

2023 Annual Security Report / 2023 Annual Fire Safety (includes statistics for calendar years 2020, 2021, and 2022)



Clarkson University, Beacon Institute for Rivers and Estuaries

Welcome to Clarkson University!

The quality of life -- including their safety and well-being -- of our students and employees is a high priority for our university. Best practices to maintain a safer campus include: a robust yet reasonable and fair security presence; an alert community; resilient town-gown relations; common sense prevention; easily accessed resources; and being effective bystanders for fellow campus members who are at risk. First responders and campus members must meet these challenges together to successfully maintain a caring, safe, and productive environment that results in a superlative learning experience and a great university community.

The primary mission of the Office of Campus Safety & Security (CSS) is to promote a safe campus environment. To be successful, we need every campus member to be alert and report situations that require the attention of CSS.

Students, staff, and faculty can familiarize themselves with the university's online student regulations at <https://intranet.clarkson.edu/student-life/dean-of-students/>. Services provided by CSS are located at <http://internal.clarkson.edu/campussafety/>.

The University rapidly notifies the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate or ongoing threat to the health or safety of students, staff or faculty on campus, unless in rare cases, first responders determine that a delay is needed to avoid compromising the safety of involved parties or other critical efforts to contain the emergency.

Campus members and the public can access our campus crime statistics at <https://www.clarkson.edu/campus-safety-and-security/annual-security-reports>.

According to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (also known as the Clery Act)*, institutions must disclose statistics regarding certain criminal offenses that occur on or adjacent to campus and which are

reported to local law enforcement agencies or any university official defined as a 'Campus Security Authority" (CSA). A CSA is anyone who has

significant responsibility for students, campus activities, discipline, residence life and student housing, student co-curricular activities, athletics, or student teams/clubs/organizations. CSAs also include all faculty advisors for student groups and, depending on certain criteria, most or all faculty members.

Crime statistics include: murder, sexual assault (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, dating/domestic violence, stalking, motor vehicle theft, arson, weapon law violations, drug related violations, and liquor law violations. Per Clery, information on fire and related safety measures must also be publicized.

The Annual Security and Fire Safety Reports are respectively prepared by CSS and Environmental Health & Safety (EHS). This information, including awareness and prevention programs and services, is gathered from local law enforcement, CSS officers, EHS, and other CSAs at Clarkson University and its satellite branches.

Information in these reports complies with the Clery Act and the Higher Education Opportunity Act. Both reports are included in this document and can also be accessed at <https://www.clarkson.edu/campus-safety-security/crime-and-fire-statistics>.

Data is based upon the number of incidents *reported* during the calendar years of 2020, 2021, and 2022. Reported crimes may not fully reflect all crimes that *occurred* during this time. For various reasons, individuals may choose not to report. Since report information excludes personal identifications, we encourage all victims, survivors, and witnesses to come forward.

For questions about any of the information in these reports or to receive an electronic or hard copy, contact CSS Director Patrick Gagnon at (315) 268-6666, pgagnon@clarkson.edu, or safetyandsecurity@clarkson.edu.

BACKGROUND ON BEACON

Beacon Institute is on 2 acres, which is part of the 70+ acres of Dennings Point State Park. The park is adjacent to the larger Hudson Highlands State Park.

Clarkson's Beacon contact, Prof. Asher Pacht, is the Director of Environmental Programs for the Institute for STEM Education.

Whether graduate students or the K-12 groups, visitors are at Beacon only during the day. Traveling from Potsdam, typically Clarkson graduate students study at Beacon during "intensive

weekends” once a month and leave around noon each day. K-12 have short field outings in the daytime.

Beacon’s Water Ecology Center is open to the public and, as mentioned before, is visited by K-12 student groups. The center’s hours are 10 am – 2 pm on Saturdays and Sundays.

There is no student housing at Beacon, so there are no statics or polices for that type of building at Beacon. Beacon Institute does not have its own security personnel, but Prof. Pacht and the other staff have developed an excellent relationship with the park police, who work all hours and who encourage the staff to call anytime they see fishermen illegally fishing in that area of the park.

With limited hours and student attendance, little activity aside from academics and research occur. Thus, staff and students feel comfortable in the middle of a natural setting.

Though Beacon members seem to be more acquainted with the park police, there is a second nearby law enforcement if help is needed. That agency is the City of Beacon Police.

Prof. Pacht is the CSA for Clarkson students at Beacon. Since Clarkson students may also have classes at the main Potsdam campus, this Annual Security Report and Annual Fire Safety Report also include information about Potsdam.

IMPORTANT PHONE NUMBERS FOR URGENT NEEDS

To report crimes, fires or emergencies (NOT confidential) – All 24/7 year round:

- Campus Safety & Security (not confidential but can be private):
 - From campus phones, dial 6666, from cell phones, dial 315-268-6666
 - any Blue Light or yellow/red call box emergency phones throughout campus
- NYS Park Police, Dennings State Park/Hudson Highlands State Park (Dennings is adjacent to the other park, and Beacon is actually located inside the park): (police office) 845-889-8866 or (park office) 845-225-7207
- Beacon Police: 845-831-4111 or 911
- Beacon Fire & Rescue: 911
- New York State Police: 911
- New York State Police Sexual Assault Hotline: 844-845-7269
- KnightWatch – Online reporting tool -- anonymous or self-identify (your choice). **KnightWatch can be used 24/7 to file concerns, but it is NOT monitored 24/7. Therefore, do NOT use this for emergency purposes or anything that requires immediate attention.** For the KnightWatch link or QR Scan, go to <https://www.clarkson.edu/campus-safety-and-security/knightwatch>.

To report crimes/incidents or seek help (ON-campus resources - CONFIDENTIAL) – Except for last listing in this section, all these resources are available during business hours:

- Regarding sexual discrimination or misconduct:
 - Title IX Coordinator, Jen Ball: 315-268-4208
 - Deputy Coordinator, Athletics, Caroline LaMarche: 315-268-4448
 - Deputy Coordinator, Human Resources, Amy McGaheran: 315-268-3788
- Regarding racial, religious & other discrimination or misconduct: 315-268-3788
- Chief Inclusion Officer, Jen Ball: 315-268-4448
- Deputy Chief Inclusion Officer, Amy McGaheran:
- Health Svcs & Counseling Ctr: 315-368-6633
- If urgent and after business hours, call and request CSS to contact any of the following resources:
 - Medical staff (usually CU EMS and/or Potsdam Rescue)
 - Mental health counselors
 - Title IX Coordinator
 - Chief Inclusion Officer

To report incidents or seek help (ON-campus resources – NOT confidential but private) Except for last listing in this section, all these resources are available during business hours (for more offices, see Appendix A):

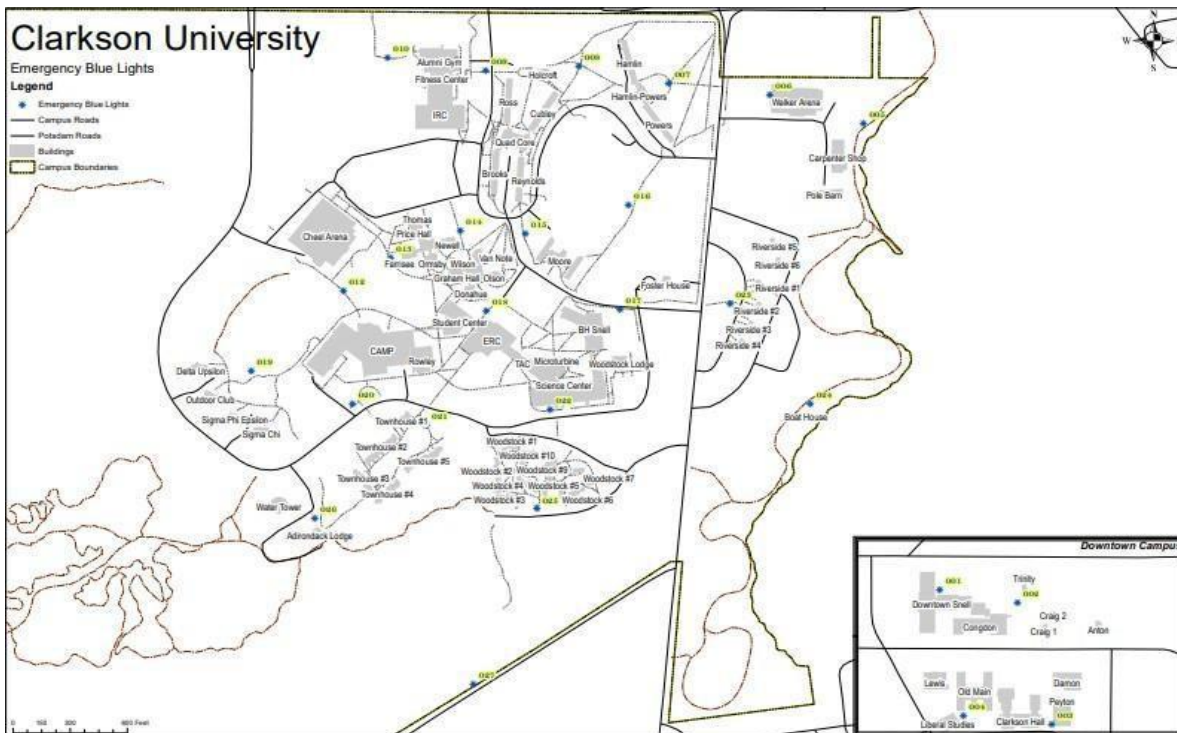
- CSA/Beacon Contact: Prof. Asher Pacht, 845-838-1600
- Dean of Students: 315-268-6620
- Residence Life: 315-268-6642 (or contact your AC or RA)
- Student Life: 315-268-2345

- Office of Accessibility Services: 315-268-7643
- Human Resources: 315-268-6497

To report crimes/incidents or seek help confidentially (OFF-campus resources) (24/7 unless noted):

- Montefiore - St Luke's Cornwall ER, Newburgh, NY: 845-568-2305
- Family Services Admin. Offices, Poughkeepsie, NY 845-452-1110
- New York State Office of Victim Svcs 800-247-8035, <https://ovs.ny.gov>
- National Domestic (or dating) Violence Hotline: 800-799-SAFE (7233) (English and Spanish) (TTY 800-787-3224)
- National Domestic/dating Violence Hotline: Love Is Respect: 866-331-9474
- National Sexual Assault Hotline, RAINN: 800-656-HOPE (4673) or chat at online.rainn.org
- National Suicide and Crisis Lifeline: (simply dial) 988
- SAMHSA (Substance Abuse and Mental Health Services Administration):
 - Mental and/or substance use disorders – Disaster Distress Helpline: 800-662-HELP (4357)
 - Emotional support or other mental health concerns **related to natural or human-caused disaster in the U.S. or its territories** – Disaster Distress Hotline: 800-985-5990 (press “2” for Spanish) (for TTY, 771-1-800-985-5990)
- For stress brought on by COVID-19 – NY Project Hope Emotional Support Helpline, 8 am – 10 pm, 7 days/week: 844-863-9314 or <https://nyprojecthope.org>
- For LGBTQA+ - PFLAG:
 - The Trevor Project: 866-488-7386
 - GLBT National Hotline: 888-843-4564
 - Pride Institute (mental health, chemical dependency): 800-547-7433
 - Trans Lifeline: 877-565-8860
 - True Colors United (homelessness): 212-461-4401
 - Crisis Text Line: Text START to 741-741
 - SAFE (Self-Abuse Finally Ends): <https://selfinjury.com/> (website with info and phone numbers)
- For veterans and other DoD (military) members:
 - SAFE Helpline (sexual assault victims/survivors) - Safe Helpline: 877-995-5247
 - Veterans Crisis Line (veterans and their loved ones): simply dial 988 or text 838255
- For temporarily destitute U.S. citizens in need of help:
 - Contact nearest U.S. embassy or consulate
 - U.S. Dept of State, Overseas Citizens Services: (if stranded and temporarily destitute abroad) 888-407-4747; (if stranded, temporarily destitute, and calling from abroad) 1-202-501-4444

Emergency Assistance Blue Light Phones & Yellow Call Box Phones (Potsdam)



To activate the Blue Light emergency assistance phone:

1. Simply depress the red button on the front of the phone.
2. A blue light will flash at the phone and a CSS dispatcher will answer.
3. CSS will dispatch officers to respond to your location if necessary.



To activate the yellow call box:

1. Depress the black "ON" button.
2. Then dial the extension listed on the front door of the box.



Office of Campus Safety & Security (CSS)

The CSS Office is located in Suite 1200 on the 1st floor of the Education Research Center (ERC).

CSS is open 24/7 year-round. Officers and student workers trained to dispatch assist at the Communications Center in the office. If no one is physically present and the entrance door is locked, a posted sign provides the cell number of the on-duty officer, who is likely patrolling or on a call.



CSS consists of the director, assistant to the director, eight full-time security officers, one part-time security officer, six per diem officers, and four student workers.

CSS Officers submit to a background check, complete the initial and annual NYS Security Guard courses, and are licensed as security officers with the State of New York. Their training includes but is not limited to: effective communication, NYS Security Guard Course, Clery Act, Title IX, investigations, CPR/AED and first aid, defensive tactics, fire safety, domestic violence, sexual assaults, stalking, cultural diversity, and drug recognition.

CSS reports to the Director of Human Resources, and is responsible for providing both emergency and nonemergency response on campus. Services provided by CSS include, but are not limited to:

- Campus policy, civil and criminal complaints
- Emergency medical responses (injuries, illnesses, mental and emotional health)
- Fire safety responses, fire drills, and system testing.

- Access control system responses, checks and inspections
- Motorist assistance (waivers required for access and jumpstarts)
- Parking and bicycle registration (permanent and temporary)
- Parking and traffic enforcement
- Severe weather notifications for key university officials to determine University action
- Safety escorts and welfare checks
- Identify crime prevention needs (lighting, etc.) and fire/life safety breaches

Our full-time and part-time staff are nonsworn and unarmed. Security officers are held to the same standards as private citizens and thus make citizen's arrests if warranted.

As Clarkson University officials, CSS officers have the authority to ask persons on campus for identification and to determine if they have lawful business at Clarkson. Per University policy, students, staff, and faculty must present IDs when CSS requests. Any who refuse are subject to disciplinary referral and action for failing to comply.



Officers patrol inside and outdoors throughout campus. They are dispatched to calls but also proactively initiate assistance. Calls are documented, and reports are taken. Officers conduct follow-up investigations and can assist Potsdam Police within the parameters of Clarkson's MOU (Memo of Understanding) with the Village of Potsdam (see Appendix C).

Officers handle most calls. If needed, officers can immediately contact Potsdam Police. The police also periodically our patrol campus roadways and perimeter.

CSS has excellent working relationships with the Potsdam Police Department, SUNY Potsdam University Police, St. Lawrence County Sheriff's Department, NY State Police Troop B, Potsdam Fire Department, and Potsdam Rescue Squad.

On a daily to weekly basis, CSS has many campus partners for urgent and routine issues. This includes CU EMS (Clarkson University Emergency Medical Services), a student organization whose members are certified EMTs and basic medical aides. They

are on call for basic emergency medical services and work well with local rescue squads.



Community engagement, visibility, and programming are also expected of officers. The CSS director often initiates and schedules programming but encourages officers to participate in information fairs, become community liaisons, assist with forums, and create or partner on programs with departments and organizations.



CSS is always available to make presentations to student clubs, campus organizations, employees, parents, and academic classes. CSS presents campus security overviews at freshman orientations, residence hall floor meetings, and new employee orientations. These presentations include but are not limited to Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, personal safety, crime prevention, fire safety, department structure, crime reporting procedures, and programming offered by CSS.

Regarding Beacon, if and when a crime or emergency reported, CSS' first commitment will be to the safety of the **victim/survivor**. **CSS** will provide or contact any one or all of the following resources/services: medical treatment, advocate from our Advocate Program, counselor from our Counseling Center, Community Outreach Programs or law enforcement. We encourage and can facilitate prompt and accurate reporting of all crimes to local law enforcement.

