



VASSAR COLLEGE
ANNUAL SECURITY AND FIRE SAFETY REPORT
2020

Table of Contents

Message from the President	1
Message from Director of Safety & Security	2
Annual Security Report	
Preparation of the Annual Security Report and Disclosure of Crime Statistics	3
About the Department Safety and Security	4
Working Relationship with Law Enforcement Agencies	5
Security of and Access to College Facilities	5
Special Considerations for Residence Hall Access	5
Security Considerations for the Maintenance of Campus Facilities	6
Reporting Crimes and Other Emergencies	6
Voluntary Confidential Reporting	7
Reporting to Safety and Security	7
Emergency Phones	7
Anonymous Reporting	7
Reporting to Other Campus Security Authorities	8
Crimes Involving Student Organizations at Off-Campus Locations	9
Disclosure to Victims	9
Emergency Alerts and Responses	9
Timely Warning Reports/Crime Alerts	9
Emergency Notification	9
Emergency Management and Evacuation Procedures	10
Drills, Exercises, and Training	11
Campus Security Policies	12
Weapons/Dangerous Items	12
Missing Student Notification Policy	12
Confidential Emergency Contact Information	13
Daily Crime and Fire Log	13
Crime Prevention/Safety Awareness Programs	14
Vassar College's Response to Sexual And Gender Violence	15
Policies on Sexual Misconduct, Intimate Partner Violence, and Stalking	15
Definitions	16
Affirmative Consent	18
Procedures Victims Should Follow	22

Resources	24
On-Campus Resources	24
Off-Campus Resources	26
Reporting an Incident	28
Vassar College Reporting Duties	29
Clery Act Reporting Obligations	29
Special Duties Involving Child Abuse or Mistreatment of a Minor	29
Vassar College Complaint Procedure	30
Bystander Intervention and Risk Reduction	49
Sexual And Gender-Based Violence Prevention and Awareness Programs	50
Sex Offender Registration	51
Vassar College’s Policies Governing Alcohol and Other Drugs	52
Vassar Alcohol and Drug Policy	52
Illegal Substances	52
Drug Risks and Consequences	52
Drug and Alcohol Education Programs/Resources	53
Annual Disclosure of Crime Statistics	55
Annual Fire Safety Report	57
Definitions	57
Residence Hall Fire Drills	57
Campus Fire Safety Policies	58
Appliances	58
Prohibited Items	58
Fire or Smoke Producing Articles	59
Fire Incident Reporting	59
Fire Safety Education and Training Programs	59
Plans for Future Improvements in Fire Safety	59
Fire Log	61
APPENDICES	
APPENDIX A- Clery and NYS Crime Definitions	65
APPENDIX B- Federal and New York State Laws Regarding Drug and Alcohol violations	72

From the President

To the Vassar College Community –

I am writing regarding this year's report on Safety and Security at the College. This is an important topic and each of us has a role in fostering a campus environment where individuals feel safe to visit, learn, work, and live.

This publication contains information about campus safety measures and reports statistics about crime at Vassar. It also describes our efforts to combat alcohol and drug abuse. The report includes important information on gender violence reduction and response efforts. The report also includes information about fire safety and reporting. Please take the time to read this report and let me know if you have comments or suggestions. I am happy to talk more about any of it.

Regards

President Elizabeth H. Bradley

From the Director of Safety and Security

On behalf of the members of the Vassar College Department of Safety and Security, I want to thank you for your interest in our Annual Fire Safety and Security Report. We publish this report because it contains valuable information for our campus community. We also publish the report to comply with the important provisions of the Clery Act. Campus safety and security and compliance with the Clery Act should be a part of everyone's responsibility at Vassar College.

We encourage you to review the information we have made available to you in this brochure. You will find information about our organization including descriptions of certain services that we provide. You will also become familiar with our strong commitment to victims of crimes and the specific extensive services we make available to crime victims. Further, you will find important information about security policies and procedures on our campus, crime data, and crime prevention information. Lastly, you will find important information about fire safety and reporting.

We join the President in the commitment to foster a secure and supportive environment at Vassar College. We are proud to be an integral part of Vassar's tradition of excellence. Campus safety and security is a collaborative effort at Vassar College. We partner with the many departments at the College that have a critical role in fostering campus safety. It has always been our goal to provide the highest quality of public safety services to the College community and we are honored to collaborate with the entire Vassar community. The staff of the Department of Safety and Security are committed to making Vassar College a safe place in which to live, work, and study.

