will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- a. A meaningful summary of all of allegations
- b. The identity of the involved parties (if known)
- c. The precise misconduct being alleged
- d. The date and location of the alleged incident(s) (if known)
- e. The specific policies implicated
- f. A description of the applicable procedures
- g. A statement of the potential sanctions/responsive actions that could result
- h. A statement that Clarkson University presumes the Respondent is not responsible for the reported misconduct unless and until a determination is made under the Formal Grievance Process
- i. A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period
- j. Information about the privacy of the process
- k. Detail on how the party may request disability accommodations during the interview process
- l. The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have
- m. An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Clarkson University records, or emailed to the parties' Clarkson University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## **Resolution Timeline**

Clarkson University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

## **Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

## **Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or

conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the President's Office.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

Clarkson University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

### **Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Clarkson University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

### **Delays in the Investigation Process and Interactions with Law Enforcement**

Clarkson University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation (which shall not exceed ten days unless the law enforcement authority specifically requests and justifies a longer delay), the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Clarkson University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Clarkson University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Clarkson University will implement supportive measures as deemed appropriate.

Clarkson University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **Steps in the Investigation Process**

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- a. Determine the identity and contact information of the Complainant
- b. Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- c. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- d. Meet with the Complainant to finalize their interview/statement, if necessary
- e. May prepare the initial Notice of Investigation and Allegation (NOIA) for the Title IX Coordinator. The NOIA may be amended with any additional or dismissed allegations
  - Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party

- f. Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- g. When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- h. Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- i. Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses.
- j. Complete the investigation promptly and without unreasonable deviation from the intended timeline
- k. Provide regular status updates to the parties throughout the investigation.
- l. Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- m. Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- n. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) access to a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Clarkson University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- o. The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- p. The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- q. The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- r. The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors for review and (if desired) response, through secure electronic transmission or file sharing platform or hard copy at least ten (10) business days prior to a hearing.

### **Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of Clarkson University are expected to cooperate with and participate in Clarkson University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Clarkson University will take reasonable appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

### **Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

## **Evidentiary Considerations in the Investigation**

The investigation does not consider:

1. Irrelevant incidents not directly related to the possible violation; or
2. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

## **Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker–unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker[s] from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees will be directed to the appropriate Decision-maker depending on the context of the alleged misconduct.

## **Hearing Decision-maker Composition**

Clarkson University will designate a single Decision-maker or a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

## **Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider:

1. Irrelevant incidents not directly related to the possible violation; or
2. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility has been reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

### **Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- a. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- b. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- c. Any technology that will be used to facilitate the hearing.
- d. Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- e. A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- f. Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- g. A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- h. Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask the other party and/or any witnesses. The party must notify the Title IX Coordinator if they do not have an Advisor, and Clarkson University will appoint one. Each party must have an Advisor present. There are no exceptions.
- i. An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- j. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- k. Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Clarkson University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

### **Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

### **Pre-Hearing Preparation**

The Chair, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of witnesses or evidence newly offered at the hearing, the Chair will delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

### **Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and their Advisors to invite them to submit the questions or topics they (the parties and their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking at the hearing for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings.

### **Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the policy on Equal Opportunity, Harassment, and Nondiscrimination.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties (or two (2) organizational representatives when an organization is the Respondent (subject to the University's organizational conduct policies,) Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and the witness will then be excused.

### **Joint Hearings**

The Title IX Coordinator may determine that investigations and/or hearings where the allegations arise out of the same set of facts should be consolidated. Instances where consolidation may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single Complainant against a Respondent, or multiple complaints by a single Complainant against multiple Respondents. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

### **The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

### **Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

### **Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors ("cross-examination").

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair), the proceeding will pause to allow the Chair to consider it, and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may explore arguments regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

### **Refusal to Submit to Cross-Examination and Inferences**

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon.<sup>[1]</sup> However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Decision-maker(s), as distinguished from questions posed by Advisors through cross-examination.

The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than Title IX Violations are considered at the same hearing, as to those allegations the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with Clarkson University's established rules of decorum for the hearing, Clarkson University may require the party to use a different Advisor. If a Clarkson University-provided Advisor refuses to comply with the rules of decorum, Clarkson University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

### **Recording Hearings**

Hearings (but not deliberations) are recorded by Clarkson University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.



The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Clarkson University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by the appropriate administrator and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions.

This report must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome may be reviewed by legal counsel. The Title IX Coordinator will then share the Notice of Outcome with the parties and their Advisors.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Clarkson University records, or emailed to the parties' Clarkson University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will identify the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Clarkson University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent Clarkson University is permitted to share such information under state or federal law; any sanctions issued which Clarkson University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Clarkson University's educational or employment program or activity, to the extent Clarkson University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Clarkson University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

### **Statement of the Rights of the Parties**

All students in cases involving allegations of sexual assault, domestic or dating violence or stalking have the right to:

- a. Make a report to local law enforcement and/or state police;
- b. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- c. 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 University;
- d. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- e. Be treated with dignity and to receive from the University courteous, fair and respectful health care and counseling services, where available;
- f. 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;
- g. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- h. Be protected from retaliation by the Institution, any student, the accused and/or the responding party, and/or their friends, family and acquaintances within the jurisdiction of the Institution;
- i. Access to at least one level of appeal of a determination;
- j. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or responding party throughout the judicial or conduct process including during all meetings and hearings related to such process;
- k. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the Institution.

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

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

- j. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the University's obligations under the law and its policies and procedures;
- k. Disclose, if the accused is a University employee, the incident to Human Resources or to request that a confidential employee assist in reporting to Human Resources;
- l. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings.
- m. 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.

## Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- a. The nature, severity of, and circumstances surrounding the violation(s)
- b. The Respondent's disciplinary history
- c. Previous allegations or allegations involving similar conduct
- d. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- e. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- f. The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- g. The impact on the parties
- h. Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

### A. Student Sanctions

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

- I. **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any Clarkson University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- II. **Required Counseling:** A mandate to meet with and engage in either Clarkson University-sponsored or external counseling to better comprehend the misconduct and its effects.
- III. **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no contact orders, and/or other measures deemed appropriate.
- IV. **Suspension:** Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Clarkson University.
- V. **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Clarkson University-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.

- VI. Withholding Diploma: Clarkson University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- VII. Revocation of Degree: Clarkson University reserves the right to revoke a degree previously awarded from Clarkson University for fraud, misrepresentation, and/or other violation of Clarkson University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- VIII. Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges (including Clarkson University registration) for a specified period of time.
- IX. Other Actions: In addition to or in place of the above sanctions, Clarkson University may assign any other sanctions as deemed appropriate.

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

#### B. Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- a. Warning – Verbal or Written
- b. Performance Improvement/Management Process
- c. Required Counseling
- d. Required Training or Education
- e. Probation
- f. Loss of Annual Pay Increase
- g. Loss of Oversight or Supervisory Responsibility
- h. Demotion
- i. Suspension with pay
- j. Suspension without pay
- k. Termination
- l. Other Actions: In addition to or in place of the above sanctions, Clarkson University may assign any other sanctions as deemed appropriate.

### **Withdrawal or Resignation While Charges Pending**

#### A. Students

If a student has an allegation pending for violation of the Policy on Equal Opportunity, Harassment, and Nondiscrimination, Clarkson University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Clarkson University, the resolution process ends, as Clarkson University no longer has disciplinary jurisdiction over the withdrawn student. If a student withdraws while subject to a complaint, investigation or charges based upon alleged conduct constituting a crime of violence that the University is required by federal law to include in its Annual Security Report, the transcript of the student shall include the notation "Withdrew with conduct charges pending."

However, Clarkson University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Clarkson University. Such exclusion applies to all campuses of Clarkson University. A hold

will be placed on their ability to be readmitted. They may also be barred from Clarkson University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Clarkson University unless and until all sanctions have been satisfied.

During the resolution process, Clarkson University may put a hold on a responding student's transcript or place a notation on a responding student's transcript or dean's disciplinary certification that a disciplinary matter is pending.

## **B. Employees**

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Clarkson University no longer has disciplinary jurisdiction over the resigned employee.

However, Clarkson University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with Clarkson University or any campus of Clarkson University, and the records retained by the Title IX Coordinator will reflect that status.

## **Appeals**

Any party may file a request for appeal of a decision to dismiss a complaint or specific allegations in a complaint, or the result of the hearing process ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within 3 days of the delivery of notification of the dismissal or the Notice of Outcome.

No Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Chair(s) for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

## **A. Grounds for Appeal**

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter; and/or
4. Any sanction imposed is disproportionate to the nature or severity of the violation or violations or otherwise inappropriate.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Chair will render a decision.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Clarkson University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Clarkson University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Clarkson University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

**B. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are normally stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

Clarkson University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included suspension or expulsion.

**C. Appeal Considerations**

Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.

Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.

An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).

The Appeal Chair/Panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed.

Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.

In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).

In cases in which the appeal results in reinstatement to Clarkson University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Once an appeal is concluded no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the appellate panel on remand.

### **Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- a. Referral to counseling and health services
- b. Referral to the Employee Assistance Program
- c. Education to the individual and/or the community
- d. Permanent alteration of housing assignments
- e. Permanent alteration of work arrangements for employees
- f. Provision of campus safety escorts
- g. Climate surveys
- h. Policy modification and/or training
- i. Provision of transportation or accommodations
- j. Implementation of long-term contact limitations between the parties
- k. Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies to the Respondent to prevent effective denial of educational access.

Clarkson University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Clarkson University's ability to provide these services.

### **Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Clarkson University and may be noted on a student's official transcript.

## **Process B [Non-Title IX] Resolution Process for Alleged Violations of the Policy on Equal Opportunity, Harassment and Nondiscrimination**

Clarkson University will act on any formal or informal allegation or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination that is received by the Title IX Coordinator or appropriate Official with Authority or a member of the administration, faculty, or other employee, with the exception of confidential resources, as articulated in the Policy above. All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

The procedures described below apply to allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties, other than allegations of Title IX Violations, which will be addressed using "Process A."

These procedures may also be used to address collateral misconduct arising from the investigation of or occurring in conjunction with harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff Codes and Manuals.

### **A. Initial Assessment**

Following intake, receipt of notice, or a complaint of an alleged violation of Clarkson University's policy on Equal Opportunity, Harassment and Nondiscrimination, the Title IX Coordinator (all references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator,) or appropriate Official with Authority (If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator of the Coordinator be otherwise unavailable or unable to fulfill their duties) engages in an initial assessment, which is typically one to five business days in duration. If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties. The steps in an initial assessment can include:

1. The Title IX Coordinator or appropriate Official with Authority will review the notice and determine if it falls within the policy. If it does not fall within the jurisdiction of this policy, they will refer the concerns to the appropriate process.
2. The Title IX Coordinator or appropriate Official with Authority reaches out to the Complainant to offer supportive measures.
3. The Title IX Coordinator or appropriate Official with Authority works with the Complainant to ensure they have an Advisor.
4. The Title IX Coordinator or appropriate Official with Authority works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
  - If a supportive and remedial response is preferred, the Title IX Coordinator or appropriate Official with Authority works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
  - If an Informal Resolution option is preferred, the Title IX Coordinator or appropriate Official with Authority assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - If Administrative Resolution is preferred, the Title IX Coordinator or appropriate Official with Authority initiates the investigation process and determines whether the scope of the investigation will address:
    - a. Incident, and/or
    - b. A potential pattern of misconduct, and/or
    - c. A culture/climate issue.

### **B. Violence Risk Assessment**

In some cases, the Official with Authority may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:



1. Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
2. Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
3. Whether to put the investigation on the footing of incident and/or pattern and/or climate;
4. To help identify potential predatory conduct;
5. To help assess/identify grooming behaviors;
6. Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
7. Whether to permit a voluntary withdrawal by the Respondent;
8. Whether to impose transcript notation or communicate with a transfer institution about a Respondent;
9. Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
10. Whether a Clery Act Timely Warning and/or Persona-non-grata order is needed.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other Behavioral Intervention Team (BIT)/CARE team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT or threat assessment team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate (where requested) may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

- a. an appraisal of risk factors that escalate the potential for violence;
- b. a determination of stabilizing influences that reduce the risk of violence;
- c. a contextual analysis of violence risk by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
- d. the application of intervention and management approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the violence risk assessment process through the BIT. The BIT will assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

Based on the initial assessment, Clarkson University will initiate one of two responses:

1. Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
2. Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by the Decision-maker and the opportunity to appeal to an Appeal Decision-maker.

The investigation and the subsequent Administrative Resolution determine whether the policy has been violated. If so, Clarkson University will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects.

The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator or appropriate Official with Authority. At any point during the initial assessment or formal investigation, if the Title IX Coordinator or appropriate Official with Authority determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified.

The Complainant may request that the Title IX Coordinator or appropriate Official with Authority review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator or appropriate Official with Authority, but the request is usually only granted in extraordinary circumstances.

### **C. Resolution Process Pool**

The resolution processes rely on a pool of officials ("Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students and, employees.

The list of members and a description of the Pool can be found at [www.ClarksonUniversity.edu/nondiscrimination](http://www.ClarksonUniversity.edu/nondiscrimination). Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator or appropriate Official with Authority:

- a. To provide sensitive intake for and initial advice pertaining to the allegation
- b. To act as optional process Advisors to the parties
- c. To facilitate Informal Resolution
- d. To investigate allegations
- e. To serve as a Decision-maker
- f. To serve on an Appeal

The Title IX Coordinator, in consultation with the President, carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator or appropriate Official with Authority, including a review of Clarkson University policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability.

The Pool members receive annual training specific to their role. This training includes, but is not limited to:

- a. The scope of Clarkson University's Discrimination and Harassment Policy and Procedures
- b. How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- c. Implicit bias
- d. Disparate treatment and impact
- e. Reporting, confidentiality, and privacy requirements
- f. Applicable laws, regulations, and federal regulatory guidance
- g. How to implement appropriate and situation-specific remedies
- h. How to investigate in a thorough, reliable, and impartial manner
- i. How to uphold fairness, equity, and due process
- j. How to weigh evidence
- k. How to conduct questioning
- l. How to assess credibility
- m. Impartiality and objectivity
- n. The effects of trauma
- o. Types of evidence
- p. Deliberation
- q. How to render findings and generate clear, concise, evidence-based rationales
- r. The definitions of all offenses
- s. How to apply definitions used by Clarkson University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- t. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- u. How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias

- v. The rights of the Respondent, including the right to a presumption that the Respondent is "not responsible" until a finding of responsibility is made pursuant to this Policy
- w. Any technology to be used
- x. Issues of relevance of questions and evidence
- y. Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- z. How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, and Advisors. All Pool members are required to attend this annual training.

The Resolution Process Pool includes:

- a. Two (2) or more Co-chairs: one representative from HR and one from Student Life, etc., who are ex officio members and who respectively chair Appeal Panel hearings for allegations involving student and employee Respondents
- b. At least one (1) member of the Academic Affairs administration
- c. At least two (2) members of the administration/staff
- d. At least two (2) representatives from Human Resources

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

#### **D. Counterclaims**

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. Clarkson University is obligated to ensure that any process is not abused for retaliatory purposes.

Clarkson University permits the filing of counterclaims, but uses the initial assessment, described above, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation.

A delay in the processing of counterclaims is permitted. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator or appropriate Official with Authority. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

#### **E. Advisors**

##### **I. Expectations of an Advisor**

Clarkson University generally expects an Advisor to adjust their schedule to allow them to attend Clarkson University meetings when planned, but Clarkson University may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Clarkson University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

Parties whose Advisors are disruptive or who do not abide by Clarkson University policies and procedures may face the loss of that Advisor and/or possible Policy violations.

Advisors are expected to consult with their advisees without disrupting Clarkson University meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

##### **II. Expectations of the Parties with Respect to Advisors**

Each party may choose an Advisor who is eligible and available\* to accompany them throughout the process. The Advisor can be anyone but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The use of an attorney as an advisor is limited to cases involving sexual assault, domestic violence, dating violence and stalking. *“Available” means the party cannot insist on an Advisor who simply doesn’t have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.*

The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator or appropriate Official with Authority if they change Advisors at any time. Upon a written request of a party, Clarkson University will copy the Advisor on communications between Clarkson University and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

At the discretion of the Title IX Coordinator, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Advisor, the other party must be allowed one to as well.

### **III. Assistance in Securing an Advisor**

Clarkson University does train a pool of Advisors for parties. The Title IX Coordinator will furnish names to the parties if needed.