The Campus Safety & Security Department has a standing working relationship with the Beacon Police Department and NYS Police.

Procedure to Determine a Continuing Threat

Key administrators are consulted in the determination of a threat. Sometimes this takes the form of the Behavior Intervention Team, which is comprised of experienced, multidisciplinary members whose departments regularly handle complex issues (including but not limited to mental or emotional health concerns), or the Emergency Response Team, which is described later in this report. The involved administrators consider the nature of the complaint, the time between the incident and the complaint, the disciplinary history of the

accused, and any mental health information that we are allowed to have (such as threats to self and others).

The university's decisions about whether to interim suspend a student (or to remove an employee from his/her job if the respondent is an employee) are made on a case-by-case basis. We attempt to assess the likelihood of the accused committing a similar act while our investigation and adjudication process are occurring. Relevant considerations include the nature of the alleged incident (i.e., if the alleged incident was forceful; if the alleged incident appears planned or intentional); whether a weapon was involved; if any intoxicants were used deliberately to incapacitate the alleged victim; and if there is a pattern of conduct (e.g., domestic/dating violence and stalking cases).

Emergency Notification Procedures

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

To confirm an emergency or immediate threat to the health and safety of the university community, the Director of CSS communicates with the Emergency Manager, Vice President for Marketing & External Relations, Vice President for Student Affairs, Dean of Students, other members of Clarkson's Emergency Response Team, on-duty security personnel, and/or the Potsdam Village Police official as available. In the absence of time or availability of others for consultation, the CSS director may independently confirm the emergency or immediate threat to the health and safety of the university community.

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

CSS or a designee will issue emergency notifications notices for the Clarkson University Community to notify members of the community about serious incidents or crimes against people that occur on campus or within our Clery geography, where it is determined that the incident may pose an ongoing threat to members of the Clarkson University Community.

These notifications will be distributed if the incident is reported either to CSS directly or indirectly through a campus security authority (CSA), responsible employee, Dennings State Park Police, City of Beacon Police Department, and/or NYS Police.

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

As timing and details of the emergency permit, the CSS director or designee will draft text containing the proposed Campus Safety Alert and forward it to the Vice President for Marketing and External Relations, Vice President for Student Affairs, Emergency Manager, and Dean of Students. The context will be reviewed and revised as needed. Once approved, the message will then be broadcast through the RAVE ALERT (CU ALERT) text messaging system and campus email to the University Community. Updates to the University Community also may be distributed electronically via RAVE ALERT, campus email, and/or the University website.

When deemed necessary, Campus Safety Alerts may also be posted in campus buildings. When a Campus Safety Alert is posted in campus buildings, it shall be printed on bright colored paper and be posted in the lobby/entrance area of the affected building(s).

If the emergency poses danger to the campus wide community, the following communications will be:

- Posted on Clarkson University web page, Facebook pages, and CU Twitter
- Sent through the campus email system
- Sent via text message to cell phones – CUALERT (RAVE ALERT)
- Sent through the campus voicemail system
- Broadcast via the Public Address Systems on CSS patrol vehicles

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

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

Emergency Phone Numbers:

- Campus Safety & Security (CSS): 315-268-6666
- NYS Park Police, Dennings State Park/Hudson Highlands State Park (Dennings is adjacent to the other park, and Beacon is actually located inside the park): (police office) 845-889-8866 or (park office) 845-225-7207
- Beacon Police: 845-831-4111 or 911
- New York State Police: 911
- Beacon Fire and Rescue Department: 911
- Campus information for students, staff, and faculty: 315-268-6666
- Public Information: 315-268-6400

The Emergency Response Team meets periodically as a committee, which executes tabletop exercises/drills as well as testing exercises for notification systems. In addition to each drill and exercise, the committee assesses and evaluates relevant emergency plans.

Drills are conducted three (3) times during an academic year, including the summer session. Prior to each drill and exercise, a campus email announcement and emergency text message is sent to the campus community. Every fall semester, CSS, the Emergency Manager, and Environmental Health & Safety plan and execute a campus safety fair, which includes a live, controlled demonstration by the Fire Department on how quickly a residential room can be impacted and consumed by the careless, or accidental, setting of a fire.

CSS updates a daily crime log, which contains all crimes reported to the department. The crime log is available online.

Timely Warning Procedures

Under the Clery Act, every institution is required to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. The intent of a timely warning regarding a criminal incident(s) is to enable people to protect themselves.

This means that a warning will be issued as soon as pertinent information is available.

Clarkson University will issue a timely warning for all Clery Act crimes that simultaneously:

- occur on our Clery Act geography
- are reported to campus security authorities or local police agencies, and

- are considered by the institution to represent a serious or continuing threat to the University Community

CSS or a designee will issue timely warning notices to the University Community in order to notify campus members about serious incidents or crimes against persons that occur on campus or within our Clery geography AND if the incident poses an ongoing threat to the University Community.

These notifications will be distributed if the incident is reported either to Safety & Security directly or indirectly through a campus security authority, responsible employee, Dennings State Park Police, Beacon Police Department or NYS Police..

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

The CSS director or designee will draft text containing the proposed Campus Safety Alert and forward it to those who will review and revise the message as needed (e.g., Vice President for External Relations, Vice President for Student Affairs, Emergency Manager, and Dean of Students).

Once approved, the message containing the Campus Safety Alert will be broadcast to the University Community either through:

- RAVE ALERT (CUALERT) text messaging and voice over calling system or campus email, or
- RAVE ALERT (CUALERT) and campus email

Updates to the University Community about any particular case, which earlier

resulted in a Campus Safety Alert also may be distributed electronically via RAVE ALERT, sent to campus emails, and/or posted on the University's web site.

When deemed necessary, Campus Safety Alerts may also be posted in campus buildings. When a Campus Safety Alert is posted in campus buildings, it shall be printed on bright colored paper and posted in the lobby/entrance area of the affected building(s).

If the emergency poses danger to the campus wide community, communications will be activated by:

- Posting on the Clarkson University web page, Facebook pages, and CU Twitter
- Sending through the campus email system
- Sending text messages to cell phones (CU ALERT)
- Sending through the campus voice mail system
- Broadcasting via the Public Address Systems on CSS patrol vehicles

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

- Those directly involved with an emergency will receive personal, direct information as immediately as possible.

- The campus community is informed promptly and updated regularly through these methods, depending on the nature of the emergency.
- Messages are sent to campus email addresses.
- A message is posted on the university's main webpage at www.clarkson.edu and will direct viewers to the Emergency Alert webpage for details.

Emergency Phone Numbers:

- Campus Safety & Security (CSS): 315-268-6666
- NYS Park Police, Dennings State Park/Hudson Highlands State Park (Dennings is adjacent to the other park, and Beacon is actually located inside the park): (police office) 845-889-8866 or (park office) 845-225-7207
- Beacon Police: 845-831-4111 or 911
- New York State Police: 911
- Beacon Fire and Rescue Department: 911
- Campus information for students, staff, and faculty: 315-268-6666
- Public Information: 315-268-6400

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

CSS updates a daily crime log, which includes all crimes reported to the department. The crime log is available online.

EMERGENCY MESSAGES AND THEIR MEANINGS

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

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

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

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

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

Perpetrator: A person committing a crime.

Lockdown: An emergency protocol aimed at keeping people safe by protecting them

inside a facility. If you are in a room, staying in place may be the safest thing to do. Stay in place if authorities advise it. If you are in a hallway area or outside, go inside as quickly as possible and stay there until further notice.

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

WEATHER

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

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

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

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

EMERGENCY SAFETY PLAN

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

GENERAL INSTRUCTIONS

If you hear a fire alarm, evacuate, meet at a central location and take account of fellow residents, classmates or co-workers. Remain outside until CSS, local fire fighters, or police give an “all clear” signal.

If you hear a siren on campus, stay inside, close and lock your door (if possible), close curtains, stay low, and stay close to a wall until further notice from CSS, local fire fighters, or police.

If you need to report an emergency, first call Campus Safety at 268-6666. The other emergency number is 911. (If you are calling from an on-campus phone, you must dial 9- 911.)

Emergencies, disasters, accidents, injuries, and crime can occur at any time without warning.

Being physically and psychologically prepared to handle unexpected emergencies is an individual as well as an organizational responsibility.

The information provided on these pages is to minimize the negative effects resulting from an

emergency. Please read this guide thoroughly before an emergency occurs and become acquainted with its contents. The online guide is provided for reference and printed copies are available from our office. If you do not already have a printed copy of this manual, you may obtain one from the Department of Campus Safety & Security. Keep it in an accessible place in your office or room for immediate reference and **do not file it**. When you are familiar with the information, you will be better prepared to protect yourself and others. Do not count on the web pages to be available during emergencies, as natural disasters and power outages may disable the network.

If you have questions about a unique situation that is not covered in this reference or need additional emergency information call the Department of Campus Safety & Security at ext. 6666 or 315-268-6666, or the Dean of Students office at 315-268-6620.

For more detailed information regarding Emergency Response, Notification and Evacuation please refer to the Emergency Response – Notification Guidelines on the University’s website.

What You Can Do Now to Prepare

Emergency preparedness is the most important step in minimizing effects of an emergency. Our recommendations are as follows:

- Keep enough emergency supplies in your office, room or car (medication, flashlight, comfortable shoes, bottled water, food, batteries, and portable radio) for up to seventy-two hours in case of a serious emergency.
- Post this emergency procedures information in a visible location.
- Become familiar with the quickest exit routes from your building.
- Locate the nearest fire extinguisher and pull station, and register for a fire-extinguisher training course.
- Register for cardiopulmonary resuscitation, AED, first-aid, crime prevention, or other safety training courses.
- Prepare a plan for yourself and your family specifying what to do, where to go, and how to cope until you are all able to get home. Designate an out-of-state relative or friend to act as a contact for separated family members.

EVACUATION PROCEDURES

Building Evacuation Procedure

1. All building evacuations will occur when a fire alarm inside the building sounds and/or notification is given by CSS.
2. When the building evacuation alarm is activated during an emergency, leave by

the nearest marked exit and alert others to do the same.

3. Assist persons with exiting the building, especially those with physical challenge. If elevators¹ exist in a building, they are reserved for persons with physical challenges. DO NOT USE THE ELEVATORS IN CASES OF FIRE OR EARTHQUAKE.

4. Once outside, proceed to a clear area that is at least 500 feet away from the affected building. Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and personnel. Know your area assembly points.
5. DO NOT return to an evacuated building unless told to do so by CSS.

Campus Evacuation Procedure

1. Evacuation of all or part of the campus grounds will be announced by CSS.
2. All persons are to immediately vacate the area of campus in question and relocate to another part of the campus grounds as directed.

Relocation of Persons with Disabilities

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

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

Emergency Response Team

The Emergency Response Team meets periodically as a committee and schedules safety drills and safety exercises. In addition to each drill and exercise, the committee assesses and evaluates relevant emergency plans.

If a major emergency -- such as an earthquake, fire, or hazardous material accident -- occurs, a pre-designated Emergency Response Team will coordinate the university's response. All efforts are designed to protect campus members.

Team members include:

President:

Marc Christensen, campus ext. 3864

Emergency Coordinator:

Campus Safety & Security, campus ext. 6666

Provost:

Goodarz Ahmadi, campus ext. 2322

Vice President for Student Affairs: Brian Grant, campus ext. 6463 Alternate: Open Position

Dean of Students:

Kelsey Pearson, campus ext. 6620 Alternate: Troy Lassial, campus ext. 6620

Director of Campus Safety & Security:

Marlene Hall, campus ext. 6666

Alternate: Carol Huckle, campus ext. 6666

Human Resources:

Amy McGaheran, campus ext. 3788

Alternate: Diane Letourneau, campus ext. 7608

Director of Facilities and Services: Michael Tremper, campus ext. 6789 Alternate: Robert Tebo, campus ext. 6766

Division Head, Marketing & External Relations:

Kelly Chezum, campus ext. 4483

Alternate: Melissa Lindell, campus ext. 6716

Chief Information Officer:

Josh Fiske, campus ext. 6718

Alternate: Brian Huntley, campus ext. 6723

Health & Safety Officer:

Erica Arnold, campus ext. 6640

Alternate: Alan Rossner, campus ext. 6470

Director of Risk Management:

Debra Drescher, 518-631-9847 Alternate: Diane Filette, 518-631-9834

Additional persons may be added as needed.

Emergency Response

In the case of an emergency, Clarkson's Emergency Coordinator will immediately call the President and then call together the Emergency Response Team. In the event of the absence of the Emergency Coordinator, in descending order, the following will be responsible for calling all the remaining members of the Response Team or their alternatives: Vice President for University Outreach and Student Affairs, Director of Facilities and Services, Director of Risk Management and Services, and Health and Safety Officer.

The Emergency Coordinator and the Emergency Response Team will tell the President what actions have been taken and recommend subsequent actions. The President or designee will review and approve all recommended actions.

In the event of an emergency situation, information on emergency conditions can be obtained via e-mail, telephone and Web (<http://www.clarkson.edu/>), as well as through local television, radio and newspapers. The Cheel Campus Center is designated as the information point where updated information will be available. In an emergency the phone number for the Cheel Campus Center is 268-6400.

In the event that the electrical and/or communications services are interrupted, information will be hand delivered to campus buildings and residence halls. Information to students on campus will be distributed through the staff of residence life including residential advisors. Where necessary Facilities and Services radios will be distributed around the campus for continuous communications. WSLU radio (89.5 FM) is the designated countywide emergency radio station.

All faculty, staff and students are advised to carry their Clarkson University identification card (ID) at all times. During an emergency you may be asked to show your identification.

If a partial or full evacuation is required, faculty and staff will be sent home, and students will be directed to a place of safety. Essential personnel will stay on campus to assist with the emergency.

Internal and external communications will be managed by the Media Relations Department, in consultation with the Emergency Response Team.

General Response Procedures

- **While these procedures may not be appropriate in every emergency situation, they provide guidelines to follow and may be modified according to circumstances.**
1. Assure Human Safety
 - a. Assess seriousness of emergency.
 - b. Call CSS (x6666) from a campus line or (315) 268-6666 from a cell phone or outside line to request assistance and/or transport to the hospital or health services.
 - c. Before CSS arrives, assure safety of people in the building if possible. Coordinate evacuation if the situation is life threatening.
 - d. Initiate CU EMS and/or Health Services if injuries occur or the potential for injuries exists. If life-threatening injuries are involved, call 911 first and then CSS at x-6666. CSS meet Potsdam first responders, show them the way to the scene, and, if needed, assist with quickly accessing any locked entrances or other doors.
 2. Minimize Damage to Facilities
 - a. Under CSS supervision, contact Facilities Operations.
 - b. Under CSS supervision, remove valuable records and equipment if appropriate.

Declaration of State of Emergency

Whenever an emergency affecting the campus reaches proportions THAT CANNOT BE HANDLED BY ROUTINE MEASURES, the President or designee, working closely with the Emergency Coordinator and the Emergency Response Team, can declare a state of emergency.

During the period of any campus major emergency, CSS shall immediately conduct the appropriate procedures necessary to handle the emergency, safeguard persons and property, and maintain educational facilities. In consultation with the Emergency Response Team, the President declares a campus state of emergency.

A campus state of emergency means:

- Only registered students (if classes are in session), faculty, and staff are authorized to be on campus. As safety permits, visitors and guests will be asked to leave.
- The President may dismiss employees or may declare the campus closed in advance of the normal opening of the workday. Wage compensation will be adjusted according to contractual agreements.
- Only faculty or staff members with emergency resource duties will be allowed to

- enter the immediate disaster site, if such a site exists.
- Employees with emergency resource duties will be asked to report to campus, or remain on campus, to fulfill responsibilities. Accommodations and meals will be provided to emergency personnel if necessary.

In the case of an emergency, the Emergency Coordinator (typically CSS or the Emergency Manager) will immediately call the President and the Emergency Response Team together.

After consultation with the Emergency Response Team, the President or designee will declare a state of emergency. The Emergency Coordinator and the Emergency Response Team will recommend to the President what actions to take. The President or designee will be advised of action already taken and will approve further plans and recommendations.