*Arlene Sabo,
Director of Safety and Security*

ANNUAL SECURITY REPORT

PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The College prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by the Department of Safety and Security, information provided by other College offices, including Residence Life and Student Wellness, Equal Opportunity and Affirmative Action/Title IX, Health Promotion and Education, Campus Security Authorities and information provided by local law enforcement agencies surrounding the main campuses and relevant Clery Act geography.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, on public property surrounding the campus, in certain off-campus buildings or property owned, leased or controlled by Vassar College. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol and other drugs. Finally, this report includes important information about residence hall fire safety and reporting.

Vassar College distributes a notice of the availability of this Annual Security and Fire Safety Report by October 1 of each year to every member of the Vassar community.* Anyone, including prospective students and employees, may obtain a paper copy of this report at the Department of Safety and Security, located in the New Hackensack Building, 2500 New Hackensack Road or by contacting Safety and Security at 845-437-5200 or by visiting <http://security.vassar.edu/statistics/>.

- Pursuant to guidance issued by the United States Department of Education, for 2020 only, the Annual Security Report covering the calendar years 2017-2019 is due on December 31, 2020.

ABOUT THE DEPARTMENT OF SAFETY AND SECURITY

The Department of Safety and Security strives to provide high quality security, safety and crime prevention services that meet the needs and standards of the institution. Safety and Security Officers are not sworn Peace or Police Officers, they do not carry firearms and do not possess the power to make warrantless arrests. Safety and Security Officers are given yearly training to adhere to the strict standards as set forth in the New York State Criminal Procedure Law. Safety and Security is responsible for providing security and safety for the entire College community. Safety and Security Officers provide 24 hour, seven day a week service consisting of vehicle patrol and foot patrol as well as access to closed circuit television cameras (CCTV). Safety and Security staffs a Campus Response Center (CRC) which provides for the centralized monitoring of alarms and dispatching functions for the College.

The Department of Safety and Security is currently staffed by the Director of Safety and Security, an Associate Director, five supervisors, 21 full-time Safety & Security Officers, and 3 part-time security officers. In addition, the department is supported by two administrative assistants. Safety and Security does not have jurisdiction outside of Vassar property.

Vassar College Campus Patrol is a fully student-operated complement to the College's professional security force. Campus Patrol employs approximately 78 students. Campus Patrol works with Safety and Security to provide the Vassar community, its people and its property, with the highest level of security and safety possible. Walking units patrol the residential houses, paying particular attention to anything suspicious that might endanger the community or property. Safety and Security, and patrollers occasionally may ask to see a Vassar ID.

Vassar Safety and Security also runs the shuttle service that provides warm, dry transportation between on-campus locations on a regular schedule posted throughout campus.

Vassar College takes great pride in the community, and offers students, faculty and staff many advantages. This community is a great place to live, learn, work and study; however, this does not mean that the campus community is immune from all of the other unfortunate circumstances that arise in other communities. With that in mind, Vassar College has taken progressive measures to create and maintain a reasonably safe environment on campus.

Though Vassar College is progressive with its policies, programs, and education, it is up to each one of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus.

Working Relationship with Local, State, and Federal Law Enforcement Agencies

The Safety and Security Department maintains a highly professional working relationship with the Town of Poughkeepsie Police Department. Safety and Security follows all applicable policies and laws regarding confidentiality of records and reserves the right to provide police any information obtained as a result of a criminal investigation. Safety and Security strongly encourages anyone who is the victim or witness to any crime to promptly report the incident to the Safety and Security Department. Accuracy, promptness, and completeness in reporting will allow Safety and Security and the Poughkeepsie Police Department or other agencies (where relevant) to best respond to any incident or report. It is the right of any member of the College community to contact the Town of Poughkeepsie Police Department to investigate any crime. Assistance in contacting the Police Department may be arranged through the Safety and Security Department.

A formal written agreement has been completed with the Town of Poughkeepsie Police Department that ensures mutual cooperation in reporting crimes that may occur on or near the College Campus.

Security of and Access to College Facilities

At Vassar College, most campus buildings and facilities are accessible to members of the College community, guests, and visitors during normal hours of business, Monday through Friday, and for limited designated hours on weekends and holidays. Facilities are maintained and their security monitored 24 hours per day and 7 days per week. Access hours for academic buildings are based on the needs of the academic departments. Faculty and staff offices are not open to the general public without an appointment and/or escort. The Department of Safety and Security provides routine, random patrols of all non-residential College facilities 24 hours per day. Many areas of the College with limited access require a key or card swipe access. Card swipe access is monitored and recorded. Annually, the Security Advisory Committee conducts a safety walk to assess security issues on campus grounds.