## **F. Resolution Options**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with Clarkson University Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

### **I. Informal Resolution**

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution, or when the Respondent accepts responsibility for violating policy, or when the Title IX Coordinator or appropriate Official with Authority can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the fact, Administrative Resolution may be pursued.

### **II. Alternate Resolution**

Alternate Resolution is an informal process, such as mediation or restorative practices, by which a mutually agreed upon resolution of an allegation is reached. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator or appropriate Official with Authority determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accept sanctions and/or appropriate remedies.

The Title IX Coordinator or appropriate Official with Authority maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

The results of Alternate Resolution are not appealable.

### **III. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator or appropriate Official with Authority makes a determination that the individual is in violation of Clarkson University Policy.

The Title IX Coordinator or appropriate Official with Authority then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or appropriate Official with Authority or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator or appropriate Official with Authority has determined appropriate sanction(s) or responsive actions, which are promptly implemented, for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

### **IV. Negotiated Resolution**

The Title IX Coordinator or appropriate Official with Authority, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and Clarkson University.

### **V. Administrative Resolution**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Nondiscrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator or appropriate Official with Authority will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given at least 48 hours in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

Notification will include a meaningful summary of the allegations, including the specific rule(s) alleged to have been violated and in what manner, and the sanction or sanctions that may be imposed on the Respondent based upon the outcome of the process. This notification will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Clarkson University records, or emailed to the parties' Clarkson University-issued or designated email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

Clarkson University aims to complete all investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator or appropriate Official with Authority, with notice to the parties as appropriate.

Once the decision is made to commence an investigation, the Title IX Coordinator or appropriate Official with Authority appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) days of determining that an investigation should proceed.

The Title IX Coordinator or appropriate Official with Authority will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator or appropriate Official with Authority will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator or appropriate Official with Authority, concerns should be raised with the President's Office.

Investigations are completed expeditiously, normally within 30-45 business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Clarkson University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Clarkson University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke Clarkson University's resolution process are being investigated by law enforcement. Such delays will not exceed ten days, unless the law enforcement authority specifically requests and justifies a longer delay. Clarkson University will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete.

Clarkson University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, though the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

## **G. Investigation**

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- I. Determine the identity and contact information of the Complainant
- II. Assist the Title IX Coordinator or appropriate Official with Authority with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- III. If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- IV. Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- V. Meet with the Complainant to finalize their statement, if necessary
- VI. May prepare the initial Notice of Investigation and Allegation (NOIA) for the Title IX Coordinator on the basis of the initial assessment. Potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.

- VII. Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by Clarkson University or other Advisor of their choosing present for all meetings attended by the advise
- VIII. When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- IX. Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- X. Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- XI. Interview all relevant individuals and conduct follow-up interviews as necessary
- XII. Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- XIII. Complete the investigation promptly and without unreasonable deviation from the intended timeline
- XIV. Provide regular status updates to the parties throughout the investigation
- XV. Write a comprehensive investigation report fully summarizing the investigation and all evidence
- XVI. Provide each party with a full and fair opportunity to respond to the report in writing within seven (7) days and incorporate that response into the report
- XVII. Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- XVIII. Share the report with the Title IX Coordinator and/or legal counsel for review and feedback.
- XIX. Provide the final report to the Title IX Coordinator or appropriate Official with Authority.
- XX. Gather, assess, and synthesize evidence without making a finding, conclusion, determination or recommendation.

## H. Determination

After receiving the Investigator's recommendation, the Title IX Coordinator or appropriate Official with Authority or a trained, designated Decision-maker from the Pool reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence. *When the Title IX Coordinator is the Investigator or has been heavily involved in the process prior to determination, a decision-maker should be designated from the Pool to ensure there is no conflict of interest.*

If the record is incomplete, the Title IX Coordinator or appropriate Official with Authority/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The Title IX Coordinator or appropriate Official with Authority or Decision-maker may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator or appropriate Official with Authority then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties

## I. Additional Details of the Investigation Process

### I. Witness responsibilities

Witnesses (as distinguished from the parties) who are faculty or staff of Clarkson University are expected to cooperate with and participate in Clarkson University's investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

### II. Remote processes

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-maker determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions

in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, Clarkson University makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

**III. Recording**

No unauthorized audio or video recording of any kind is permitted during the resolution process. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

**IV. Evidence**

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

**V. History/Patterns**

Unless the Title IX Coordinator or appropriate Official with Authority determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of a party unless offered by that party (though there may be a limited exception made with regard to the sexual history between the parties); (3) the character of the parties; or (4) the mental health diagnosis or treatment of a party unless offered by that party.

**VI. Previous allegations/violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator or appropriate Official with Authority with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct.

Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

**VII. Character witnesses**

Neither the Title IX Coordinator or appropriate Official with Authority nor the Investigator(s) meet with character witnesses, but the Investigator(s) may accept up to two (2) letters supporting the character of each of the parties. Such letters must be provided to the Investigator(s) prior to the report being finalized; otherwise, the parties have waived their right to provide such letters.

**VIII. Notification of outcome**

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator or appropriate Official with Authority in consultation with other administrators as appropriate determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

The Title IX Coordinator or appropriate Official with Authority informs the parties of the determination, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official Clarkson University records; or emailed to the parties' Clarkson University-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which are appropriate to share (including those that must be shared pursuant to state or federal law), and the rationale supporting the essential findings which are appropriate to share (including those that must be shared under state or federal law).

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.



Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in section 11 below.

## J. Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

1. The nature, severity of, and circumstances surrounding the violation
2. An individual's disciplinary history
3. Previous allegations or allegations involving similar conduct
4. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
5. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
6. The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
7. The impact on the parties
8. Any other information deemed relevant by the Title IX Coordinator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

### I. Student Sanctions

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

- a. **Warning:** A formal statement that the behavior was unacceptable and a warning that further infractions of any Clarkson University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- b. **Probation:** A written reprimand for violation of Clarkson University Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Clarkson University policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no contact orders, training, restorative requirements, and/or other measures deemed appropriate.
- c. **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Clarkson University. At the discretion of the Title IX Coordinator or appropriate Official with Authority, this sanction may be noted as a Disciplinary Suspension on the student's official transcript.
- d. **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend Clarkson University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- e. **Withholding Diploma and/or Official Transcripts:** Clarkson University may withhold a student's diploma and/or official transcripts for a specified period of time, and/or deny a student participation in commencement activities, if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- f. **Revocation of Degree:** Clarkson University reserves the right to revoke a degree previously awarded from Clarkson University for fraud, misrepresentation, or other violation of Clarkson University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- g. **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including Clarkson University registration), for a specified period of time.
- h. **Other Actions:** In addition to or in place of the above sanctions, Clarkson University may assign any other sanctions as deemed appropriate.

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

## **II. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- a. Warning – Verbal or Written
- b. Performance Improvement/Management Process
- c. Required Counseling
- d. Required Training or Education
- e. Probation
- f. Loss of Annual Pay Increase
- g. Loss of Oversight or Supervisory Responsibility
- h. Demotion
- i. Suspension with pay
- j. Suspension without pay
- k. Termination
- l. Other Actions: In addition to or in place of the above sanctions, Clarkson University may assign any other sanctions as deemed appropriate.

## **K. Withdrawal or Resignation While Charges are Pending**

### **Students**

Clarkson University may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the resolution process to be completed. If they withdraw, a transcript notation may be necessary to indicate they withdrew during an investigation.

### **Employees**

Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator or appropriate Official with Authority will reflect that status.

## **L. Appeals**

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator or appropriate Official with Authority within 3 business days of the delivery of the written finding of the Title IX Coordinator or Decision-maker. Any party may appeal the findings only under the grounds described below.

A three-member appeals panel chosen from the Pool will be designated by the Title IX Coordinator appropriate Official with Authority from those who have not been involved in the process previously. One member of the Appeal Panel will be designated as the Chair. Any party may appeal, but appeals are limited to the following grounds:

- a. A procedural error or omission occurred that significantly impacted the outcome of the matter (e.g., substantiated bias, material deviation from established procedures).
- b. To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

- c. Any sanction imposed is disproportionate to the nature or severity of the violation or violations or otherwise inappropriate

When any party requests an appeal, the Title IX Coordinator or appropriate Official with Authority will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within three (3) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within 5 business days. These responses or appeal requests will be shared with each party. The Appeal Chair/Panel will review the appeal request(s) within 5 business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the appeal Chair dismisses the appeal.