During the period of any campus major emergency the Emergency Coordinator, in consultation with the Emergency Response Team, will place into immediate action the appropriate procedures necessary in order to meet the emergency, to safeguard persons and property. The Emergency Coordinator shall immediately consult with the President regarding the recommended emergency action.

When this declaration is made, only registered students, faculty, staff, and external emergency providers are authorized to be present on campus. Those who cannot present proper identification (registration or employee identification card, or other I. D.) showing their legitimate business on campus will be asked to leave the campus. Unauthorized persons remaining on campus may be subject to arrest in accordance with the Penal Code.

In addition, only those faculty and staff members who have been assigned emergency resource team duties or issued an emergency pass by the Emergency Coordinator's Office will be allowed to enter the immediate disaster site.

In the event of an emergency situation, information on emergency conditions can be obtained via e-mail, telephone and Web (<http://www.clarkson.edu>), as well as through local television, radio and newspapers.

In the event that the electrical and/or communications services are interrupted, information will be hand delivered to campus buildings and residence halls. Information to students on campus will be distributed through the staff of residence life including residential advisors. Where necessary Facility Service's radios will be distributed around the campus for continuous communications. WSLU radio (89.5 FM) is the designated countywide emergency radio station.

Emergency Contacts (Beacon)

- City of Beacon Police Department: 845-831-4111 or 911

- NYS Parks Police: 845-889-8866
- City of Beacon Fire Department: 845-831-3516 or 911
- Beacon Institute Caretaker: 603-660-2173
- Beacon Institute Maintenance: 845-216-2750

- Vassar Brothers Medical Center: 845-454-8500
- Montefiore - St Luke's Cornwall ER, Newburgh, NY: 845-568-2305
- Title IX Coordinator (Potsdam): 315-268-4208
- Counseling Services (Potsdam): 315-268-6633
- Risk Management (CRC in Schenectady): 518-631-9847

Emergency Command Post

The Emergency Coordinator will determine the equipment, vehicles and staff to be assigned to the command post as well as the location of the post.

Emergency Center

CSS is located in the Education Resource Center (ERC), which is equipped to serve as a centrally located campus emergency center.

Two additional locations in Old Snell (at the Downtown Campus) and the Cheel Center are also designated as Emergency Centers.

In the event of an emergency situation, information on emergency conditions can be obtained via e-mail, telephone and Web (<http://www.clarkson.edu/>), as well as through local television, radio and newspapers. The Cheel Campus Center is designated as the information point where updated information will be available. In an emergency the phone number for the Cheel Campus Center is 268-6400.

Card Access Control System (Potsdam)

The security of and access to all of our residential buildings is controlled by our card access system. This includes all residence halls and theme houses. In addition, some of our administrative buildings, academic buildings and athletic complexes are also controlled by our ca2rd access system. CSS issues all access control cards with the respective access for all Clarkson University community members. Cards reported as lost, stolen or defective can be replaced at CSS upon request or report.

The Access Control System is monitored by CSS. The system will display alarms when a door is propped open; the components are tampered with; forced entry occurs; and/or if unauthorized person(s) attempt to access with an invalid access card. When an alarm is displayed on the terminal monitor, the dispatcher/officer will acknowledge the alarm and report the incident to either on-duty Residence Life Staff or CSS officers on patrol. The RAs/patrol officers will respond to the location of the alarm and investigate the cause.

Residence Hall Safety (Potsdam)

Each night CSS officers perform foot and/or vehicle patrols in and around the residence halls as well as other campus buildings. Each night, resident advisors (RAs) also make rounds, especially to help ensure exterior doors are secured.

CSS officers work closely with residence hall staff to prevent problems before they occur.

- a) Letting someone else use your access card and/or propping doors open compromises the safety of other students in the residence hall. These actions are violations of university policy, which may result in a fine or judicial board action.
- b) Keep doors and windows to your room locked at all times.
- c) Never sleep in an unlocked room.
- d) Don't put your name and address on your key ring.
- e) Don't study in poorly lighted or secluded areas of a building.
- f) Should you receive a harassing phone call or calls with no one on the line, hang up and immediately notify CSS.
- g) If you discover your room has been entered, don't go inside. Notify CSS immediately. If you are inside, do not touch anything until an officer arrives. Otherwise, you may inadvertently disturb, taint, or damage valuable evidence.
- h) If your lock or combo is not operating properly, contact your Community Assistant. Avoid having large amounts of cash or other valuables in your room.
- i) NEVER GIVE YOUR COMBINATION TO ANYONE!**
- j) Check with your family insurance agent to determine if your property is covered under their homeowner's insurance. If not, you should strongly consider purchasing insurance.

Residence Hall Security and Campus ID Card (Potsdam)

Students will receive their Campus ID Card when they arrive on campus for orientation. Your card is the official Clarkson University identification card as required by Clarkson University. While on campus, you should carry it at all times for identification purposes and present it to university officials upon request.

Information on the front of the Campus ID Card includes name, photograph, and identification number. The magnetic stripe for "KnightCard" and barcode for meals are on the back side.

Developed with the goal of improving access to various campus services for the safety and convenience of the university community, this “One Card” system provides individual access to university residence halls. Embedded in the Campus ID Card is the coding necessary for access to all university residence halls. The access control system is monitored by CSS. If a door is propped or forced open, an alarm alerts CSS, and an officer or resident assistant (RA) is dispatched to that location. Emergency call boxes are available outside campus buildings in the event you need to contact CSS for access assistance.

Awareness / Prevention Education, Programs, and Training

- The Title IX Coordinator/Chief Inclusion Officer and her staff conduct presentations to freshmen and new transfer students on sexual assault and bystander intervention during “First Year Seminar”.
- The CSS director and her staff conducts security awareness presentations and forums for students, staff, faculty, and parents at new student and new employee orientations, new student Residence Life floor meetings at the onset of the semester, upper-class students in residence halls, and academic classes as requested.
- By request, CSS also conducts information tables and programs for campus members and/or prospective students and their parents on various security related topics, such as personal safety, self-defense, active shooter awareness, safety

escorts and other CSS services, general safety tips, dating app safety, alcohol awareness driving/walking courses, etc.

- To encourage good fire safety habits, Environmental Health & Safety annually invites the Potsdam Fire Department to use a model of a single dorm room in order to demonstrate how easily fires can start and how quickly they cause loss of property and lives.
- Our Advocates Program provides informational programs and maintains a web page for students.
- In collaboration with student organizations, the Student Activities Department provides the following campus wide programs each semester for students, staff and faculty on personal safety, sexual assault, dating/domestic violence, bystander intervention, stalking and self-defense training.
- Before serving as leaders, students must complete related training.
- Resident advisors (RAs) must complete extensive training on a variety of topics, including safety and security, sexual misconduct, etc.
- The Title IX Office conducts “Enough Is Enough” and Campus SAVE (Campus Sexual Violence Elimination) trainings.
- Title IX and 129-B trainings are provided to all new students (student organizations, athletes, graduate students, first-year and new transfer students, international and exchange students)
- Bystander intervention training takes place at orientation for all first-year and new transfer students.
- “Take Back the Night”, “Denim Day”, and other events on awareness of sexual assault/dating abuse/stalking as well as victim/survivor support are conducted often by multidisciplinary employees and students .
- Personal safety and safe sex awareness and related training are conducted by SHAC (Student Health and Counseling) at “First Year Seminar”.
- All first-year and new transfer students are mandated to complete online awareness trainings (one on alcohol abuse and another on sexual assault prevention) during

onboarding.

- “Diversity & Inclusion” training is conducted during “First Year Seminar”.
- In person and online training is mandated for Title IX investigators and adjudicators.
- Via mandated Human Resources (HR) online training, all employees must complete online and in person training regarding their roles and responsibilities as CSAs (Campus Security Authorities under the Clery Act) and Responsible Employees (under Title IX).
- Employees are mandated to complete Moodle, or online training, regarding workplace harassment and bullying in the workplace.
- “Drug Free Schools and Communities” information is distributed via campus email.
- “Your Right to Know” information is available for distribution.
- CU EMS instructors offer certified trainings to campus members on CPR, AEDs, and Stop the Bleed.
- The Counseling Center offers two-day Mental Health First Aid trainings to employees and student workers across campus.
- Before any campus member can drive a fleet vehicle or borrow a golf cart, they must complete online driving safety courses and familiarize themselves with related university policies.

What You Can Do...

Community involvement is essential to the prevention of crime on campus. Disinterest and complacency are the prime contributors to the success of criminals. The burden of crime prevention rests not only with CSS but with each member of the Clarkson University Community. As in any community -- whether on a campus or as a municipality – neither CSS

nor police officers can be everywhere at once. Therefore, we at Clarkson depend on you to recognize and report suspicious and criminal activity. The extent of your cooperation greatly influences CSS' effectiveness in preserving a safe campus environment.

Doing your part means:

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

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

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

Protection of Persons or Property

General:

- a) Whether staying in one place or walking/commuting between two points, stay aware of your surroundings.
- b)** Immediately report all suspicious persons, vehicles, and activities to CSS

by using an emergency Blue Light phone or by calling **315-268-6666**.

- c) Stay in groups of three or more when walking, bicycling, or traveling. Never walk alone!
- d) Use and always maintain the "buddy system" when attending parties or while in unfamiliar or uncommon locations/activities. Never leave your buddy alone or behind!
- e) Whether in your residence hall or workplace, watch out for your neighbor/co-worker. If you see someone being victimized, notify CSS immediately.

Walking:

- a) Avoid walking alone after dark. Utilize CSS' Safety Escort Service by calling x6666 or (315) 268-6666 at anytime of day or night or by using one of the 35 emergency phones located throughout campus.
- b) Walk in well-lighted, regularly traveled walks or pathways. Avoid shortcuts. Stay away (more than an arm's length) from shrubbery, heavy foliage, alleys, building corners, and other areas where assailants may be lurking.
- c) Avoid walking too close to parked or slow moving vehicles.
- d) No matter how short the distance, do not hitchhike or accept rides from strangers.
- e) Report lights that are out and any other hazardous conditions to CSS.
- f) When walking to your vehicle, keep your keys in your hand and ready to use.
- g) If you think or feel as though you are being followed, cross the street and/or start walking in the opposite direction. If necessary, keep crossing back and forth.
- h) If you are pursued, draw attention to yourself by loudly yelling and run to a lighted, populated building or residence hall. If necessary, consider breaking a window or pulling a fire alarm to draw attention to your situation. In this type of situation, yelling "FIRE" may be more effective than yelling help.

Safety Escorts (Potsdam)

- CSS provides safe walks from any university affiliated or owned property to another university affiliated or owned property.
- Safe Walks consists of a personal escort by a CSS Officer.
- To request a safety escort at any time of the day or night, simply call x6666 from a campus phone or 315-268-6666 from an outside line or cell phone, or use any of the 35 emergency / assistance phones on campus.

Athletic Facilities (Potsdam)

Use the “buddy system” when working out or using the pool. Walk to and from the gym and/or parking lot together.

- a) Immediately report all criminal incidents, including indecent exposure and voyeurism (often serial rapists start at these levels), to CSS.
- b) Avoid bringing cash, wallets, or other valuables to the gym.
- c) Most thefts in athletic facilities take place in the locker rooms and from unlocked lockers. Keep your locker locked whenever unattended. This includes when you are briefly in the shower.
- d) Do not leave shoes, clothing, or other personal belongings unattended in the lobby or other public places for any length of time. It takes literally only seconds for items to disappear, and often persons nearby do not notice.

Bicycles

Students, staff, and faculty are strongly urged to register their bicycles with CSS.

Registration is FREE, and it greatly increases the chance of recovery if stolen.

Assistant Director Alex French at ISE, which is located on the first floor of the ERC, manages the “Knight Rider” bike rental program

Always lock your bike!

1. Bicycles should be locked around the frame and through both wheels to a bike rack.
2. Invest in a good bike lock, preferably a U-bolt lock. Some U-bolt companies will guarantee their product (and sometimes even your bike) if your bike is stolen while properly secured.
3. Most security cables can be easily cut with bolt cutters (a common tool used by bike thieves) and thus are not reliable.
4. Consider some the newer bike theft alarms and trackers (some alert you via text and/or alarm if your bike is removed from its place). Yes, they are more expensive than a U-bolt lock ... but how valuable is your bike and is it your main means of transportation?
5. Whenever possible, keep your bike inside at areas designated by Residence Life.
6. Find out if your bike is covered under your parents’ insurance policy. If not, it is advisable to insure it – often only costing a few dollars a month.
7. Bicycles must not be left in hallways or stairwells or rooms since the personal safety of others may be jeopardized.
8. When school is not in session, secure your bike in your room (and do NOT leave your curtains/shades open for thieves’ eyes) or take it home with you.

During the fall, an announcement is made about where various bicycle storage areas on campus. Any bicycles stored or locked in hallways and stairwells are moved to approved storage areas. If bikes are moved by university personnel, the owner is responsible for any damages to chains or locks.

Don’t be an accident victim. Follow the same rules of the road as you would if you were driving a car. -- That is the law in New York and in most states.

STUDENT USE OF MOTOR VEHICLES (Potsdam)

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

The following regulations apply to ALL students utilizing motor vehicles on campus.

1. Registration:

All motor vehicles owned or operated by students at Clarkson University must be registered each year with CSS. 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. Place it on the back of the rearview mirror. So your sticker number is facing your windshield. If unsure of where and how to adhere it properly, go by the CSS Office, where you can see a sticker placement model.
- 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.



Accessibility parking stickers are issued at the Village Police Department. A proof of disability will be required to receive an accessibility parking permit. This parking privilege is only for the use of the person to whom it is issued. All parking spaces for accessibility parking are clearly marked on campus. All other vehicles parked in accessibility spaces will be towed at the owner's expense.

2. Liability

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

3. Parking

Parking in³ 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 CSS 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 and abide by these regulations. Additional copies can be obtained from CSS at ERC 1200 (or during ERC atrium renovations, at CSS' temporary relocation on the first floor of Cheel and across from the ticket office).

4. Speeding

The speed limit on campus is 15 M.P.H. except for the access road behind CAMP, which is 30

m.p.h. With so many pedestrians and, especially in the summer, small children on campus, the utmost care should be observed everywhere on and around campus.

5. Abandoned Vehicles

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

6. Repair to Vehicles

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

7. Motorcycles

All traffic and parking regulations mentioned here also pertain to owners of any other motorized vehicles, including but not limited to motorcycles, motorbikes, and other similar transportation. Motorcycles must be parked in the designated motorcycle parking areas adjacent to the dormitories. Parking motorcycles in spaces designated for automobiles will result in their being ticketed.

8. Parking or driving on lawns, sidewalks or other pedestrian paths is prohibited and can result in costly citations.

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

3

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

amounts are subject to change):

- Parking in restricted area \$35.00
- Parking/driving on lawns or sidewalks \$35.00
- Vehicle not registered \$50.00
- Parking in disabled \$75.00
- Parking in fire Lane \$50.00
- Parking in service area/drive \$35.00
- Failure to Stop \$35.00
- Reckless Driving \$100.00
- DMV Fee \$20.00 (This applies to those who fail to register their vehicles and when CSS must utilize state and other resources to identify the owner/driver.)
- Tow Charge \$125.00

As determined by the Dean of Students, the offender may be subject to disciplinary action, which may result in on-campus driving privileges being revoked.

Ticket fines may be paid at the S.A.S. Office. CSS cannot accept fine payments. Unpaid fines will be charged to the student's account.

Parking ticket appeals must be filed ***within five working days of receiving notice of a violation*** and can only be submitted online at http://www.clarkson.edu/campussafety/parking/ticket_appeal.php. Appeals sent beyond the five-day requirement will not be considered.

Students are expected to abide by all state laws, ordinances of the City of Beacon, and university regulations pursuant to the operation of vehicles. Misuse of the privilege to operate a motor vehicle on campus will likely result in the revocation of this privilege and, if warranted, can result in additional disciplinary action.

Lost and Found

Keys or valuable items found unattended on campus should be turned over to CSS. Containers, such as bags, wallets, purses, etc., are subject to being searched for the purpose of³ discovering ownership of the property.

Unclaimed items will be donated to an appropriate charity or otherwise disposed of after

one semester has passed.

Items found in the residence halls should be turned over to the residential coordinator, who will then give the items to CSS.

Theft Prevention and Reporting

Theft, or a suspicion of theft, should be reported immediately to the RA, RD, AC, house manager, and/or CSS. In addition to reporting to CSS, the victim of a theft has the right to report the theft to the local police or refer the matter to the Student Judiciary Board.

Where theft against the institution is involved, the university agent with responsibility for the area in which the theft occurred chooses the appropriate course of action. Any student found guilty of theft will be considered for immediate suspension from the university.

The university is not liable for personal property lost, stolen, or damaged. It is highly recommended that you protect your belongings with insurance through your family's homeowner or other insurance policy. Often for only a few dollars a month, insurance coverage is often well worth the effort if your damaged or stolen laptop, TV, or other electronic device can be replaced by that coverage.

It is further recommended that you:

- keep doors locked AT ALL TIMES (no matter how short a time you are away)
- avoid keeping large sums of money, expensive jewelry, and other valuables in your room
- immediately report any suspicious persons or behavior to residence staff and CSS (it only takes a few seconds – not minutes – for a thief to find and steal an item from a room and then quickly disappear)

Emergency Evacuation Drills

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

1. Close all windows and leave the shades/curtains open.
2. Close and lock your door and leave your light on.
3. Dress appropriately (weather-wise, footwear, etc.).
4. Exit by the nearest stairwell and go away from the building so as not to impede the progress of fire equipment or people evacuating from the building. Standing on the

- opposite side of walkways in front of the buildings is a good rule of thumb.
5. Remain outside the building until the alarm is turned off and the "all clear" is given.

The Environmental Health & Safety Office provides Fire Safety training annually at Orientations

and upon request.

From the University's Combined Discriminatory Harassment Policy:

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

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

Inquiries concerning Section 504 and the American with Disabilities Act of 1990 should be directed to ADA504@clarkson.edu

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

Gender Discrimination and Sexual Harassment (from Clarkson University's Title IX webpages in 2020)

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

Dear Clarkson Community,

In May, Clarkson received new regulations regarding Title IX which mandated a policy change effective August 14, 2020. Those changes are reflected in the new Equal Opportunity Harassment and Nondiscrimination Policy. [NOTE: To review the entire policy, see Appendix B in this document, Annual Security Report.]

If you have questions or concerns, please contact me. These changes and supporting information will also be shared on the Clarkson intranet site.

Training materials can be accessed by going to the following link: <https://atixa.org/2020-regulations-requirement-posting-of-training-materials/>

Jennifer L. Ball, Ph.D. Chief Inclusion Officer
Title VI, IX, ADA/504 Coordinator Assoc. Professor HU/SS jball@clarkson.edu
titleix@clarkson.edu

Title IX Information

Under federal law any school receiving federal funds must designate a Title IX Coordinator to review, update and implement current Title IX policies, to coordinate appropriate training and resources, and ensure effective and timely responses to complaints of sexual violence, misconduct, discrimination or harassment.

The protections of Title IX extend to sexual harassment and sexual assault or violence that impairs or interferes with access to equitable educational and employment opportunities.

Title IX is applicable to all members of the campus community, individuals doing business with the campus, those utilizing campus facilities, those who engage in volunteer activities or work activities in connection with or for Clarkson University. It is also applicable to incidents involving these parties both on and off campus.

For further information, explore the links on this page or contact the Title IX Coordinator, TitleIXCoordinator@clarkson.edu. You can contact us through directly or through the Contact Us page.

Policies & Procedures

Clarkson's policies and procedure can be found at the following links. Student Code of Conduct, Clarkson Regulations (employees)

Under the law, all institutions receiving federal funds must have policies and procedures that prohibit sexual discrimination, offer a grievance procedure with both a formal and informal process, and designate a Title IX Coordinator to oversee the enforcement of these policies and procedure in a timely and equitable manner.

The general process works as follows:

An individual reports a Title IX complaint to a University employee, the Title IX Coordinator or a deputy Coordinator.

The individual is made aware of their options. They will be informed about appropriate support services, complaint filing options, and available interim remedies. These will vary based on the status of the individuals involved in the incident, e.g. student to student, staff to student, staff to staff.

All complainants are entitled to use either a formal or informal grievance process and can switch from one to the other. Mediation is not allowed in the event of sexual violence and parties do not have to be in the same room to allow for grievance proceedings.

The Title IX Coordinator and deputies are charged with ensuring the following protections:

- All parties will be treated equally and fairly
- Retaliation is prohibited (against any participants in the process—accused, victim, witnesses, reporting individuals)
- Alternative arrangements during hearings
- Prompt investigations, published timelines
- Notice of outcome

Reporting Information

When you have a complaint, question or concern regarding Title IX you have several options on how to proceed. The policy and procedures for complaints is listed under [Policy & Procedure](#) This page explains what to report and to whom you can report it.

Emergency Situations

If it is an emergency situation we urge you to [contact Campus Safety](#), 315-268-6666 or Potsdam Police, 911, directly. Campus Safety can accept anonymous reports. Campus Safety is required to report all Title IX related cases to the Title IX Coordinator.

Retaliation

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

What to Report

You should report any incident of sexual discrimination, including sexual assault, sexual harassment, sexual misconduct, relationship violence, and stalking that you experience, witness or have reported to you. In addition, you should report if school officials, students, employees, guests or contractors fail to prevent or remediate the above incidents. In addition, any retaliation by school officials, students, employees, guests or contractors is prohibited. All such incidents should be reported to the Title IX Coordinator.

If you are a victim/survivor of interpersonal violence (including but not limited to: sexual assault, sexual harassment, sexual misconduct, relationship violence, and stalking) or

know about an incident that occurred to someone else and are thinking of reporting it to campus officials, we know it can be confusing to know who the best person on campus is to tell.

This page hopes to make that process easier for you by providing a quick and easy list of appropriate contacts who are all trained to help you navigate the College's process.
To

understand the university's policies and procedures regarding Title IX complaints please see Policies and Procedures. You may also ask the Title IX Coordinator or a Deputy Coordinator to explain the process to you.

How to Report

I am...

A Student

Dean of Students, 315-268-6620 Resident Hall Staff
Campus Safety, 315-268-6666
Title IX Coordinator or a Deputy Coordinator

A Staff/Faculty Member

Human Resources
Campus Safety, 315-268-6666
Title IX Coordinator or a Deputy Coordinator

A University Guest or Contractor

Guests of students - Dean of Students, 315-268-6620 Non-Students or Contractors –
Human Resources Campus Safety, 315-268-6666
Title IX Coordinator or a Deputy Coordinator

Title IX Contacts

Title IX Coordinator

Jennifer L. Ball, Ph.D
Chief Inclusion Officer/Asst Professor HU/SS Snell 168
315-268-4208
Jball@clarkson.edu Box 5750

Deputy Coordinator, Athletics

Caroline LaMarche Head Volleyball Coach 204 Alumni Gym
Box 5830 315/265-4448
E-mail: clamarch@clarkson.edu

Deputy Coordinator, Human Resources

Amy McGaheran
Chief Human Resources & Deputy Chief Inclusion Officer 103 Graham Hall
Box 8734
Phone: 315/268-3788
E-mail: amcgaher@clarkson.edu Campus Safety: 315-268-6666

Missing Student Policy

To report a missing student, call CSS at 315-268-6666 immediately.

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

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

Each resident is required to identify the name and contact number of the individual(s) who are a primary contact to be notified in case of an emergency or in the event that the resident is reported missing. The contact information provided by the student will be kept confidential.

The Dean of Students will immediately notify the student’s primary contact as provided by the student. In the event the student is under the age of 18 and is not emancipated, the University is required to have the primary emergency contact be a custodial parent or guardian and they will be contacted immediately should the student be reported missing.

If a member of the University community has reason to believe that a student is missing, CSS should immediately be notified at x6666 or 315-268-6666. CSS and/or Residence Life will make reasonable efforts to locate the student to determine his or her state of health and well-being. The student’s cell phone or campus phone will be the first contact. Additional efforts may include checking the resident’s room, access control card history and campus wide account usage, class schedule, on campus vehicle, friends, coaches, and parents.

If all the above attempts to locate or establish contact with the missing student are unsuccessful, the University will contact the Village of Potsdam Police Department immediately and report the student as a missing person. The Dean of Students would then advise the President.

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

missing.

Weapons Policy

As of August 2022, the New York State Legislature is attempting to amend old laws and pass new ones regarding firearms. The new bills are in the midst of reviewed in court, and legislators are working on newer bills to replace some of the ones being reviewed. If passed, no bill includes any changes in banning firearms from school campuses, including universities.

Currently New York State laws include the following regarding firearms on campus:

Section 265.01(3): “Any person who knowingly has in his possession a rifle, shotgun or firearm in or upon a building or the grounds, used for educational purposes, of any school, college or university without the written authorization of such educational institution, is guilty of a Class A Misdemeanor, and is guilty of a Class D Felony if he has previously been convicted of any crime.”

Section 265.06: “It shall be unlawful for any person age sixteen or older to knowingly possess any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or co2 cartridge in or upon a building or grounds, used for educational purposes, of any school, college or university, without the written authorization of such educational institution.

The following policy is from Clarkson University’s 2022-2023 Student Regulations: 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.

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.

Drug Policy

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

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

use or possession of a controlled substance.

It is recognized that students who have used or are using controlled substances may need and wish to seek counseling. Counseling staff members are available for such help.

Conferences with these persons will be treated confidentially.

Although the State of New York has legalized marijuana, Clarkson University and all other institutions that receive federal funding must abide by federal law, which still classifies marijuana as illegal. Therefore, no one may possess, use, grow/manufacture, store, or otherwise have marijuana or any related paraphernalia anywhere on campus – not in any buildings, grounds, vehicles, or any other place on campus.

If found, students will be referred to the Dean of Students for small amounts or paraphernalia, which violates the Student Code of Conduct. Fines will also be levied by either CSS or Environmental Health & Safety for fire and life safety violations.

Particularly if students are under the age 21 (the legal age in New York), they should expect the items will not be returned but will instead be properly disposed of.

The following policy is from Clarkson University's 2022-2023 Student Regulations:

Drug Policy (from Student Regulations)

- 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.

Residence Regulations ... 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.

Regarding⁴ employees:

Employment Sanctions Relating to Drug Abuse in the Workplace

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

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

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

Testing

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

In 2018, then University President Anthony Collins issued the following to the entire University Community:

CLARKSON UNIVERSITY

Memorandum

September 2018

TO: University Community

FROM: Anthony Collins, President

SU⁴BJECT: Drug-Free Schools and Communities Act

The Drug-Free Schools and Communities Act, Public Law 101-226, requires that our University implements

a program to prevent unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. In part, the law requires that all students and employees annually receive a description of University policies and possible sanctions for violation of drug or alcohol laws, possible health risks associated with use of drugs or alcohol, and counseling or rehabilitation services available to you. This is a most important topic. Please take the opportunity to reflect on potential problems associated with drug use. Consider, in particular, alcohol, its role in our lives, and its possible negative impacts.

Clarkson policies and possible sanctions

Clarkson prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances or alcohol on its property or as part of its activities. Employees are referred to the Operations Manual

- 3.1.7. Students are referred to the Clarkson Regulations IX and X. Sanctions for violation of these policies will range from written warning to dismissal or expulsion, depending on the circumstances of the violation. Possible sanctions include referral for counseling, fines or rehabilitation. Students can refer to attached Table 1 for more details on possible sanctions. The University has the right to refer individuals to governmental authorities for prosecution if deemed appropriate.
<http://internal.clarkson.edu/studentaffairs/regulations/>

Finally, any legal usage of alcohol in public areas on campus must be approved by Clarkson's ARC (Alcohol Review Committee).

Legal sanctions

It is widely known that selling illegal drugs can result in criminal conviction leading to large fines or imprisonment. However, simple possession of illegal drugs can lead to severe penalties as well. The federal and state laws that determine those penalties are complicated, but it is important that they be understood.

For your information, Table 2 is attached to summarize penalties for alcohol-related offenses in New York State. These laws make it illegal to drive while intoxicated; serve alcohol to persons under 21; misrepresent one's identity to purchase alcohol; or for a person under 21, to possess alcohol with the intent to consume it. Also, anyone under 21 driving a motor vehicle after having consumed any alcohol will be fined and will lose driving privileges.

In addition, Tables 3-6 summarizing federal and state penalties for drug possession and trafficking are attached.

Finally, the Village of Potsdam municipal code (Sec. 124-7) makes it a violation to consume alcohol or to possess an open container containing alcohol on public land

without special permission from the Village. The ordinance applies to anyone in a vehicle as well. Violation can result in a fine of up to \$250 or 15 days in jail.

This memo, and the attached tables, cannot present a comprehensive summary of drug and alcohol laws. The laws are complicated and details frequently change. However, it is designed to alert you to the consequences of illegal behavior associated with drugs and alcohol. You should also be aware that New York laws make it illegal to possess certain types of drug paraphernalia, to grow marijuana, to make or sell imitations of illegal drugs, to operate a motor vehicle while impaired by a drug, or even to be in public while under the influence of a drug. These, and other similar types of offenses, can bring penalties ranging from fines less than \$100 to seizure of property used in transporting drugs, to imprisonment. Federal law also allows the doubling of fines or prison terms for anyone selling drugs to a minor or near a school, including any university.

Health risks

Alcohol is widely used in our society. Its health risks can easily be overlooked. Effects of use can range from immediate impairment in judgment and muscle coordination, to increased risk-taking behavior and violence. Moderate to high doses of alcohol can result in respiratory failure and death. The danger of receiving a fatal dose is greatly increased when alcohol is combined with other depressants such as barbiturates. High levels of alcohol usage increase the risks of breast cancer. Consumption of alcohol during pregnancy may result in physical or mental abnormalities in infants. Dependence, both psychological and physical, can result from continued usage. Should one, who is dependent, attempt to stop using alcohol suddenly, and without medical help, life threatening withdrawal symptoms can appear.

Health risks of other common drugs are summarized in Table 7. Though a table cannot cover this important information in a comprehensive way, it is intended to alert you to the many possible dangers in the use of illicit drugs. Three types of drugs not covered in the table include deliriums, designer drugs and anabolic steroids. Deliriums such as solvents, aerosols and anesthetics can have a variety of effects such as impaired judgment, hyperactivity, confusion, headache, nausea, respiratory depression, unconsciousness and even death. Designer drugs are often manufactured in an attempt to avoid technical definitions of illegal drugs. Their effects vary depending on the drug they are intended to imitate. Many are much stronger than the original and can be many times as dangerous. Among the possibilities are permanent central nervous system damage or death. Anabolic steroids are often taken to enhance muscularity and strength. They can have negative effects such as cardiovascular disease, high blood pressure, sterility, increased aggressiveness and stunted growth in adolescents.

Where to get help

The preceding information is designed to raise awareness of possible dangers in alcohol and drug use. It is hoped problems can be prevented in our University community. However, if you or someone you know needs help for a problem related to drugs or alcohol, the following are some of the sources of counseling or referral available.

For employees:

- Human Resources (315-268-6497, Graham Hall – Center Core) will make appropriate referrals to counseling, treatment or rehabilitation services.
- St. Lawrence County Alcohol and Substance Abuse Services (315-386-2189).
- Canton-Potsdam Hospital Detoxification Unit (315-261- 5969, ext. 3402) and Rehabilitation Unit (315-261-5954, ext. 2304).

For students:

- Counseling Center (315-268-2327, ERC Building- 1st floor) will provide confidential counseling and appropriate referral for treatment or rehabilitation.