When the appeal Chair/panel finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- a. Decisions by the Appeal Chair/Panel are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- b. Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- c. An appeal is not an opportunity for the Appeal Chair/Panel to substitute their judgment for that of the original Investigator(s) or Decision-maker merely because they disagree with the finding and/or sanction(s).
- d. Appeals granted based on new evidence should normally be remanded to the Investigator(s) or Decision-maker for reconsideration. Other appeals should be remanded at the discretion of the Appeal Chair/Panel.
- e. Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator appropriate Official with Authority stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - For students: Graduation, study abroad, internships/ externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.
  - All parties will be informed in writing of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- f. In rare cases when a procedural error cannot be cured by the original Investigator(s) and/or Title IX Coordinator/Decision-maker (as in cases of bias), the Appeal Chair/Panel may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- g. In cases in which the appeal results in Respondent's reinstatement to Clarkson University or resumption of privileges, reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.
- h. Once an appeal is concluded no further appeals are allowed, except to the extent that one or more parties seek review of proceedings ordered by the appellate panel on remand.

#### **M. Long-Term Remedies/Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator or appropriate Official with Authority may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- a. Referral to counseling and health services
- b. Referral to the Employee Assistance Program

- c. Education to the community
- d. Permanent alteration of housing assignments
- e. Permanent alteration of work arrangements for employees
- f. Provision of campus safety escorts
- g. Climate surveys
- h. Policy modification
- i. Provision of transportation accommodations
- j. Implementation of long-term contact limitations between the parties
- k. Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator or appropriate Official with Authority in, long-term remedies may also be provided to the Complainant even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator or appropriate Official with Authority will address any remedial requirements owed by Clarkson University to the Respondent.

#### **N. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/Responsive Actions**

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator or appropriate Official with Authority .

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from Clarkson University and may be noted on a student's official transcript.

#### **O. Statement of the Rights of the Parties**

All students in cases involving allegations of sexual assault, domestic or dating violence or stalking have the right to:

- a. Make a report to local law enforcement and/or state police;
- b. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- c. 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 University;
- d. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- e. Be treated with dignity and to receive from the University courteous, fair and respectful health care and counseling services, where available;
- f. 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;
- g. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- h. Be protected from retaliation by the Institution, any student, the accused and/or the responding party, and/or their friends, family and acquaintances within the jurisdiction of the Institution;
- i. Access to at least one level of appeal of a determination;
- j. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or responding party throughout the judicial or conduct process including during all meetings and hearings related to such process;
- k. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the Institution.

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

- a. Notify Campus Safety, Local Law Enforcement or the New York State Police.
- b. 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 Clarkson University Policy
  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 policy and procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
  4. Whether the person they are reporting to is authorized to offer confidentiality or privacy, and any other reporting options.
- c. If they are a student, to contact the University's Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws and can be assisted in obtaining services for reporting individuals; or to contact non-University confidential resources, including the New York State Office of Victim Services at 1-800-247-8035 or <https://ovs.ny.gov>.
  - d. Disclose confidentially the incident and obtain services from the state or local government;
  - e. Disclose the incident to the University's Officials with Authority who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, and can assist in obtaining resources for reporting individuals;
  - f. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the University's obligations under the law and its policies and procedures;
  - g. Disclose, if the accused is a University employee, the incident to Human Resources or to request that a confidential employee assist in reporting to Human Resources;
  - h. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings.
  - i. Withdraw a complaint or involvement from the University processes at any time, with the understanding that in appropriate cases, the University may nonetheless be required to proceed even if the reporting individual does not wish to do so.

## IX-O. Athletic Philosophy

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

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

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

1. All participants in intercollegiate athletics, physical education programs, and recreational sports are expected to observe rules of fair play and reasonable standards of safe participation and to use University facilities in accordance with regulations.

2. All participants in intercollegiate athletics must abide by NCAA rules and regulations for participation in amateur athletics. No participant in intercollegiate athletics is permitted to accept rewards, gifts or any consideration of value as a condition for or result of their participation. All competition must be honest and fair, prioritizing sportsmanship and ethical conduct.
3. Student athletes must recognize the primacy of academics over athletics. Only students making satisfactory progress toward a degree may compete. Athletes must obey all general student regulations and should exemplify the highest standards of academic honesty. Because of their high visibility before the public, members of athletic teams must take care to avoid all violations of the law, especially the abuse of alcohol and controlled substances.
4. The physical well being of the student athlete takes precedence over the outcome of competitive matches. Coaches must be conservative in their decisions on this point and athletes themselves should exercise good judgment. The use of drugs, including steroids, to enhance athletic performance is strictly forbidden.
5. Clarkson is committed to providing fair and equitable athletic opportunities for men and women.
6. Hazing among team members is illegal and strictly forbidden.

## **IX-P. Athletic Policy**

An important goal of Clarkson is the development of individual capabilities through education. To that end, the curriculum is designed to provide a diverse and increasingly demanding academic program. The physical education, recreation, and intercollegiate athletic programs shall be both an extension of the academic program and its counterpart. They will provide diverse activities on all skill levels, from physical education classes to intramural sports and intercollegiate competitions.

Consistent with Clarkson's concept of preparation for lifelong learning, emphasis in physical education and recreational activities shall be placed on provision of opportunities for exposure to "carry-over" activities such as: tennis, golf, skiing, camping, swimming, etc. The recreational program will take advantage of the recreational potential of the surrounding area.

A strong comprehensive program for intramural and recreational sports is essential. These sports and activities are to provide students and other members of the University community with the opportunity to participate in competitive and recreational activities in keeping with their desires, at a level commensurate with their skills.

The intercollegiate athletic program for men and women shall be planned, developed, and administered for the educational and recreational benefit of the students. In addition to providing entertainment and other values for non-participating students, faculty, alumni, and friends of the University, the program will provide carefully coordinated and challenging opportunities for athletic competition to students as one aspect of their four year educational program. The success of the intercollegiate program will be measured largely in terms of how well individual skills are gained and developed into team play.

Since the coaching role is primarily a teaching one, importance will be attached to the evaluation of coaching by team members.

The excellence and success of the athletics and recreation program will be measured in terms of the diversity, extent, and quality of its constituent programs and the instruction offered to large numbers of students with differing abilities and interests. The success of the program also will be measured for the participants in terms of growth in self-understanding and the pleasures of increased knowledge and skills.

Scholar athletes who receive financial assistance must abide by Financial Aid Regulations.

Student athletes provide advice and counsel to the Athletic Administration through the Student Athlete Advisory Committee (SAAC). This committee meets regularly during the school year.

Clarkson University periodically evaluates student interest in intercollegiate sport offerings. The process of adding or deleting a sport program considers the following variables: student interest, resource availability, scheduling, coaching and athlete availability. Administratively the Athletic Director in concert with the Vice President for Enrollment & Student Advancement will recommend to the President and his Advisory Council the addition or deletion of any intercollegiate sport program.

It is the intent of Clarkson's Athletic Policies to comply with all rules and regulations as promulgated by Clarkson University, the NCAA or other leagues or associations that Clarkson Athletics participates in. The Athletic Administration requires each coach to be fully and completely aware of these rules and regulations and to observe both the letter and spirit of the rules.

#### **IX-Q. Use of University Property**

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

University property includes, but shall not be limited to, the following:

- a. The name Clarkson University, all derivatives thereof and all letterheads, stationery, logos, trademarks, and trade names incident to the business and activities of Clarkson University.
- b. All campus buildings and facilities, fixtures, utilities, and real estate.
- c. All University equipment, vehicles, furnishings, artworks, supplies, and inventory.
- d. All University computing resources, library holdings, telephone and communication systems, keys, and campus mail.

Unauthorized and/or improper use of University property by any persons shall constitute cause for dismissal of and financial restitution by such person. Improper use of University property shall include, but not be limited to, the following:

- a. Use for any illegal or immoral purpose.
- b. Use that is personal in nature and not incidental to or connected with the institutional mission for which the user has not received authorization from the University.
- c. Use for which the specific property is not intended or designed or which could result in damage to University property.
- d. Any use that creates a hazardous or dangerous condition posing a threat to persons or property.
- e. Use that infringes on the rights or freedoms of members of the academic community or which disrupts or obstructs the institutional mission.
- f. Use that promotes the interests of business, political, or religious organizations to the exclusion of the interests of others, similar organizations, or organizations with other points of view.
- g. Any unauthorized loan or rental of University property.

#### **Loan of University Equipment**

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

#### **IX-R. Use of University Facilities**

##### **Student Organizations**

- a. Student organizations recognized by the University may schedule campus facilities for normal academic or co-curricular activities by registering their event on Knight Life.
- b. In instances where student organizations wish to sponsor activities with off-campus groups, the student organization is expected to take on full sponsorship of the activities, to avoid situations where their endorsement simply is used to enable outside groups to secure campus facilities.

- c. Student organizations are usually not charged for the use of facilities except for unusual activities entailing special expenses or University services.

### **Clarkson Affiliates**

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

### **Non-University Groups**

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

Requests for use of facilities by such groups should be addressed to the Director of University Events. A certificate of insurance may be required before permission is given for use. The Director of University Events, as necessary, will settle any questions regarding eligibility or terms of use.

Events and use of facilities that involve elected officials or persons running for local, state, or federal office, guidance from the Vice President External Relations is necessary. The University is legally obligated to give all candidates running for the same office an equal opportunity to speak with similar parameters; and obligated as a nonprofit for these events to be educational and academic in nature.

### **Security Arrangements**

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

### **Admission Charge**

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

### **Political Clubs**

The University traditionally has recognized and provided facilities on an impartial basis to various on-campus activities which have a partisan political bent, such as the Democratic, the Republican, and other political clubs. This represents no problem. However, to the extent that such organizations extend their activities beyond the campus and intervene or participate in campaigns on behalf of candidates for public office, or permit nonmembers of the University community to avail themselves of University facilities or services, the University must make certain that proper and appropriate charges are made and collected for all facilities and services provided. Please contact the Vice President for External Relations for guidance in bringing candidates for public office to campus.

### **Student Center (Potsdam Campus)**

The Student Center is intended for use primarily by students and student organizations. As such, external entities are not permitted to use the Student Center when classes are in session. External entities may utilize the Student Center during academic breaks only.



## IX-S. Distribution of Information to the University Community

To provide for the timely and orderly dissemination of information relating to the University, the following provisions are in effect:

1. **Clarkson Calendar.** Items for distribution to the entire campus community should be placed online in the Clarkson Calendar at <http://calendar.clarkson.edu> Student events and activities are listed in Knight Life at <https://knightlife.clarkson.edu/events>.
2. **Email Distribution.** Student clubs or groups that wish to share notice of an event with campus can submit requests to [announcements@clarkson.edu](mailto:announcements@clarkson.edu). In all cases, mass announcements will only be distributed if the event/item is listed on the Clarkson Calendar (see above).
  - a. The Clarkson University email system is used to convey urgent and time sensitive messages. The following offices are authorized to send key strategic messages:
    1. Office of the President
    2. Office of External Relations
    3. Office of Information Technology (computer/network systems announcements only)
    4. Emergency Response Team
  - b. Due to the probability that the RAVE system will be used in times of emergency, campus recipients (faculty, staff, and students) may not opt out of this system's distribution list. However, it is understood that for this system to be effective, it must be used sparingly and the messages kept as brief as possible.
  - c. The following are prohibited from email distribution:
    1. Non-Career Center sponsored employer events/announcements. Those wishing to announce items like this should partner with the Career Center to utilize Handshake capabilities.
    2. Work-study positions. All campus work-study positions are posted through Handshake. Contact the Career Center for assistance.
    3. Events that include gambling as a component of the event.
    4. Fund-raising events that are not sponsored by a University-recognized organization.
    5. Partisan political events
  - d. A paper distribution is defined as unaddressed, multiple and identical copies of a document disseminated via interoffice mail or campus boxes to a targeted group. In an effort to be stewards of our natural environment, we do not use this method. If the Vice President of External Relations or the Director of Media Relations judges an item to be of immediate importance to all or a majority of employees or students, and the form of the item does not lend itself to email/social media, a paper distribution may be approved as an exception on a limited basis. Personally addressed envelopes to multiple individuals do not need approval.
3. **Approval of Questionnaires, Surveys, etc.**

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

Each survey prepared as part of a course requirement must open with the following disclaimer: "This questionnaire is part of a study to fulfill a course requirement for [COURSE NAME], [COURSE NUMBER], and is for instructional purposes only. It has no official University sponsorship or affiliation. Participation in this survey is voluntary. If you have questions about this survey, please contact [COURSE INSTRUCTOR NAME AND CONTACT DETAILS]."

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

As a recipient of federal funds, the University maintains an Institutional Review Board (IRB) with the purpose of protecting the rights and welfare of humans who participate in research and is required to comply with all applicable federal regulations. If the Dean of Students, the Vice President for External Relations, or the Director of Research & Technology Transfer questions the approval of the survey, questionnaire, or request

for information based on ethical concerns or determines that the activity qualifies as research involving human subjects, the survey will be referred to the IRB for evaluation. IRB approval does not guarantee distribution to campus groups or University maintained lists.

It is therefore important for students, faculty and others to submit such materials to appropriate offices in a timely manner, allowing several days for consideration as described above. If review by the IRB is warranted, a longer approval process should be anticipated.

## **IX-T. International Student Policy**

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

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

### **Immigration Status**

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

### **Policy Administration**

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

## **IX-U. Smoking Policy**

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

### **Definitions**

Smoke-Free: The establishment of an environment that is free of smoke through the prohibition of smoking.

Smoking: The burning of a lighted cigar, cigarette, pipe or any other tobacco product, that also includes electronic cigarettes.

### **Prohibitions**

#### **A. Potsdam Campus Indoor Locations**

Smoking is prohibited in all indoor locations including but not limited to:

1. Classrooms, lecture halls, auditoriums, and libraries;
2. Laboratories, shops, computer rooms, and studios;
3. Offices, meeting rooms, board rooms, and dining halls;
4. Residential facilities, laundry rooms, bathrooms, and study rooms;
5. Lobbies, foyers, and waiting rooms;
6. Hallways, stairwells, and elevators;
7. Maintenance areas, mechanical, and storage rooms;

8. Arenas, gyms, and recreation centers;
9. Lounges, lodges;
10. Reception and supply areas and central locations for records, files or copying.

B. Potsdam Campus Enclosed Areas

Smoking is prohibited in all enclosed areas including but not limited to:

1. Building entrances and covered walkways;
2. Loading docks, courtyards and patios;

C. Potsdam Campus Outdoor Locations

Smoking is prohibited in the following outdoor locations:

1. Any outdoor event with seating;
2. Any area where combustible fumes can collect such as in garage and storage areas. Areas where chemicals are used and other designated areas where an occupational safety or health hazard may exist.
3. No closer than 30 feet of any building or ventilation system

D. Potsdam Campus University Vehicles

Smoking is prohibited in all University vehicles including buses, (leased or University owned) vans, cars and trucks.

E. Capital Region Campus

Smoking is prohibited throughout the entire Capital Region Campus as the campus is designated as tobacco free.

### **Enforcement**

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

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

Employees or students who repeatedly violate the requirements of this policy could face disciplinary action.

### **IX-V. Weapons on Campus**

New York State penal code (Subdivision three of sections 265.01 & 265.06) states that persons who knowingly have in their possession a rifle, shotgun, or firearm – whether loaded or unloaded – in or upon a building or the grounds that is used for educational purposes of any school, college, or university without the written authorization of such educational institution, are guilty of a class A misdemeanor, and are guilty of a class D felony if they have previously been convicted of a crime. It shall be unlawful for any person age 16 or older to knowingly possess any air-gun, spring-gun, or other instrument or weapon in which the propelling force is a spring, air, piston, or CO2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college, or university, without the written authorization of such educational institution. Unlawful possession of a weapon on school grounds is a violation of both state law and university policy.

Unless otherwise stated in this policy, authorization to possess, carry, store, use, or otherwise have a firearm, explosive, sword, martial arts throwing stars and nun chucks, or other device ordinarily defined by law or policy as a weapon, must be obtained in writing from the Director of the Office of Campus Safety and Security or the Dean of Students. Such authorization must be obtained in advance of bringing a weapon on University property.

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

Nerf guns and other air-propelled foam dart guns are only permitted on campus for clubs/events registered on Knight Life. Paintball guns (markers) are not to be used on campus, but may be stored or transported on campus only for clubs/club events registered on Knight Life. The Office of Student Life will maintain written authorization forms for paintball, Nerf, and other air-propelled foam dart guns. Each individual with a paintball, Nerf, or other air-propelled foam dart gun must fill out an authorization form at the start of the fall semester. In the interest of public safety, paintball guns must be stored and transported inside carrying bags or cases at all times.