For everyone:

- NCA (National Council on Alcoholism & Dependence) Information line (1-800-NCA-CALL) will provide referral for drug or alcohol problems. Seaway Valley Prevention Council 315.713.4861
- NIDA (National Institute on Drug Abuse) (1-800-662-HELP) will provide confidential information and referral.
- OASAS (New York State Office of Alcoholism and Substance Abuse Services) Information line (1-800- 522-5353) will provide confidential information and referral.
- Reachout (315-265-2422) is a local 24- hour crisis hotline that will provide confidential information and referral.
- “Affordable Colleges on –line”: Substance Abuse in College
Recognizing, understanding and combatting alcohol and drug abuse on campus
<http://www.affordablecollegesonline.org/substance-abuse-in-college/>

Table 1
Sanctions for Students Violating Clarkson Drug and Alcohol Policy

<u>Possession and Consumption of Alcohol by a Person Under 21</u>	
<u>Public Possession and Consumption of Alcohol by Anyone</u>	
<u>Without A.R.C. Approval</u> For violation of the two preceding categories:	
	1st violation – (Area Coordinator/ Residential Director) RD/ AC written or documented warning and confiscation of all alcohol in possession, possible referral for counseling evaluation
office,	2nd violation - confiscation of all alcoholic beverages in possession and referral to Deans
	which may result in disciplinary warning, monetary fine, notification of parents, community service, possible referral for counseling evaluation
<u>All Subsequent Alcohol Possession and Consumption Violations Serving Alcohol to Individuals Under 21</u>	
<u>Selling Alcohol Without a Permit</u>	
<u>Using Fraudulent Means</u>	
<u>to Purchase Alcohol Any Violation of Drug Policy</u>	
For violation of the five preceding categories:	
probation, prosecution.	Referral to Dean's office which may result in disciplinary reprimand, disciplinary suspension, disciplinary expulsion, notification of parents, and/or referral for

The penalties for various alcohol-related offenses under the New York State Penal Law, Alcohol Beverage Control Law, and Vehicle and Traffic Law are summarized in the following table. Note that all but possession are misdemeanors meaning that a criminal record will result and that fines may be subject to state surcharges.

Table 2
Penalties for Alcohol-Related Offenses under N.Y. Law

Driving While Ability Impaired (ADWAI) (.05-.07 blood/alcohol content)

1st offense - up to 15 days jail, \$300-\$500 fine, 90-day license suspension, 1-year revocation if under 21
2nd in 5 yrs. - up to 30 days jail, \$500-\$750 fine, minimum 6-month license revocation

3rd- up to 180 days jail, \$750-\$1,500 fine, minimum 6-month license revocation

Driving While Intoxicated (ADWI) (.08 + blood/alcohol content)

1st offense - up to 1 year prison, up to \$1,000 fine, minimum 6-month license revocation, 1 year if under 21
2nd in 10 yrs. - up to 4 years prison, up to \$5,000 fine, minimum 1-year license revocation

3rd in 10 yrs. - up to 7 years prison, up to \$10,000 fine, minimum 1 -year license revocation

Under Age 21, Driving After Consuming Alcohol (Zero Tolerance Law) (.02-.07 blood/alcohol content)

1st offense - License suspension for at least six months, \$125 civil penalty, \$100 suspension termination fee
2nd offense - Subsequent Offense - revocation for at least 1 year or until age 21 (whichever is longer),

\$125 civil penalty and \$100 license re-application fee

Serving Alcohol To Persons Under 21

Under ABC law - up to 3 months in jail, up to \$500 fine, 1 year probation
Under Penal law - up to 1 year in jail, up to \$1,000 fine, 3 years' probation

Fraudulent Attempt To Purchase Alcohol (using false ID or ID of another)

Under ABC law - up to 2 months in jail, up to \$500

ALCOHOL POLICY

The following Alcohol Policy is from Clarkson University's 2022-2023 Student Regulations:

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, common⁵ 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.

Individuals 21 and over are responsible for monitoring their possession of alcoholic substances to ensure those under 21 do not have access to alcohol.

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.

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.

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.

Residence Regulations

... 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.

New York State Penal Law Guidelines

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

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

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

- Social Host Liability: Creates civil liability for anyone who knowingly furnishes alcoholic beverages to any intoxicated person under the legal age of purchase if the intoxication results in injury or damages to a third party.
- Using or Possession of False Identification (ID): Any person under the legal age of purchase who is found to have presented or offered false or fraudulent written identification of age for the purpose of purchasing or attempting to purchase alcoholic beverages may be assigned probation for a period of one year and assessed a substantial fine.
- New York State Alcoholic Beverage Control Board: In accordance with New York State law, it is illegal to sell alcoholic beverages or to accept donations at any event where alcoholic beverages are served without obtaining the appropriate license through the New York State Alcoholic Beverage Control Board.



City of Beacon NY - Penalties for offenses.

§ 79-1 **Legislative intent.**

A.

The purpose of this chapter is to protect and promote the safety, health and well-being of the people of the City of Beacon and their property and to regulate the conduct of persons in the City of Beacon by prohibiting the consumption of alcoholic beverages in public places and on property owned or leased by another person without the invitation or consent of such person.

B.

Findings.

(1)

The City Council of the City of Beacon finds that the possession or consumption of alcoholic beverages in public streets and public places, except under certain conditions, is detrimental to the health, safety and welfare of the residents of the City of Beacon, causes unsightly and unsanitary conditions, creates a nuisance and interferes with the peace and good order of said City. It is further the intent of the City Council that this chapter not be considered as a traffic regulation insofar as it relates to motor vehicles or the operation thereof.

The City Council further finds that the possession or consumption of alcoholic beverages on public streets and public places is a serious, substantial and significant cause of persons (especially persons who are under the legal age for alcoholic consumption) becoming unruly, disruptive, disorderly, uncontrollable, obnoxious, offensive and of a general character detrimental to the health, welfare and peaceful orderliness of the community. In addition, the allowance of possession or consumption of alcoholic beverages on public streets and public places has been proven to be a significant and substantial cause in the congregation of persons who, in turn, significantly and substantially cause and promote unruly, disruptive, disorderly, uncontrollable, obnoxious, offensive and generally detrimental behavior.

(3)

The City Council further finds that there is a significant relationship between the possession of an open or unsealed container of an alcoholic beverage on public streets or places and the general health, welfare and safety of the public and that it has been demonstrated to this City Council that the allowance of open or unsealed containers of alcoholic beverages is the most significant and substantial factor contributing to the consumption of such alcoholic beverages.

(4)

The City Council further finds that this chapter is necessary and proper to promote the health, welfare and safety of the general public and that the restrictions on conduct created by this chapter are not unduly harsh or restrictive and are necessary and proper pursuant to the police power of the City of Beacon.

City of Beacon.

§ 79-2 Definitions and word usage. A.

When not inconsistent with the context, words used in the present tense include the future,

words used in the plural number include the singular, words used in the singular number include the plural, and words in the masculine include the feminine. All words not defined herein shall have the meanings ascribed to them in regular usage.

B.

As used in this chapter, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE

Includes alcohol, spirits, liquor, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being.

CITY

The City of Beacon.

MOTOR VEHICLE

Every vehicle, including a snowmobile, which is or can be operated or driven upon a public highway and which is propelled by any power other than muscular power, other than a public omnibus used in the business of transporting passengers for hire.

OPEN CONTAINER

Any open, resealed, unsealed or partially refilled container, can or bottle containing an alcoholic beverage.

PUBLIC PLACE

A place in the City of Beacon to which the public or a substantial group of persons has access, and includes but is not limited to highways, sidewalks, parking areas, parks, playgrounds, shopping centers, schoolyards and hospital grounds.

§ 79-3 Consumption and possession prohibited. A.

No person shall drink an alcoholic beverage or have in his possession any open bottle, can or other container of alcoholic beverage with the intent to consume such alcoholic beverage while such person is in a public place or on property owned or leased by another person without the invitation or consent of such person.

B.

No person shall drink an alcoholic beverage or have in his possession any open bottle, can or container of alcoholic beverage, with the intent to consume such alcoholic beverage, while such person is the operator of or occupant or passenger in or on a motor vehicle which is parked, standing or being operated in a public place or on the property owned or leased by another without the invitation or consent of such person.

§ 79-

4Exceptions.

A.

Any facility or establishment licensed to serve or dispense alcoholic beverages by the State Liquor Authority or other authority pursuant to the Alcoholic Beverage Control Law of the State of New York is exempt from this chapter.

B.

This chapter shall not apply to the consumption or possession of alcoholic beverages in the City of Beacon for which special written consent is first obtained from the Chief of Police of the City, which consent shall be granted only if the public safety and welfare will not thereby be adversely affected.

C.

The above prohibitions shall not apply in the event of a fair, picnic or other community gathering for which special permission has been granted by the City.

Campus Security Authorities (CSAs)

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

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

institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” An example would be a dean of students who oversees student housing, a student center, or student extra-curricular activities and has significant responsibility for student and campus activities.

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

Clarkson University – Designated CSAs/Responsible Employees

NOTE – The primary point of contact for Clarkson University students at Beacon Institute is Prof. Asher Pacht, Director of Environmental Programs, who can be reached at 845-838-1600 or apacht@clarkson.edu.

Clarkson University employees have been designated as "responsible employees/campus security authorities" for the purposes of Title IX compliance and required crime reporting under the Clery Act. They have an obligation to report to the University if they hear about or are told of sexual misconduct as defined under Title IX or specified Clery Act crimes.

Per Clery, a crime is considered as reported when a victim, witness, a third party, or the offender brings it to the attention of a CSA. If a Clery crime falls within Clery geography, it does not matter whether the individuals, who report or are involved in the crime, are even associated with the institution.

If a CSA receives information about a Clery crime (whether minor or more serious) and believes it was given in good faith, the CSA must notify CSS. The reason for this is in case CSS determines that a timely warning or emergency notification must be issued (without including personally identifying information).

The CSA is not expected to investigate or even substantiate the report. He/she also does not have to tell CSS the reporter's identity if that person requests that their identity not be revealed. However, the CSA should try to collect enough information to help CSS determine key basics so it can be determined if, when, and where a Clery crime was involved.

If a Responsible Employee receives a report of a Title IX violation, then by law, that information must be forwarded to the Title IX Coordinator.

CSAs should know how to direct the reporter to appropriate resources.



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

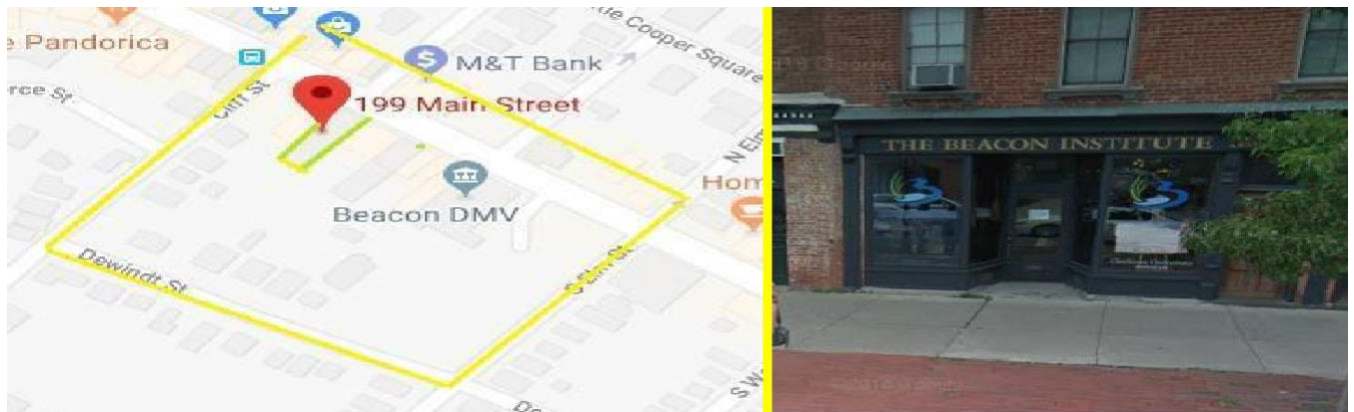
The following list includes many primary employees Clarkson has deemed as CSAs and Responsible Employees, but this list is not necessarily limited to these offices or individuals:

- President and Cabinet
- Title IX Coordinator and Deputy Coordinators
- Diversity Initiatives staff
- Risk Management staff
- Dean of Students and staff
- Office of Accessibility Services staff
- Clarkson School staff
- Student Life staff
- Residence Hall staff
- Human Resources staff
- Financial Aid staff
- Admissions staff
- Academic Deans
- Athletic Director, Assistant Directors, and Coaches
- Academic, Greek, and other Student Organization/Club Advisors
- Career Center staff
- International Students/Center staff (for enrolled international students as well as those students who go abroad)
- Student Success Center managers

- Library staff
- Primary points of contact for students attending Clarkson's satellite campuses
- For some branch campuses, such as CRC, anyone who holds a similar position to those in this list
- CSS officers and staff

Crime Location Definitions for Campus, Non-Campus Building or Property and Public Property

Clery Core Campus Map for Beacon Institute (also see Appendix A)





Beacon Institute is a non-contiguous campus of Clarkson University:

199 Main Street, Beacon NY 12508

199 Denning's Avenue, Beacon NY 12508

The definitions for campus, non-campus building or property and public property are from the most recent edition (2016) of the U.S. Department of Education's manual, Handbook for Campus Safety and Security Reporting.

On Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the

institution's⁹³ educational purposes, including residence halls; **and**

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On Campus Student Housing Facility: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on- campus student housing facility.

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

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

Clery Crime Definitions from the Department of Education's Handbook for Campus Safety and Security Reporting, 2016 Edition

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

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

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

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

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

crime of violence occurred.

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

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

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

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion)

and/or ideology that stresses common ancestry.

- **National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

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

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

Motor Vehicle Theft - The theft or attempted theft of a motor vehicle or any self-propelled vehicle, such as: sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts, and motorized wheel chairs.

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

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

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

Vandalism of Property Destruction/Damage - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal

property without the consent of the owner or the person having custody or control of it.

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

Drug Abuse Violations - Are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

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

Sex Offenses: Definitions

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

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

- **Rape**-The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling**-The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
- **Incest**-Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

New York Crime Definitions

The Violence Against Women Act and its proposed regulations require the inclusion of certain New York State definitions in a campus' Annual Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students.

Definitions required include: consent; dating violence; domestic violence; sexual assault; and stalking.

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

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

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

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

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

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

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

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

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

RAPE IN THE THIRD DEGREE: When a person (1) engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than 17 years old;

(2) Being 21 years old or more, engages in sexual intercourse with another person less than 17 years old; or (3) engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

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

RAPE IN THE FIRST DEGREE:

When a person engages in sexual intercourse with another person (1) by forcible compulsion; or (2) Who is incapable of consent by reason of being physically helpless; or (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

CRIMINAL SEXUAL ACT IN THE THIRD DEGREE: When a person engages in oral or anal sexual conduct (1) with a person who is incapable of consent by reason of some factor other than being less than 17 years old; (2) being 21 years old or more, with a person less than 17 years old;

(3) with another person without such persons consent where such lack of consent is by reason of some factor other than incapacity to consent.

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

CRIMINAL SEXUAL ACT IN THE FIRST DEGREE: When a person

engages in oral or anal sexual conduct with another person (1) by forcible

compulsion; (2) who is incapable of consent by reason of being physically helpless; (3) who is less than 11 years old; or (4) who is less than 13 years old and the actor is 18 years old or more.

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

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

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

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

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

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

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

such person is incapable of consent by reason of some factor other than being less than 17 years old.

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

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

AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE: When a person subjects another person to sexual contact: (1) By forcible compulsion; or (2) when the other person is incapable of consent by reason of being physically helpless; or (3) when the other person is less than eleven years old; or (4) when the other person is less than thirteen years old and the actor is twenty- one years old or older.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE SECOND DEGREE:

When over a period of time, not less than three months, a person: (1) Engages in two or more acts of with a child less than 11 years old; or (2) being 18 years old or more engages in two or more acts of sexual conduct with a child less than 13 years old. A person may not be subsequently prosecuted for any other sexual offense involving the same victim unless the other charges offense occurred outside of the time period charged under this section.