#### **IX-W. Financial Clearance and Financial Assistance**

Financial Clearance must be concluded on or before the published due date at the beginning of the semester. Payments or arrangements to pay with SAS must be made prior to check-in. A monthly fee of 1% of the unpaid balance will be assessed as part of the billing process.

Undergraduate students registered for fewer than 12 credit hours are considered part-time enrolled and will be charged per credit hour. Students enrolled for 12 but less than 20 hours are designated as full-time enrolled and will be charged full tuition. Undergraduates enrolled for 20 or more credit hours are considered full-time (overload) and will be charged full tuition plus per credit hour for each hour in excess of 19.

#### **IX-X. Financial Aid Regulations**

Federal, State, and University Financial Aid Regulations can be found on the Financial Aid [webpage](#). Select the current academic year for relevant regulations.

#### **IX-Y. Refund Policy**

Proration of charges are based on the last recorded day of the student's University attendance as determined by and attested to by the Student Achievement Services Office in conjunction with the following tables.

#### **Complete Withdrawal for students enrolled in Semester (Fall & Spring) based programs and Trimester (Fall, Spring & Summer) based programs:**

Prior to the start of the term	100%
1st week of the term	90%
2nd week of the term	75%
3rd week of the term	50%
4th week of the term	25%
5th week of the term through the end of the term	0%

*\*A Complete Withdrawal consists of a student withdrawing from all of their enrolled credits within a term.*

Summer Proration of Charges Policy can be found at <https://intranet.clarkson.edu/student-life/sas/summer-semester/>.

The corresponding percentages above will be applied to tuition, CUSA activity fee, CUSA Campus Improvements Fund Fee, Health, Wellness & Recreation Facilities Fee, The Clarkson School Event Fee, Residential Program Health,

Wellness & Recreation Facilities Fee, Non-Residential Program Resource Fee, Room and Meals (consumption is not taken into consideration). There will be no proration of the Student Health Insurance Premium if the coverage is in force.

**Complete Withdrawal for students enrolled in quarter (Summer, Fall, Winter, & Spring) based programs:**

Prior to the start of the term	100%
1st week of the term	90%
2nd week of the term	65%
3rd week of the term through the end of the term	0%

*\*A Complete Withdrawal consists of a student withdrawing from all of their enrolled credits within a term.*

The corresponding percentages above will be applied to tuition, Residential Program Health, Wellness & Recreation Facilities Fee, Non-Residential Program Resource Fee. There will be no proration of the student health insurance premium if coverage is in force.

**Partial Withdrawal for students enrolled in a Quarter (Summer, Fall, Winter & Spring) based programs:**

Prior to the start of the term through the 2nd week of the term	100%
3rd week of the term through the end of the term	0%

*\*A Partial Withdrawal consists of a student withdrawing from one or more of his/her enrolled credits within a term, but still remains enrolled in at least one credit for the term.*

Adjustments will be made only to the tuition cost associated with the withdrawn credit(s).

Questions regarding categories of withdrawal should be addressed to Student Achievement Services Representatives.

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

**Military Exceptions**

An exception to the Refund Policy has been made for students that are enlisted and active (prior to the start of the semester) in the military that are forced to withdraw during a semester due to a military deployment or a change of assignment.

Official documentation of the deployment or change of assignment may be requested by Clarkson University from the student for the exception to the Refund Policy to take effect.

If the student meets the aforementioned criteria, the student’s account will receive 100% refund of tuition, feed, and room (if applicable).

This exception to the Refund Policy does not apply to Board (if applicable) or Student Health Insurance (if applicable) fees.

#### **IX-Z. Distribution of Title IV Excess Credits**

Title IV excess credits will be calculated by adding the charges for tuition, fees, room and board and then comparing the total to the sum of Title IV aid to generate the excess credit amounts.

A form will be sent to students receiving Federal Title IV funds requesting authorization of the use of these funds to cover additional charges. This authorization will remain in effect as long as the student attends Clarkson University unless rescinded in writing.

Federal Direct Parent PLUS loan funds are first applied to the student's tuition, fees, room, and board, and, if the parent provides authorization, other educationally related charges. Since the student may receive additional unrestricted aid creating a credit refund subsequent to the Federal Direct Parent PLUS Loan posting to these charges, the refund will go directly to the student. Any Federal Direct Parent PLUS loan funds that remain after the aforementioned charges have been paid may be refunded to the parent.

#### **IX-AA. Student Required Health Insurance Policy**

Student health insurance coverage is mandatory at Clarkson University for non-distance program students. Students must either have adequate health insurance through their parent/guardian, their own coverage, or enroll in Clarkson University's provided coverage through United Health Care.

Students that have coverage through their parent/guardian or their own coverage will need to provide proof of coverage by completing the appropriate waiver form through their myCU account. The information entered in the waiver form will be verified by the health insurance administrator (Haylor, Freyer & Coon, Inc.). Coverages will need to meet minimum standards as determined by the health insurance administrator in conjunction with the University's Director of Risk Management. If coverage is deemed not to have met the minimum standards, then the student will need to adjust their coverage to meet the minimum standards or become enrolled in Clarkson University's provided coverage through United Health Care.

#### **IX-BB. Crime Statistic Reporting**

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

In addition, the latest Annual Security and Fire Safety Reports for each Clarkson campus includes crime statistics, key policies, resources, programming, and other information. Per Clery, they are posted on the University website by October 1<sup>st</sup> each year and remain online for public access until they are replaced the following year. The links to these reports are located at <https://www.clarkson.edu/campus-safety-and-security/annual-security-reports>.

#### **IX-CC. Credit Card Marketing Policy**

The advertising, marketing, or merchandising of credit cards to students on the campus of Clarkson University is strictly prohibited, except as provided below.

Any individual visitor, licensee, or invitee on said campus found violating this policy shall be banned from the campus for a period of two years and any credit card issuer represented by said visitor, licensee, or invitee shall be banned from the campus for a period of one year. Any student, faculty, or other staff found violating this policy shall receive a warning and be prohibited from any and all future credit card marketing on the campus.

The following restrictions shall be imposed on any individual wishing to advertise, market, or merchandise credit cards, hereinafter referred to as "marketer," on the campus of Clarkson University:

- a. The marketer shall register with the office of the Dean of Students and receive express written authorization to be on campus property for the purpose of advertising, marketing, or merchandising of credit cards.
- b. The marketer shall be restricted to the following locations: Cheel Campus Center and/or Clarkson University Student Center.
- c. The marketer shall be restricted to the following hours: Monday through Friday 9 a.m. – 4 p.m.

There shall be no posting of flyers, posters, or other forms of information on any University property for the purpose of advertising, marketing, or merchandising of credit cards, except on the day the marketer is on the campus, provided that it is limited to the immediate vicinity where the marketer has permission to operate.

There shall be no inducement or gifts provided to the student in exchange for completing a credit card application.

The marketer shall provide to each student applying for a credit card a pamphlet provided to the marketer by the Office of the Dean of Students that provides students with information about good credit management practices, including how to access any information or services provided by the New York State Consumer Protection Board.

This policy does not apply to any advertising, marketing, or merchandising of credit cards by either the University or an agent of the University to non-students, nor does it prohibit the advertising, marketing, or merchandising of credit cards to students through direct mail, newspapers, magazines, or within any banking institution located on the campus.

#### **IX-DD. Poster Policy**

Once an organization is registered with the Office of Student Life, it then has the right to post information regarding meetings and events.

Bulletin boards are available for marketing and advertising University and organization events.

##### **Guidelines**

- a. All advertisements must include the name of the individual or recognized sponsoring group.
- b. All advertisements must be removed within 48 hours after the event.
- c. Paper advertisements are not permitted on windows, in or on elevators, floors, signposts, parked cars, vending machines, building exteriors, or any other surface which violates fire code.
- d. One flier/poster per bulletin board is permitted. Posters/fliers cannot cover or obstruct another organization's promotion.
- e. Posters may not be posted on department, faculty, or staff office bulletin boards without the permission of the department, faculty, or staff member.
- f. Advertisements cannot be larger than 11" X 17" without the approval of the Office of Student Life.
- g. Postings in residence halls are at the discretion of Residence Life employees.
- h. All requests for the posting of non-University business (car sales, rentals, etc.) must be emailed to [postings@clarkson.edu](mailto:postings@clarkson.edu).
- i. Posters advertising events with alcohol must go through approval with the Office of Student Life and must follow the Events with Alcohol Policy (IX-A).
- j. Political Campaigns: Per Federal and NYS regulations, University resources, property and facilities including but not limited to photo copiers, bulletin boards, digital emails, zoom accounts, fliers, and social media accounts affiliated with the University cannot be used to fundraise or advocate for a particular candidate running for political office or how to vote on propositions appearing on a ballot. This includes no links to web or other digital linkages to organizations that fundraise or advocate for a single candidate or political party.

- k. The use of images, logos, and other materials that were not created by an individual in the group must also adhere to the University's copyright policy. <https://confluence.clarkson.edu/display/OITKB/Copyright>

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

People taking offense to the language or nature of any poster, flier, or banner are encouraged to contact the event organizers. It is not the intent or responsibility of the University to censor information.

## **IX-EE. Student Travel Policy**

Any student who plans to partake in travel sponsored by and representing the University is required to fill out an Activity Waiver Form on Knight Life. The waiver will be kept on file by the Office of Student Life. Any student intending to travel abroad on a University-sponsored program must also notify the International Center.

## **X - Residential Regulations**

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

### **X-A. Housing and Dining Policy**

#### **1. Housing**

Clarkson's Potsdam campus is a four-year residential community. All undergraduate students are required to live on campus for four years. As it pertains to fifth year or graduate students, the University reserves the right to afford residential housing on a case-by-case basis. Clarkson does not guarantee residential housing to graduate students.

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

While all undergraduate students are required to live on campus for four years, some students are excluded from the residency requirement for the following reasons:

- a. Student is married or a single parent
- b. Student is or will be at least 25 years of age during the academic year
- c. Student is commuting from their parent or legal guardian's primary residence, which must be within 50 miles of the Clarkson University Potsdam campus
- d. Student is a member of a Clarkson University recognized fraternity or sorority (SUNY Potsdam fraternities and sororities are specifically excluded), meets the eligibility requirements established by the Office of Student Life, and will be living at the chapter house filling a legitimate bed space as determined by the Office of Student Life
- e. Student is participating in a University authorized experiential learning program, e.g. semester abroad (applied to the semester abroad only)

Students should address questions and concerns about housing assignments and requests for exemptions to the residency requirement with the Office of Residence Life staff. In cases of irresolvable conflict, students should contact the Office of the Dean of Students.



## 2. Dining

Students residing in University residence halls are required to select a University dining plan. The Pioneer Plan is not available for students living in residence halls.

Students residing in University apartments are not required to select a University dining plan. These students may voluntarily select any dining plan. If choosing the Pioneer Plan, it may be added at any time during the semester.

Students cannot change dining plans after the first 10 days of the semester (see IX-Y. Refund Policy).

### X-B. Residence Regulations

#### I. Access System IDs

Residence halls are electronically locked 24/7. The University ID serves as an access card granting authorized students access to their residence area. Students are expected to carry their University ID with them at all times. The replacement of lost ID cards is handled through Campus Safety and Security and includes replacement fees.

#### II. Alcohol

Students 21 years of age or older may possess and/or consume alcoholic beverages in campus housing. Students of age are expected to exercise moderation and responsibility. Kegs are not permitted.

Alcohol containers of any kind, full or empty, found in an underage student's room will be considered a violation of the Alcohol Policy, refer to IX-A.

Possession of alcohol in public residential areas, i.e. hallways or lounges, is prohibited unless the event is registered and has been approved by the Office of Student Life.

For additional information, refer to IX-A Alcohol Policy.

#### III. Drugs

The University does not condone any illegal act involving the possession, manufacture, use (except when properly authorized by a physician) or sale of controlled substances (drugs) on campus. For additional information, refer to IX-B Drug Policy.

#### IV. Smoking

Smoking and vaping are not permitted anywhere in University housing. Smokers and vapors must be at least 30 feet from residence facilities when smoking outdoors.

#### V. Housing Assignment Terms

The term of assignment to University housing for single students is for the academic year, beginning the Fall semester through the Spring semester.

##### A. Closures

University housing (unless otherwise specified) is closed during Thanksgiving break, between the fall and spring semester, and spring break.

##### B. Change of Housing Assignment

Requests for a change of housing assignment must be made through the Office of Residence Life, [reslife@clarkson.edu](mailto:reslife@clarkson.edu).

##### C. Vacating Housing

Students must vacate residence facilities within 24 hours after their last exam at the end of each semester. Graduating residents may remain in University housing until 24 hours after the May Commencement, contingent upon continued good citizenship.

Any student living in University housing that is withdrawing from the University, whether permanently or for a leave of absence, must vacate and remove all personal possessions within 24 hours of their withdrawal or leave. Room keys must be returned to the Office of Residence Life within 24 hours, see room key expectations below for more information. All rights to the room cease after 24 hours.

The Residence Life Office reserves the right to make changes to assignment at any time, with little or no notice, in response to facility limitations, change in enrollment, conflict resolution, etc. or to address the needs of the overall residential community. This includes reassigning students to any vacant spaces.

The University may for good and valid reasons suspend a student from University housing as a disciplinary measure. In such instances, there will be no refund of monies to the student.

## **VI. Damages**

Residents are financially liable for damage to rooms, apartments, furnishings, and common area facilities.

Residents are responsible for completing a Room Condition Report when moving into a room/apartment. If a report is not submitted, the resident is liable for all damages or repairs discovered by Residence Life staff. These reports are to be found on the Facilities Intranet webpage.

Fees for unclaimed damages will be shared jointly by the residing students.

## **VII. Fire Drills/Safety**

The University conducts regular (typically monthly) fire safety inspections and fire drills in residential facilities.

Fire alarms are to be considered a mandate to evacuate the building. Failure to do so will result in disciplinary sanction and a \$100 fine.

Intentional fire alarm activation endangers the lives of others and is a federal offense. This act will result in a \$250 fine and disciplinary sanction.

To protect the lives and safety of those living in the residence facilities, the use of fire extinguishers and all other fire-fighting equipment is to be limited to valid emergencies only. Anyone caught tampering with fire equipment will be fined \$100 and be subject to disciplinary sanction.

Residents are expected to comply with the Clarkson University student housing fire safety guidelines as indicated on the [Residential Fire Safety Guidelines - Residence Halls](#) and the [Residential Fire Safety Guidelines - Apartments](#).

## **VIII. Flammables**

No flammable substances may be stored inside residential facilities. This includes, but is not limited to, tiki torches, motorcycles or any other gas powered vehicle/equipment.

LP tanks for gas grills, lighter fluid and the like must be a minimum of ten feet from buildings.

Those creating a fire hazard in residence facilities are subject to disciplinary action including expulsion from campus housing.

## **IX. Guests/Visitors**

Students are permitted to have visitors and guests in their residence with the understanding that visitors are expected to adhere to all University regulations, including residence regulations.

The resident host should understand that they are responsible for their guest's behavior and that hosts can be sanctioned for the inappropriate behavior of visitors and guests. Guests should not be left unattended in the residence halls or apartments without their host.

All guests who are not Clarkson students must be 18 years old or older. All requests for exemptions to this policy, including siblings less than 18 years of age, must be submitted in writing to the Area Coordinator who oversees the residential space, for approval at least 48 hours in advance of the guest's arrival.

The Residence Life Office reserves the right to remove any visitor when it is determined that a visitor has become a disturbing influence, violates University regulations, or presents a health/legal problem/hazard.

### **Overnight Guests/Visitors**

Any guest that will be staying in University housing for more than 24 hours must be registered with a member of the Residence Life staff through a Visitor Registration Form.

Mutual consent from all roommates is required for overnight guests.

Overnight guests are limited to one person per resident. It is expected that no overnight guest will stay longer than 72 hours per month.

### **X. Personal Property Insurance**

The University does not carry insurance of any kind on the property of students and accepts no responsibility for loss or damage to such property. Students are encouraged to carry their own personal property insurance.

Students are expected to keep access doors to residence halls closed at all times and are urged to lock their rooms at all times.

### **XI. Animals/Pets**

With the exception of fish in small tanks (10 gallons or less), animals and reptiles are not permitted anywhere in any University housing; residence halls or apartments. This includes any temporary, visiting animals or pets. Visiting pets must be left outside. Exceptions to this policy exist for University live-in staff, Area Coordinators.