COURSE OF SEXUAL CONDUCT AGAINST A CHILD IN THE FIRST DEGREE:

When

a person over a period of time, not less than three months in duration, a person: (1) Engages in two or more acts of sexual conduct, or aggravated sexual contact with a child less than 11 years old; or

(2) being 18 years old or more engages in two or more acts of sexual conduct which includes at least one act of sexual intercourse, oral sexual conduct, anal sexual conduct, or aggravated sexual contact with a child less than 13 years old.

FACILITATING A SEX OFFENSE WITH A CONTROLLED SUBSTANCE:

A person is

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

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

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

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

STALKING IN THE FOURTH DEGREE: When a person intentionally, and for not legitimate purpose, engages in a course of conduct directed at a specific person, and knows or reasonably should know that such conduct (19)3is likely to cause reasonable fear of material harm to the physical health, safety or property of such person, a member of such

person's immediate family or a third party with whom such person is acquainted; or (2) causes material harm to the mental or emotional health of such person, where such conduct consists of following, telephoning or initiating communication or contact with such person, a member of such person's immediate family or a third party with whom such person is acquainted, and the actor was previously clearly informed to cease that conduct; or (3) is likely to cause such person to reasonably fear that his or her employment, business or career is threatened, where such conduct consists of appearing, telephoning or initiating communication or contact at such person's place of

employment or business, and the actor was previously clearly informed to cease that conduct.

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

STALKING IN THE SECOND DEGREE: When a person: (1) Commits the crime of stalking in the third degree and in the course of and furtherance of the commission of such offense: (a) displays, or possesses and threatens the use of, a firearm, pistol, revolver, rifle, sword, billy, blackjack, bludgeon, plastic knuckles, metal knuckles, chuka stick, sand bag, sandclub, slingshot, shuriken, "Kung Fu Star," dagger, dangerous knife, dirk, razor, stiletto, imitation pistol, dangerous instrument, deadly instrument or deadly weapons; or (b) displays what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm; or (2) commits the crime of stalking in the third against any person, and has previously been convicted, within the preceding five years, of a specified predicate crime, and the victim of such specified predicate crime is the victim, or an immediate family member of the victim, of the present offense; or (3) commits the crime of

93

stalking in the fourth degree and has previously been convicted of stalking in the third degree; or (4) being 21 years of age or older, repeatedly follows a person under the age of fourteen or engages in a course of conduct or repeatedly commits acts over a period of time intentionally placing or attempting to place such person who is under the age of fourteen in reasonable fear of physical injury, serious physical injury or death; or (5) commits the crime of stalking in the third degree, against ten or more persons, in ten or more separate transactions, for which the actor has not been previously convicted.

STALKING IN THE FIRST DEGREE: When a commits the crime of stalking

Liquor Law Violations									
Referral	0	0	0	0	0		0	0	
Arrest	0	0	0	0	0		0	0	
Drug Law Violations									
Referral	0	0	0	0	0		0	0	
Arrest	0	0	0	1	0		0	0	
Weapons Law Violations									
Referral	0	0	0	0	0		0	0	
Arrest	0	0	0	0	0		0	0	

Hate Crimes: No hate crimes were reported in 2020, 2021, and 2022.

Unfounded: No reports were unfounded in 2020, 2021, and 2022.

New York State Sex Offender Registry Website

To obtain information about registered sex offenders, go to <http://criminaljustice.state.ny.us/nsor/index.htm> or call 800-262-3257.



NOTE: The Clery Act states that no Annual Fire Safety Report (AFSR) needs to be provided for nonresidential campuses, since the AFSR pertains to student housing only. Since college students attending classes Beacon Institute MAY also utilize or visit student housing on the main campus in Potsdam, NY, that campus' AFSR is included for the reader's knowledge.

All FIRES ust be reported to CSS at (315) 268-6666 immediately.

Even if the fire has been extinguished, it must be reported.

Familiarize yourself with the location of building exits, alarms, and extinguishers.

Immediately report discharged fire extinguishers to CSS.

IF YOU DISCOVER SMOKE OR FIRE:

- a. Sound the fire alarm.
- b. Go to the nearest exit and leave the building.

- c. Call CSS at x6666, (315) 268-6666, or activate an emergency phone.
- d. If you are in your room when an alarm sounds, feel the door and handle to see if it's hot. If it's hot, don't open the door. Call CSS at x6666 or (315) 268-6666, and/or open your window and call for help. If the door is not hot, exit the building immediately.
- e. If an exit is blocked, try another exit or return to your room, close the door, open a window and yell for help.
- f. If you are in a smoke filled area, keep low to the floor to escape the smoke.
- g. In advance, know all the exits and fire escape plans in your building – wherever you live, attend class, study, work, or tend to spend time.

Throughout the academic year, Residence Life staff will conduct fire safety inspections of every University owned residential room on campus to ensure the safety of the entire building.

Facilities & Services regularly tests building alarms and inspects fire safety equipment throughout the campus.

Each student room in the residence hall is equipped with a smoke detector. The student is responsible for immediately reporting a malfunctioning smoke detector to the Area Coordinator (AC), house manager, or CSS. The detectors are checked by residential staff and custodians at least 4 times during the year — prior to the start of the fall semester and during Thanksgiving break, winter break, and spring break. The university is equipped with fire sprinklers in some buildings, and all systems are inspected quarterly in accordance with the Fire Code of New

York State⁹. 3As buildings are renovated or remodeled, sprinkler systems are added per NYS Fire Code. All buildings are in compliance with NYS Building and Fire Codes.

Certain obvious fire hazards are prohibited in residence hall rooms. Among these are bong, hookahs, candles, incense, cords under rugs, fireworks, flammable gas and liquids, halogen lamps, air fryers, hot plates, immersion coils, internal combustion engines, kerosene heaters, oil lamps, pipes or other smoking devices (including vaping devices and materials), space heaters, vaporizers, and water pipes.

The following room decoration policy is in effect:

- 1) Tapestries will be limited to two per room, to be hung on

- walls only. Fireproofing treatment is recommended.
- 2) Posters should not cover more than 50% of wall space.

New York State Fire Code Enforcement

On an annual basis, Clarkson University is inspected by the New York State Office of Fire Prevention and Control. All University buildings, open spaces, offices, and residence halls, including student rooms, are subject to inspection and, if violations are noted, must be corrected within one day to approximately thirty days based on the severity, which is determined by the fire probability and potential loss severity of the violation. Failure to satisfactorily abate these violations may result in fines from New York State and range from \$50 to \$500 per day based on severity.

Violations occurring in student rooms for which the occupants are responsible resulting in fines will be billed to the occupant(s) of that room.

In student rooms, there are five reasonable and simple premises to follow:


1. No combustible materials can be stored or located within 18 inches of a sprinkler head or within 24 inches of a non-sprinkler system ceiling.
2. Rooms MUST be maintained in an orderly manner with any combustible material properly stored.
3. Extension cords shall not be a substitute for permanent wiring. Extension cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall only be used with portable appliances. No unapproved extension cords may be used. Approved extension cords shall be used only with portable appliances and must be plugged directly into an approved electrical outlet, power tap, or multi-plug power strip and shall only serve one portable appliance. Multi-plug power strips must be plugged directly into an approved electrical outlet.
4. Exits and aisles must always be kept clear and accessible with fire doors in the closed position.
5. All fire protection equipment, extinguishers, heat and smoke detectors, and sprinkler heads must not be interfered or tampered with and must be in working

order.

Clarkson University
Environmental Health & Safety, Campus Safety & Security,
Student Life & Engagement and Office of Student Organizations presents


MOCK DORM ROOM BURN

How fast will your room burn?
Come find out!



Fri., Sept. 3rd
6:30 pm
Moore House
Parking Lot
Free Snacks!

Learn how to get out & stay alive.



Special Thanks To:

- Campus Safety & Security
- Potsdam Volunteer Fire Department
- Potsdam Volunteer Rescue Squad

Contact Environmental Health & Safety (315-268-2362) for more information.

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

Please note:

1. Fireworks are illegal to possess or use in New York State and are prohibited at Clarkson University.
2. Any student guilty of starting a fire or intentionally turning in a false alarm may be suspended from Clarkson University and be subject to criminal prosecution.
3. Failure to cooperate with University personnel during a building evacuation or fire alarm will result in **a mandatory \$250 fine** and/or disciplinary action.
4. Failure to leave the building during a building evacuation or fire alarm will result in **a mandatory \$250 fine** and/or disciplinary action.
5. Any student guilty of tampering with smoke detectors, fire extinguishers or other fire safety equipment including safety lights or fire sensors is held responsible for endangering the safety of the occupants of the building and subject to a fine and/or disciplinary action. **A mandatory \$250 fine** is assessed in cases of students tampering with smoke sensor detectors, inappropriately discharging fire extinguishers or breaking the seal that indicates that the fire extinguisher has been prepared for use. This fine also applies to the misuse of fire alarm pull

stations and stopper II devices. **A mandatory \$250 fine** is assessed to any student inappropriately discharging a sprinkler system and the student may be assessed damages caused by the water.

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

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

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

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

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

11. If a floor or building loses power, all appliances including computers, should be disconnected and then later reconnected. This procedure will avoid appliance surging and blowing fuses.

Fires - On Campus – Inside Student Housing Facilities

DATE	LOCATION	NATURE OF FIRE	INJURY ?	DEATH ?	DAMAGE
1/16/2019	BH Snell Hall	Outside trash can	No	No	\$0-99
5/4/2019	Theme House 4	Bonfire (unauthorized)	No	No	\$0-99
5/13/2019	Townhouse 1	Electrical	No	No	\$0-99
10/14/2019	Cheel Campus Center	Electrical	No	No	\$0-99
10/22/2019	Townhouse 1	Electrical (boiler motor)	No	No	\$800.00
1/25/2020	Student Center	Electrical outlet	No	No	\$0-99

7/3/2020	Holcroft House	Wiring	No	No	\$0-99
9/20/2020	Boathouse	Unauthorized bonfire	No	No	\$0-99
9/22/2020	Riverside Apt.	Stove fire	No	No	\$0-99
10/15/2020	Sigma Phi Ep	Dumpster fire	No	No	\$0-99

Kerry Rose Fire Sprinkler Notification Act of 2013

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

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

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

Fire Alarm Systems: All buildings are equipped with fire alarm systems. All systems are tested and inspected annually by a New York State certified fire alarm installer. All fire alarm systems are monitored 24/7 by a central monitoring station staffed by CSS.

Fire alarm pull stations are located near the exits.

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

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

Student Housing Facilities – Fire Alarm System Components

Residential Building	Sprinklers	Smoke Detectors	Fire Extinguishers	Central Monitoring by C.U.	Evacuation Plans & Placards
Brooks House	Yes	Yes	Yes	Yes	Yes
Cubley House	Yes	Yes	Yes	Yes	Yes
Donahue House	No	Yes	Yes	Yes	Yes
Farrisee House	No	Yes	Yes	Yes	Yes
Hamlin House	Yes	Yes	Yes	Yes	Yes

Residential Building	Sprinklers	Smoke Detectors	Fire Extinguishers	Central Monitoring by C.U.	Evacuation Plans & Placards
Moore House	Yes	Yes	Yes	Yes	Yes
Newell House	No	Yes	Yes	Yes	Yes
Olson House	No	Yes	Yes	Yes	Yes
Ormsby House	No	Yes	Yes	Yes	Yes
Powers House	Yes	Yes	Yes	Yes	Yes
Reynolds House	Yes	Yes	Yes	Yes	Yes
Riverside Apts.	No	Yes	Yes	Yes	Yes
Ross House	Yes	Yes	Yes	Yes	Yes
Theme House 2	Yes	Yes	Yes	Yes	Yes
Theme House 3	Yes	Yes	Yes	Yes	Yes
Theme House 4	Yes	Yes	Yes	Yes	Yes
Theme House 5	Yes	Yes	Yes	Yes	Yes
Thomas House	No	Yes	Yes	Yes	Yes
Townhouse Apts.	No	Yes	Yes	Yes	Yes
Vannote House	No	Yes	Yes	Yes	Yes
Westons Apts.	No	Yes	Yes	Yes	Yes
Wilson House	No	Yes	Yes	Yes	Yes
Woodstock Apts.	Yes	Yes	Yes	Yes	Yes

HANDS-ON FIRE EXTINGUISHER TRAINING

Know how to use a fire extinguisher....



Sept 2nd & Sept 3rd
8:00 am - 3:00 pm
 Outside the Student Center
 Open to everyone, but
required for students living
 in University apartments,
 Theme Homes & associated
 with Greek Life.

Sign up here:



It could save your life!

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

All residence halls are required to have 4 unannounced fire evacuation drills per academic year. All academic and administrative buildings are subject to unannounced drills during

normal working hours.

For your safety, whenever the fire alarm sounds, evacuate the building immediately using the nearest exit. Treat all alarms as the real thing –

Assume nothing!

Behavior of any kind, which inadvertently activates a fire alarm, will be subject to disciplinary action. Failure to evacuate an area may also result in disciplinary action.

Please report all fires, even if they have been extinguished, immediately to CSS at 315 268-6666 or X6666.

The annual campus fire safety report required by federal law is available from CSS at [https://www.clarkson.edu/campus-safety- security/crime-and-fire- statistics](https://www.clarkson.edu/campus-safety-security/crime-and-fire-statistics)

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

Emergency Evacuation Drills

CSS Officers will be conducting emergency evacuation drills in residential, academic, and administrative buildings four times (twice per semester) throughout the calendar year to educate building occupants of our emergency plans, practice evacuations and identify potential issues with the building's means of egress or fire safety systems. In addition, drills are conducted during summer camps and programs as each camp begins.

1. Treat each alarm as if it were an actual emergency and leave as quickly as possible.
2. Close all windows and leave the shades/curtains open.
3. Close and lock your door and leave your light on.
4. Dress appropriately (weatherwise, footwear, etc.).
5. Exit by the nearest stairwell and go away from the building so as not to impede the progress of fire equipment or people evacuating from the building. Standing on the opposite side of walkways in front of the buildings is a good rule of thumb.
6. Remain outside the building until the alarm is turned off and the "all clear" is given.

The Environmental Health & Safety Office provides Fire Safety training annually at Orientations and upon request. They work collaboratively with the Potsdam Fire Department and the Office of Fire Prevention & Control at fire drills, campus training sessions, campus safety fairs, and department training sessions.

Fire Drills – On Campus – Student Housing Facilities

CSS conducts fire drills, four times annually, at all residential buildings,

academic buildings, administrative buildings and athletic buildings on campus. During the fire drills the fire alarms systems are activated by a random pull station to test the system status.

Evacuation is required by security personnel and results are recorded on a Fire Drill/Alarm Report.

Number of Fire Drills by Residential Building

Residential Building	Street Address	2020	2021	2022
Brooks House	10 Clarkson Ave.	4	4	4
Cubley House	10 Clarkson Ave.	4	4	4
Donahue House	10 Clarkson Ave.	4	4	4
Farrisee House	10 Clarkson Ave.	4	4	4
Hamlin House	10 Clarkson Ave.	4	4	4
Moore House	10 Clarkson Ave.	4	4	4
Newell House	10 Clarkson Ave.	4	4	4
Olson House	10 Clarkson Ave.	4	4	4
Ormsby House	10 Clarkson Ave.	4	4	4
Powers House	10 Clarkson Ave.	4	4	4
Reynolds House	10 Clarkson Ave.	4	4	4
Riverside Apts.	10 Clarkson Ave.	4	4	4
Ross House	10 Clarkson Ave.	4	4	4
Theme House 2	10 Clarkson Ave.	4	4	4
Theme House 3	10 Clarkson Ave.	4	4	4
Theme House 4	10 Clarkson Ave.	4	4	4
Theme House 5	10 Clarkson Ave.	4	4	4
Thomas House	10 Clarkson Ave.	4	4	4
Townhouse Apts.	10 Clarkson Ave.	4	4	4
Vannote House	10 Clarkson Ave.	4	4	4
Westons Apts.	Market St.	4	4	4
Wilson House	10 Clarkson Ave.	4	4	4
Woodstock Apts.	10 Clarkson Ave.	4	4	4

APPENDIX A - Clery Core Campus Map for Beacon Institute



APPENDIX B

POLICY AND PROCEDURES
EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION FOR ALL
FACULTY, STUDENTS, EMPLOYEES, AND THIRD-PARTIES

1. Definitions

- *Advisor* means 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* means 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)* means 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
 - *Confidential Resource* means 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 page 26. 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: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) 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* means a business day when Clarkson University is in normal operation.
- *Education program or activity* means 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* means 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* means "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]* refers to those who have decision-making and sanctioning authority within Clarkson University's Formal Grievance process.
- *Investigator* means 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* means 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* means that 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)* means 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* means that 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* means the Formal Grievance Process detailed below and defined above as the Formal Grievance Process.

Process B means the informal alternative resolution procedures detailed below.

- *Remedies* are 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* means 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* means the result of an informal resolution or Formal Grievance Process under either Process A or B.
- *Sanction* means a consequence imposed by Clarkson University on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. [See Section 17.b.](#), for greater detail.

- 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.
- *Title IX Coordinator* is 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* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

2. 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.

3. 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.

4. 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.

5. 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 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 or designee. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator .

6. Administrative Contact Information

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

Jennifer L. Ball, PhD Title IX Coordinator Chief Inclusion Office Location/Address:
1003b ERC
(315) 268-4208 315-212-8940 cell
Email: TitleIX@clarkson.edu or jball@clarkson.edu
Web: <https://www.clarkson.edu/nondiscrimination>

Kelsey Pearson
Deputy Title IX Coordinator, Student Affairs Office of the Dean of Students
Price Hall 1003A (315) 268-2012
kmpearson@clarkson.edu

Amy McGaheran
Deputy Title IX Coordinator, Human Resources
Clarkson University 102 Graham Hall
CU Box 5542
Potsdam, NY 13699
(O)315-268-3788

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.

Jim Pittman Dean of Students Price Hall, 1003G (315)
268-6620

Email: jpittman@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
Web: <http://www.ed.gov/ocr>

Office for Civil Rights,
New York Office
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
For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC)

7. 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:

- 1) 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.
- 2) Submit a complaint online, using the reporting form posted at 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.

8. 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, provided that 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:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing mutual contact limitations (no contact orders) and, in certain circumstances, one- directional contact limitations, between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- 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.

9. Emergency Removal

Clarkson University can act to remove a student or student organization Respondent¹ 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.

¹ 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.

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:

removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, or 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.

10. 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.

11. Privacy

Every effort is made by Clarkson University to preserve the privacy of reports.²

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.

12. 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.

² For the purpose of this policy, privacy and confidentiality have distinct meanings. Please see above.

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.

13. 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.

14. 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.

15. 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:

- Race,
- Religion,
- Personal appearance,
- Color,
- Sex,
- Pregnancy,
- Political affiliation,
- Source of income,
- Place of business,
- Residence,
- Religion,
- Creed,
- Ethnic or national origin (including ancestry),
- Citizenship status,
- Physical or mental disability (including perceived disability),
- Age,
- Marital status,
- Familial status,
- Sexual orientation/identity,
- Gender identity,
- Gender expression,
- Veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran),
- Predisposing genetic characteristics,
- Domestic violence victim status, or
- 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.

16. 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.

17. Policy on Disability Accommodation

a. Stu

Students with Disabilities Preamble 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.

Obvious Disability: 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:

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 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.

Grievance 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.

b. 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.

Policy 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.

Application 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.

Request for Accommodation 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.

Procedures 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 and submitting it to the 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.

The 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

1. 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.

18. 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.

a. 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 (b) 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.³ 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).

b. 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.”

³ 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.](#)

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, 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 have occurred in the context of the University's education program or activity:

a. **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:

2. 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");

3. 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").

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.

b. **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:

1. **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.
2. **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.

3. **Incest.** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. **Statutory Rape.** Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.
5. **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.

6. **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.
7. **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, (i) a "course of conduct" means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (ii) "reasonable person" means a reasonable person under similar circumstances and with similar identities to the Complainant; and (iii) "substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Examples of behavior that may constitute stalking include repeated, intentional following, observing or lying in wait for another; using "spyware" or other electronic means to gain impermissible access to a person's private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual's relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual. Stalking that does not occur on the basis of sex may be addressed as a University Standards Violation as described below.

2. University Standards Violations

The University prohibits the following behavior. 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.

- a. **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:

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.

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.

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.

Communication-based – Conduct such as phone calls, e-mails, 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.

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.

1. 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.

2. 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.

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

4. **Sexual Exploitation.** Taking non-consensual or abusive sexual advantage of another for one’s own benefit or for the benefit of anyone other than the person being exploited, if the conduct does not otherwise constitute another offense under this policy. Examples of Sexual Exploitation include (a) sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed); (b) taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent or beyond the parameters of consent), including the making or posting of revenge pornography; (c) exposing one’s genitals in non- consensual circumstances or non-consensual disrobing of another person so as to expose the other person’s private body parts; (d) prostituting another person; (e) engaging in sexual activity with another person while knowingly infected with a sexually-transmitted disease (STD) or infection (STI), without informing the other

person of the STD or STI; (f) causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity; (g) misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections; (h) forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity; (i)

knowingly soliciting a minor for sexual activity.

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

program or activity). The existence of such a relationship shall be determined based on 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.

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

7. **Stalking.** Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress, but that does not constitute stalking as a Title IX Violation as defined above because of the nature of the behavior or the context in which it occurs (for example because the Complainant was not in the United States at the time of the alleged conduct, because the Complainant was not participating in or seeking to participate in the University's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the University's education program or activity). For the purposes of this definition, (i) a "course of conduct" means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (ii) "reasonable person" means a reasonable person under similar circumstances and with similar identities to the Complainant; and (iii) "substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional

treatment or counseling. Stalking behavior may include but is not limited to repeated, intentional following, observing or lying in wait for another; using “spyware” or other electronic means to gain impermissible access to a person’s private information; repeated, unwanted, intrusive, and frightening communications by phone, mail, email, text, etc.; making direct or indirect threats to harm an individual or the individual’s relatives, friends, or pets; or damaging or threatening to damage the property of the targeted individual.

d. 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 BDSM⁴ 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

⁴ Bondage, discipline/dominance, submission/sadism, and masochism.

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.

19. 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.

20. 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.

21. 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:

- 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

o 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) are:

- 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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) VAWA⁵-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.

⁵ 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.

27. 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.

28. 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):

1. Investigations including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Clarkson University's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. 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
7. Any actions taken in response to a report.
 - a. 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.

29. 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.

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION

PROCESS “A” Title IX Jurisdiction 1. 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.

2. 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:

- 1) Offering supportive measures because the Complainant does not want to proceed formally; and/or
- 2) An informal resolution; and/or
- 3) 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.

3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator⁶ engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- 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.

⁶ 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.

- 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.
- 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.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- 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.
- 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.
- 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.
- If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls includes potential Title IX Violations:
 - 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.
 - 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.

a. 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:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;

- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose a transcript notation or communicate with a transfer institution about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- 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:

1. an appraisal of **risk factors** that escalate the potential for violence;
2. a determination of **stabilizing influences** that reduce the risk of violence;
3. 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
4. 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.

b. Dismissal (Mandatory and Discretionary)⁷

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.

7 These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR Part 106.45.

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.

4. 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.

5. 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.⁸

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.

a. 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.

b. 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

⁸ "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.

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.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. 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.

6. 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:

- When the parties agree to resolve the matter through an alternate resolution mechanism [including mediation, restorative practices, etc.];
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- 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:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Cleared violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of complaint;
- Complaint complexity;
- Emotional investment/intelligence of the parties;
- Rationality of the parties;
- Goals of the parties;
- 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.

7. 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.

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:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in informal resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- 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:

- The scope of Clarkson University's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and fundamental fairness
- How to weigh evidence
- How to conduct questioning
- How to assess credibility

- Impartiality and objectivity
- The effects of trauma
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- 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
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- 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
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence

- 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].

d. Pool Membership

The Pool includes:

- 2 chairs
- 3 or more members of the administration/staff
- 2 representatives from Human Resources
- 2 faculty members

8. 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 meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- 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,
- 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,
- Information about the privacy of the process,
- Detail on how the party may request disability accommodations during the interview process,
- 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, and

- 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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 a 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.

14. 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):

- Determine the identity and contact information of the Complainant
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- 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
- Meet with the Complainant to finalize their interview/statement, if necessary
- 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
- 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
- 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
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation.
- 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
- Gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report
- 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).

- 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
- 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
- The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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 is 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.

21. 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 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.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- 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.
- 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.
- Information on how the hearing will be recorded and on access to the recording for the

parties after the hearing.

- 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.
- 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.
- 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.
- 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.

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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.

22. 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.

23. 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.

24. 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.

25. 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 Respondent⁹), 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.

26. 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.

27. 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

⁹ Subject to Clarkson University's organizational conduct policies.

and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

28. 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.

29. 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.

30. 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. 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.

31. 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.

32. 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.

33. 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.

34. 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:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the University;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the University courteous, fair and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and

violations are committed, or should have acted in a different manner to avoid such crimes or violations;

7. Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the Institution, any student, the accused and/or the responding party, and/or their friends, family and acquaintances within the jurisdiction of the Institution;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or responding party throughout the judicial or conduct process including during

all meetings and hearings related to such process;

11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the Institution.

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

1. Notify Campus Safety, Local Law Enforcement or the New York State Police.
2. Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including:
 - a. Options to proceed, including the right to make a report to Campus Safety (reports to Campus Safety are reported to the Title IX Coordinator), Local Law Enforcement, and/or the New York State Police or choose not to report; to report the incident to the University; to be protected by the University from retaliation for reporting an incident; and to receive assistance and resources from the University, as set out in Clarkson University Policy
 - b. Where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
 - c. That the criminal justice process utilizes different standards of proof and evidence than the University's policy and procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
 - d. Whether the person they are reporting to is authorized to offer confidentiality or privacy,
 - e. and any other reporting options.
3. If they are a student, to contact the University's Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws and can be assisted in obtaining services for reporting individuals; or to contact non-University confidential resources, including the New York State Office of Victim Services at 1-800-247-8035 or <https://ovs.ny.gov>.
4. Disclose confidentially the incident and obtain services from the state or local government;
5. Disclose the incident to the University's 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;
6. File a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate University personnel for information and assistance. Reports shall be investigated in accordance with University policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality and private information can be shared as necessary to implement and fulfill the University's obligations under the law and its policies and procedures;
7. Disclose, if the accused is a University employee, the incident to Human Resources or to request that a confidential employee assist in reporting to Human Resources;
8. Receive assistance from appropriate University representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings.

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

35. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or

retaliation on the Complainant and the community

- The impact on the parties
- 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:

- *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.
- *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.
 - *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.
- *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.
- *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.
 - *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.
 - *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.
- *Organizational Sanctions:* Deactivation, loss of recognition, loss of some or all privileges (including Clarkson University registration) for a specified period of time.
- *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:

- *Warning – Verbal or Written*
- *Performance Improvement/Management Process*
- *Required Counseling*
- *Required Training or Education*

- *Probation*
- *Loss of Annual Pay Increase*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions, Clarkson University may assign any other sanctions as deemed appropriate.

36. Withdrawal or Resignation While Charges Pending

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.

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.

37. 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 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:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) 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;
- (C) 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
- (D) 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.

38. 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:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation or accommodations
- Implementation of long-term contact limitations between the parties
- 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.

39. 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

Coordinator¹⁰ 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.

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.

1. 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 or appropriate Official with Authority¹¹ engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- 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.
- The Title IX Coordinator or appropriate Official with Authority reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator or appropriate Official with Authority works with the Complainant to ensure they have an Advisor.
- 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:
 - Incident, and/or
 - A potential pattern of misconduct, and/or
 - A culture/climate issue.
- **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:

¹⁰ All references herein to a Title IX Coordinator also include a designee of the Title IX Coordinator.

¹¹ 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.

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

- an appraisal of **risk factors** that escalate the potential for violence;
- a determination of **stabilizing influences** that reduce the risk of violence;
- 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
- 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:

- 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.
- 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.

2. 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. 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:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To investigate allegations
- To serve as a Decision-maker
- 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:

- The scope of Clarkson University’s Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility

- Impartiality and objectivity
- The effects of trauma
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses

- 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
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- 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
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- 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:

- 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
- At least 1 member of the Academic Affairs administration
- At least 2 members of the administration/staff
- At least 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.

3. 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.

4. Advisors

a. 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.

b. Expectations of the Parties with Respect to Advisors

Each party may choose an Advisor who is eligible and available¹² 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.

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.

c. 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.

5. 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.

a. 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.

i. 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.

¹² “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.

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.

ii. 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.

iii. **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.

b. **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.

6. Investigation

The Investigators typically take the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- 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
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- 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
- Meet with the Complainant to finalize their statement, if necessary

- 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.
- 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 advisee
- 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
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- 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
- Interview all relevant individuals and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide each party with a full and fair opportunity to respond to the report in writing within 7 days and incorporate that response into the report
- 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
- Share the report with the Title IX Coordinator and/or legal counsel for review and feedback.
- Provide the final report to the Title IX Coordinator or appropriate Official with Authority.
- Gather, assess, and synthesize evidence without making a finding, conclusion, determination or recommendation.

7. Determination

After receiving the Investigator's recommendation, the Title IX Coordinator or appropriate Official with Authority or a trained, designated Decision-maker from the Pool¹³ reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

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

8. Additional Details of the Investigation Process

a. 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.

¹³ 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.

b. 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.

c. 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.

d. 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.

e. 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.

f. 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).

g. 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.

h. 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.

9. Sanctions

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct

- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- 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.

Student Sanctions

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

- *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.
- *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.
- *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.
- *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.
- *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.
- *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.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including Clarkson University registration), for a specified period of time.

- *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.

Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

Warning – Verbal or Written
Performance Improvement/Management Process
Required Counseling
Required Training or Education
Probation
Loss of Annual Pay Increase
Loss of Oversight or Supervisory Responsibility
Demotion
Suspension with pay
Suspension without pay
Termination

- *Other Actions:* In addition to or in place of the above sanctions, Clarkson University may assign any other sanctions as deemed appropriate.

10. 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.

11. 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 procedural error or omission occurred that significantly impacted the outcome of the matter (e.g., substantiated bias, material deviation from established procedures).
- 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.
- 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:

- 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.
- 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.
- 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).
- 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.
- 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.
- 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.

- 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.
- 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.

12. 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:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- 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.

13. 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.

15. 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:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
 - 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;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the University courteous, fair and respectful health care and counseling services, where available;
- 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;
- Describe the incident to as few University representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- 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;
- Access to at least one level of appeal of a determination;
- 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;
- 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:

- Notify Campus Safety, Local Law Enforcement or the New York State Police.
- 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

- Where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
 - 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;
 - Whether the person they are reporting to is authorized to offer confidentiality or privacy,
 - and any other reporting options.
- 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>.
 - Disclose confidentially the incident and obtain services from the state or local government;
 - 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;
 - 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;
 - 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;
 - 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.
 - 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.

The policy and procedures are effective August 14, 2020.

APPENDIX C

**Memorandum of Understanding Between
CLARKSON UNIVERSITY
And
THE VILLAGE OF POTSDAM**

February 17, 2014

This Memorandum of Understanding being entered into by and between CLARKSON UNIVERSITY, acting by and through its SAFETY & SECURITY DEPARTMENT, and the VILLAGE OF POTSDAM, acting by and through the POTSDAM VILLAGE POLICE DEPARTMENT, defines the respective duties and obligations with regard to law enforcement jurisdiction, safety and security jurisdiction, emergency responses, criminal investigations, traffic/pedestrian control, officer training, and mutual aid, within the Village of Potsdam.