Animals/Pets are subject to removal by pest control vendors and/or the animal shelter. The pet owner will be subject to all costs incurred for the removal of the pet and will be solely responsible for the steps needed to retrieve their pet and the expense and/or fine associated with the removal.

Student violators are subject to disciplinary sanction that could include suspension from campus housing without a refund.

Emotional Support Animals are not considered pets. Emotional Support Animals are only permitted if they are an approved accommodation through the Office of Accessibility Services.

### **XII. Public Area/Lounge Furniture**

Furniture cannot be removed from lounges, study rooms, cafeterias, etc. for the private use of students within their own rooms. Students possessing unauthorized furniture will be fined and face disciplinary sanction for possessing stolen property.

### **XIII. Refrigerators**

Students are permitted to bring a refrigerator under five (5) cubic feet. Full-sized refrigerators are not permitted in the residence halls.

### **XIV. Air-Conditioners**

Air conditioners are not permitted in any University housing.

### **XV. Housing Refunds**

Students should refer to IX-Y Refund Policy for information pertaining to post-withdrawal refunds on room and board charges.

### **XVI. Roof & Basement/Boiler Areas**

Boiler rooms and roof areas are off limits to unauthorized personnel all times. Antenna or aerial attachments to any University residence roofs is prohibited. The basements of the Riverside Apartments are prohibited.

### **XVII. Room Key Expectations**

Students in possession of unauthorized keys or access cards are subject to disciplinary action as civil law defines the possession of unauthorized keys or access cards as being in possession of burglary tools.

At the termination of room occupancy, room keys are required to be returned to the Office of Residence Life. Specific instructions for key return are sent via campus wide announcements. For each key not returned, student's will be charged a fee for the cost associated with lock changes.

#### **XVIII. Quiet and Courtesy Hours**

Quiet Hours are designated times when noise will be kept to a minimum to allow studying and sleep. Stereos, televisions and other devices must be played at lower volume levels that will not disturb other residents.

Quiet hours must be observed between 11:00 p.m. - 7:00 a.m. during the week (Sunday through Thursday) and 1:00 a.m. - 9:00 a.m. on weekends (Friday and Saturday).

Alternative quiet hours are in effect during the week before and during final exams. All residents are expected to extend courtesy and consideration and be sensitive to the needs of other residents at all times.

Courtesy Hours are in effect at all times in the residential areas. Each resident and their visitors have the responsibility to act with consideration for others.

#### **XIX. Safety Inspections**

The University reserves the right to inspect premises for safety, damage and repair or upgrade planning.

Students are responsible for keeping their rooms and apartments in a sanitary condition. The University will, as needed, conduct an inspection of the rooms in the interest of hygiene and safety. Rooms or apartments declared unsanitary and requiring the use of the custodial staff will be charged for the unscheduled cleaning.

#### **XX. Signs/Posters**

All signs/posters posted in University housing must be approved in advance by the Office of Residence Life. See also, IX- DD Poster Policy.

Unauthorized possession of federal, state, local or other public agency signs is not permitted in University housing.

#### **XXI. Solicitation**

Solicitation is not permitted in University housing, unless approved by the Residential Housing Manager or the Dean of Students Office.

#### **XXII. Storage**

The University is unable to store personal belongings. Residents are expected to remove all personal belongings when vacating campus housing. Items stored/left in hallways, entryways, or stairways are a fire hazard and are subject to immediate confiscation. Violators will be responsible for a fine dictated by the Fire and Safety department when retrieving confiscated items.

#### **XXIII. Weapons**

Possession of weapons or firearms of any kind is strictly prohibited. Prohibited items include but are not limited to: firearms, explosive devices/materials, chemicals, bows, arrows, single bladed knives, other dangerous hunting equipment, hunting knife, buck knife, utility knife, military style knife, tactical folding knife, BB and pellet guns, air rifles, paintball guns, and all other air or spring propelled missiles, slingshots, fireworks, bullwhips, nun chucks and martial arts weapons, etc.

Individuals who bring weapons to campus or residence facilities are subject to disciplinary sanction that could include suspension from campus housing, suspension from the University and/or referral for prosecution.

Acceptable knives are a kitchen knife for preparing food or a multi tool with a knife blade no more than three inches in length. Examples of such multi tools would be a "Swiss Army Knife" or "Leatherman" brand tool.

Refer to, IX-V Weapons on Campus.

#### **XXIV. Wireless Internet Access Points**

The University provides wireless network access in all residence halls and apartments. To ensure the proper and efficient operation of this network, the use of personally owned wireless routers or access points is prohibited in all University housing.

#### **XXV. Residence Hall Activities/Sports**

Playing physical games or sports, and/or roughhousing within residential areas is prohibited. This is to protect the rights of other residents, to prevent personal injury, and to prevent damage to University or personal property.

Failure to comply with this policy may result in disciplinary action and/or confiscation of equipment. Activities include, but are not limited to:

- Tossing, bouncing, or kicking a ball, frisbee, etc.;
- Use of roller blades, bikes, scooters, hover boards, nerf or squirt guns, water balloons, etc.;
- Boxing or wrestling;
- Behavior deemed disruptive by University staff.

#### **XXVI. Room Personalization**

Permanent changes to campus housing facilities or fixtures (e.g. painting, drilling, holes, etc.), is not permitted. This includes built-in dressers, shelves, closets, closet doors and desks (except as authorized in writing by the Office of Residence Life).

Tampering with electrical wiring, fixtures, breakers or panel boxes is prohibited.

When hanging pictures, posters, etc. duct tape is expressly prohibited from use. The use of any tape other than drafting/painters tape should be avoided. Residents will be responsible for fees related to tape marks, nail holes, etc. and will be billed per wall.

Pools, hot tubs, and spas of any kind are not allowed.

#### **XXVII. Room Search By University Officials**

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

For premises controlled by Clarkson University, the appropriate authorization for a search by University officials lies with the Office of the Dean of Students. The application to the Dean of Students for such a search must specify the reasons for the search and the objects or information sought. Where appropriate, every effort must be made to have the student or students who normally occupy the premises present during the search.

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

### **XI - Local Ordinances**

All students are expected to abide by all local ordinances as members of the Clarkson University. The University provides links to the relevant ordinances for each campus below.

#### **XI - A. Village of Potsdam Ordinances**

Review the Village of Potsdam ordinances [here](#).

In addition to reviewing the link above, the following should be especially noted:

- a. The open container law prohibits possession of alcoholic beverages on the streets.
- b. Pedestrians have the right of way in marked crosswalks. Drivers must stop for pedestrians in these areas. Jaywalkers are subject to ticketing.
- c. Bicyclists are subject to and must obey various village ordinances and traffic control signals. Riding on sidewalks and going the wrong way on one-way streets is prohibited.
- d. Parking of motor vehicles on lawns or areas not designated as driveways is prohibited.

- e. All dogs must be on a leash and licensed. Unleashed dogs are picked up and taken to the Potsdam Humane Society. There is a charge for day-to-day care.
- f. No overhead banners or signs on streets are permitted.
- g. No parking on village streets between 2 a.m. and 6 a.m. Cars will be ticketed and towed away at the owner's expense.
- h. There are regulations against loud noises, P.A. systems, and amplifying systems.
- i. No open fires, except barbecue grills, are permitted within village limits.
- j. The courts take a stern view of cases involving stolen street signs and traffic control devices as well as vandalism of any nature.
- k. The Village has no authority in questions involving leases for private individuals. This is a legal matter between tenant and landlord.
- l. Interior type furniture which would be adversely affected by the weather or elements or which would be susceptible to infestations of insects or vermin is prohibited from being placed outside a structure in a yard, driveway, roof, or other exposed area. Such prohibited furniture shall include, but not be limited to, upholstered couches and chairs or other fabric covered articles not designed or intended for use outdoors.
- m. No person shall discharge any firearm, gun, air rifle, spring gun, or any gun so constructed as to discharge pellets by compressed air or compressed gas within Potsdam, except that this article shall not apply to police officers or other persons in the discharge of their official duties nor to any firing squad at a military funeral or ceremony nor to any properly constructed range approved by the Chief of Police.

**XI - B. City of Schenectady Ordinances**

Review the Village of Potsdam ordinances [here](#).

**XI - C. City of Beacon Ordinances**

Review the City of Beacon ordinances [here](#).

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