WHEREAS, the parties have determined that as entities which have certain responsibilities for the safety of staff, students and visitors of Clarkson University, and the citizens of the Village of Potsdam, that the common good would be served by an agreement between the parties outlining responsibilities with respect to the buildings and grounds located on Clarkson University property.

NOW, THEREFORE, the parties agree as follows:

PARTIES

The parties to this Agreement are the VILLAGE of POTSDAM, acting by and through the POTSDAM VILLAGE POLICE DEPARTMENT and CLARKSON UNIVERSITY, acting by and through its SAFETY & SECURITY DEPARTMENT.

II. P

PURPOSE The POTSDAM VILLAGE POLICE DEPARTMENT and the CLARKSON UNIVERSITY

SAFETY & SECURITY DEPARTMENT have certain responsibilities for the safety of the staff, students and visitors of Clarkson University. They recognize that cooperative and effective interaction is imperative to the successful accomplishment of their collective mission. This Agreement serves as an operational framework for their ongoing and

cooperative public safety efforts. Where this Agreement indicates that the POTSDAM VILLAGE POLICE DEPARTMENT bears the responsibility to investigate and resolve a certain type of incident, this obligation includes any obligation to initiate a criminal prosecution and to report same to the office of the District Attorney of St. Lawrence County or other appropriate prosecutorial agency. Where this Agreement indicates that the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT bears the responsibility to investigate and resolve a certain type of incident, this obligation includes an obligation to notify the POTSDAM VILLAGE POLICE DEPARTMENT in circumstances where a criminal prosecution is to occur, so as to enable the POTSDAM VILLAGE POLICE

DEPARTMENT to initiate the prosecution and to report same to the office of the District Attorney of St. Lawrence County or other appropriate prosecutorial agency.

III. THE CAMPUS

For purposes of this Agreement, the Campus is generally defined as (A) property owned, leased, or controlled by Clarkson University within the Village of Potsdam, and (B) the residential living units owned by J.R. Weston, Inc. and located at 32 Market Street in the Village of Potsdam (but not the retail facilities located at that address).

IV. CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT

A. The CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will have jurisdiction for handling certain events occurring within the Campus as provided as follows:

1. Minor property crimes, which are not Felonies, such as trespass, criminal mischief, and petit larceny, which result in a loss reasonably and diligently estimated by the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT to be less than \$1,000 and which appear to have been perpetrated solely from within the Campus Community, shall be investigated and resolved and/or closed by the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT, unless the victim requests that the case be handled by the POTSDAM VILLAGE POLICE DEPARTMENT. Cases which result in a loss reasonably and diligently estimated by the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT to be \$1,000 or more, or those which appear to have been perpetrated by suspects from outside the Campus Community, or crimes which appear to be part of a pattern of crime, and incidents the victim requests be investigated and resolved/or closed by the POTSDAM VILLAGE POLICE DEPARTMENT, will be timely referred to the POTSDAM VILLAGE POLICE DEPARTMENT for investigation and resolution. In each instance in which this Agreement requires the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT to make a referral or report on a "timely" basis, it is understood and agreed that the referral or report is to be made without a delay that would jeopardize the POTSDAM VILLAGE POLICE DEPARTMENT's ability to pursue a criminal investigation and/or prosecution.

2. Violations as defined in section 10.00 of the Penal Law of the State of New York, not Felonies or Misdemeanors, such as alcohol violations, unlawful possession of marijuana, disorderly conduct, and municipal code violations, such as noise violations occurring on the Campus, shall be investigated and resolved/or closed primarily by the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT. If it determines that an incident requires investigative expertise or operational resources

beyond its abilities, CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will notify the POTSDAM VILLAGE POLICE DEPARTMENT on a timely basis and request that it assume case responsibility. In such case, the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT staff will timely provide POTSDAM VILLAGE POLICE DEPARTMENT

staff all available information and detailed reports, including those relating to their observations and actions prior to referral. In addition, the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will assist and support the POTSDAM VILLAGE POLICE DEPARTMENT with the investigation as reasonably requested.

3. All other Violations under Section IO of the Penal Law which are offenses against persons, such as harassment, which are not felonies or misdemeanors, committed on the Campus shall be investigated and resolved and/or closed primarily by the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT.

4. The CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT may perform traffic control and assist pedestrians crossing village roadways when Clarkson University is sponsoring campus functions such as but not limited to: athletic events, alumni/parents events, orientations, and commencement. The CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT agrees to notify the POTSDAM VILLAGE POLICE DEPARTMENT prior to any major event to coordinate traffic/pedestrian control and to determine additional staffing needs. Clarkson University agrees to accept all liability, and agrees to indemnify and hold harmless the Village of Potsdam from all liability, arising from its negligence in connection with any accident or injury that occurs during the course of the University's traffic/pedestrian control activities.

5. The CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT agrees to license, perform background checks, and provide training to all of its safety & security officers as specified by the New York State Division of Criminal Justice Services Security Guard Program, New York State Department of State Division of Licensing Services, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

B. Sexual offenses, Assaults and related offenses as set forth in Sections 130.00 to 30.90 and 120.00 and 120.60 of the Penal Law of the State of New York which are not perpetrated against a person under the age of 17 years old reported to the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will be investigated and resolved in a manner consistent with the victim's wishes insofar as reporting to the POTSDAM VILLAGE POLICE DEPARTMENT is concerned. Should the victim wish not to make a formal police report, the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will encourage the reporting of the incident to the POTSDAM VILLAGE POLICE DEPARTMENT, if only to advise the victim of his/ her rights, options and personal safety concerns and shall submit to the POTSDAM VILLAGE POLICE DEPARTMENT a declination of prosecution form bearing the signatures of the CLARKSON UNIVERSITY SAFETY SECURITY DEPARTMENT OFFICER who

investigated the incident and the victim reflecting his/her unwillingness to cooperate with a criminal prosecution. Should the victim be unwilling to disclose his/her name and/or refuse to sign a declination of prosecution, CLARKSON UNIVERSITY

SAFETY & SECURITY DEPARTMENT shall file a written report with the POTSDAM VILLAGE POLICE DEPARTMENT so stating the refusal, which report shall provide pertinent facts but need not identify the victim unless the victim consents to such disclosure or the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT otherwise determines such disclosure to be appropriate.

V. POTSDAM VILLAGE POLICE DEPARTMENT

A The Police Department will have primary responsibility for handling police-related events occurring within the Campus as follows:

1. Subject to Section IV.B. above, crimes of violence, whether felonies or misdemeanors, resulting in serious physical injury or death, or attempts of such crimes, including actual and attempted homicides, rape, and sexual assaults, robberies, serious assaults, such as first degree assaults and those involving the use or implied use of a weapon, suicides, or suspicious or unattended deaths. Serious physical injuries are defined in section 10.0 of the Penal Law of the State of New York and include without limitation in-progress and late reported crimes. The CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will timely refer any such crimes to the Police Department for investigation. In addition, as required by New York Education Law Section 6434- Investigation of violent felony offenses and missing student reports; CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will report such crimes, as defined in NY Penal Section 70.02, and missing student reports to the POTSDAM VILLAGE POLICE DEPARTMENT promptly and support a coordinated investigation process between both departments. The POTSDAM VILLAGE POLICE DEPARTMENT has primary law enforcement jurisdiction of all property within the incorporated Village of Potsdam and will conduct investigations of reported crimes.

2. Missing person cases. The CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will report missing person cases to the POTSDAM VILLAGE POLICE DEPARTMENT on a timely basis so that a POTSDAM VILLAGE POLICE DEPARTMENT officer may be dispatched to handle the investigation. In addition, as required by New York Education Law Section 6434 - Investigation of violent felony offenses and missing student reports; CLARKSON UNIVERSITY will support a coordinated investigation process between both departments.

3. All controlled substance violations as defined in sections 220.00 to 220.76 of the Penal Law of the State of New York. The CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will refer such matters to the POTSDAM VILLAGE POLICE DEPARTMENT for investigation and/ or action.

4. All other crimes for which the CLARKSON UNIVERSITY SAFETY

& SECURITY DEPARTMENT has not assumed responsibility pursuant to Paragraph IV.

ADDITIONAL CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT
RESPONSIBILITIES

- A. Patterns of crime developing within the Campus Community will be reported by the Director of Campus Safety to the POTSDAM VILLAGE POLICE DEPARTMENT as soon as practical. Felonies that occur off-Campus but which may reasonably pose a serious or continuing threat to the Campus Community will be immediately reported to CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT by the on-duty POTSDAM VILLAGE POLICE DEPARTMENT supervisor or the supervisor's designee.
- B. If at any time an on-duty officer of the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT feels that a case or situation exceeds their ability to safely, effectively and appropriately handle or investigate a matter/case, it should be timely referred to the POTSDAM VILLAGE POLICE DEPARTMENT. Care should be taken to involve the POTSDAM VILLAGE POLICE DEPARTMENT at the earliest possible opportunity to reduce confusion and duplication of effort while maximizing the integrity of the crime scene and preliminary investigation. If this should occur, the on-duty CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT officer/ Director will ensure that all CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT staff members complete detailed reports to be provided to the POTSDAM VILLAGE POLICE DEPARTMENT investigator at the earliest possible opportunity.
- C. Crimes involving suspects from outside the Campus Community create unique challenges for CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT staff. Accordingly, cases potentially involving suspects from outside the Campus Community will timely be referred to the POTSDAM VILLAGE POLICE DEPARTMENT for investigation.

VII. MUTUAL ASSISTANCE

The POTSDAM VILLAGE POLICE DEPARTMENT will provide any reasonable assistance when requested by the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT relating to matters of public safety, maintenance of order and the investigation of crimes. Requests for assistance will be approved based upon the ability of the POTSDAM VILLAGE POLICE DEPARTMENT to provide the requested assistance at the time of the request. Requests for assistance should be made as early as practical to optimize the ability of the POTSDAM VILLAGE POLICE DEPARTMENT to plan for and provide the requested assistance and resources.

VIII. S

PECIAL EVENTS From time to time major events are planned on the Clarkson

University Campus that may

have an impact on the larger town community. Timely planning and coordination by CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT with the POTSDAM VILLAGE POLICE DEPARTMENT is important to ensure that the event is adequately staffed and that public safety is ensured. The Director of Safety & Security or the Director's

designee will contact the POTSDAM VILLAGE POLICE DEPARTMENT as early as practical to initiate the planning process and coordination process. The POTSDAM VILLAGE POLICE DEPARTMENT's principal point of contact is the Chief of Police or Chief's designee.

ADDITIONAL POTSDAM VILLAGE POLICE DEPARTMENT RESPONSIBILITIES

- A. Where legally and operationally expedient, members of the POTSDAM VILLAGE POLICE DEPARTMENT initiating criminal or civil process (i.e., criminal investigations, drug investigations, arrests, service of arrest warrants, criminal summons, peace/protective orders and/or search warrants) on Campus will inform the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT in advance of their intended activity. When this is not possible or practical, all information which can be shared relating to the matter will be provided to the Director of Safety & Security or the Director's designee at the earliest practical opportunity following the activity.
- B. Annually on or before September 1st and otherwise as reasonably requested, the POTSDAM VILLAGE POLICE DEPARTMENT shall furnish to the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT statistical and other information with respect to reports of crimes and other occurrences on or around the Campus of such type and detail as are necessary to enable CLARKSON UNIVERSITY to comply with its reporting obligations under applicable law (including without limitation the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and New York Education Law Section 6433).

MUTUAL COOPERATION

- A. Members of the POTSDAM VILLAGE POLICE DEPARTMENT and the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT will conduct their interactions in a professional, collegial and respectful manner at all times. Problems or issues relating to this agreement or interaction between the party agencies and/or their members will be addressed in a timely manner at an appropriate level of supervision.
- B. Public safety information and criminal intelligence will be shared regularly and proactively between the POTSDAM VILLAGE POLICE DEPARTMENT and CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT. This will be accomplished in a manner consistent with all applicable laws.
- C. The Director of CLARKSON UNIVERSITY SAFETY & SECURITY and the Chief of the POTSDAM VILLAGE POLICE DEPARTMENT may enter into more specific and detailed operational procedures and guidelines, provided that such additional items are consistent with the provisions of this Agreement.

XL INDEPENDENT RELATIONSHIP

Neither party shall have the power or authority to create any obligation on behalf of the other, either express or implied. The POTSDAM VILLAGE POLICE DEPARTMENT is not responsible for the manner in which the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT conducts its operations and the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT, its officers, agents and representatives shall not be construed as employees, agents or representatives of the POTSDAM VILLAGE POLICE DEPARTMENT for any purpose. Similarly, CLARKSON UNIVERSITY is not responsible for the manner in which the POTSDAM VILLAGE POLICE DEPARTMENT conducts its operations and the POTSDAM VILLAGE POLICE DEPARTMENT, its officers, agents and representatives shall not be construed as employees, agents or representatives of CLARKSON UNIVERSITY for any purpose. CLARKSON UNIVERSITY agrees to accept all liability, and agrees to defend, indemnify and hold harmless the POTSDAM VILLAGE POLICE DEPARTMENT AND THE VILLAGE OF POTSDAM, from any and all liability arising from its negligence in connection with any cause of action or claim by anyone which occurs as a result of CLARKSON'S actions taken under this Agreement or any failure of CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT to act under the Terms of this Agreement. [DRAFTING NOTE: VILLAGE ATTORNEY TO PROPOSE PARTIAL INDEMNITY] The VILLAGE OF POTSDAM AND VILLAGE OF POTSDAM POLICE DEPARTMENT agrees to accept all liability and agrees to defend, indemnify and hold harmless CLARKSON UNIVERSITY in connection with any cause of action or claim by anyone which occurs as a result of THE VILLAGE OF POTSDAM'S POLICE DEPARTMENT'S unlawful arrest, unlawful detention or malicious prosecution of any individual(s) for events occurring on the Campus.

XII. PUBLIC PURPOSE

The parties to this Agreement hereby acknowledge that the acts performed in fulfillment of this Agreement by police officers or other officers, agents or employees of the POTSDAM VILLAGE POLICE DEPARTMENT shall be deemed conclusively for a public and governmental purpose and all of the immunities from liability enjoyed by public law enforcement agencies when acting through their police officers or other officers, agents or employees for a public or governmental purpose within their respective jurisdiction shall be enjoyed by the POTSDAM VILLAGE POLICE DEPARTMENT.

XIII. ANNUAL REVIEW

This Agreement will be reviewed by the POTSDAM VILLAGE POLICE DEPARTMENT and the CLARKSON UNIVERSITY SAFETY & SECURITY DEPARTMENT on an annual basis during the month of June. Changes may be made at any time upon mutual

agreement by the parties.

XIV. TERM OF AGREEMENT

This Agreement shall remain in effect unless and until modified pursuant to paragraph XIII or terminated pursuant to paragraph XVI.

XV. SEVERABILITY

If any provision of this Agreement shall be deemed invalid by a court of competent jurisdiction, the remainder of this Agreement, to the extent practicable, shall remain in full force and effect.

XVI. TERMINATION

Any party to this Agreement shall have the right to terminate it by providing 30 days written notice to the other.

XVII. BINDING EFFECT

The parties hereto agree that all covenants, stipulations, promises, agreements and provisions of this Agreement shall apply, to bind and be obligatory upon the parties hereto. This Agreement is not intended to benefit any third party, nor shall any person or entity who is not a party hereto be entitled to enforce any of the rights or obligations of a party under this Agreement.

XIII. DUPLICATE ORIGINALS

This Agreement is executed in two counterparts, each one of which shall be deemed an original for each party.

IN WITNESS OF WHICH THIS MEMORANDUM OF UNDERSTANDING has been executed on this 17th day of February 2014.

Clarkson University

Village of Potsdam

ANTHONY G. COLLINS
President

[Signature]
Signature

David A. Delisle
Director of Security & Safety

[Signature]
Signature

Steven W. Yurgentz
Mayor

[Signature]
Signature

KEVIN A. BATES
Chief of Police

[Signature]
Signature

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