The Department seeks to enhance safety and security by utilizing security cameras in a professional and ethical manner, consistent with legal rights of privacy. Our security cameras are in use and are located throughout all College properties.

Many buildings and areas within buildings are monitored by intrusion alarm systems. These systems are monitored by Safety and Security 24 hours per day and 7 days per week with Department of Safety and Security Officers responding to all alarm activations along with local law enforcement when requested.

Special Considerations for Residence Hall Access

Assuring the security of the resident student population is a priority for the residential life staff. Security policies and procedures are outlined in printed regulations and discussed with residents in crime prevention seminars organized by Residential Life and Safety and Security. Should an emergency arise, a staff member is on call 24 hours a day, seven days a week. House advisers

(trained residence life professionals) and house fellows (faculty members) live in the residence halls and are also available to meet students' needs. Each residence hall has a card entry system. Only individuals with proper ID or guests accompanied by their hosts are authorized to enter into the residence halls.

In addition, security officers conduct regular rounds both inside and outside of each residence hall during evening and night hours. A security officer also patrols the grounds of the Town Houses, South Commons, and Terrace Apartments at night.

Security Considerations for the Maintenance of Campus Facilities

Vassar College is committed to campus safety and security. Campus locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Sidewalks and building entrances are illuminated to provide well-traveled, lighted routes from parking areas to buildings and from building to building. We encourage community members to promptly report any security concerns, including concerns about locking mechanism, lighting, or landscaping to the Safety and Security Department or Facility Operations at 845-437-5555 or 5221.

Reporting Crimes¹ and Other Emergencies

Vassar College has a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate College officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire Vassar community that you promptly and accurately report all incidents. In the event of an emergency or crime in progress on or near College property, students, faculty and staff are directed to contact the appropriate law enforcement agency via 911 and then to contact Safety and Security at 845-437-3333 to ensure an effective investigation and appropriate follow-up actions, including issuing a Crime Alert or emergency notification, where applicable. Reporting promptly allows rapid recovery from insurance, facilitates collection of evidence, and provides responders with the most complete picture before their arrival and provides the most appropriate emergency response resources. Both prompt and accurate reporting are essential and may save lives. It is important for anyone witnessing a crime or other emergency to ensure assistance is coming, especially when victims may be unable to make that important call themselves. Prompt reporting also allows for timely Crime Alerts and emergency notifications.

¹ See APPENDIX A for Clery and NYS Crime Definitions:

Criminal Offenses—Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault;

Burglary; Motor Vehicle Theft; and Arson.

Hate Crimes—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias;

Violence Against Women Act Offenses—Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and

Arrests and Referrals for Disciplinary Action for Weapons—Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations and Liquor Law Violations.

Voluntary, Confidential Reporting

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage Vassar College community members to report crimes promptly and to participate in and support crime prevention efforts. The Vassar community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within Vassar or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow the College to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security and Fire Safety Report. In limited circumstances, The Department of Safety and Security may not be able to ensure confidentiality and will inform you in those cases.

Anyone may call local law enforcement via 911 and then Safety and Security at 845-437-7333 to report concerning information. Callers may remain anonymous.

Reporting to Safety and Security

We encourage all members of the Vassar community to report all crimes and other emergencies in a prompt and accurate manner to the Department of Safety and Security at 845 437 7333 or from a campus phone ext. 7333. Criminal incidents requiring attention beyond Safety and Security will be referred to the local law enforcement agency having jurisdiction over that location. Prompt reporting to Safety and Security will assure that Timely Warnings or Emergency Notifications (if necessary) are issued and the proper crime statistics disclosures are provided.

Emergency Phones

The Vassar campus is equipped with emergency phones (also known as blue phones); these emergency phones are strategically located throughout College properties. The emergency phones are easily identified by their blue lights. When the emergency button is pushed, the caller is in immediate contact with the Safety and Security dispatcher. In addition to providing voice contact with the security dispatcher, the emergency phone also enables the dispatcher to see the caller's location on our campus.

Anonymous Reporting

If you have information about a crime or other improper activity and would like to report it anonymously, please use <http://security.vassar.edu/forms/report/>.

Reporting to Other Campus Security Authorities

While the College prefers that community members promptly report all crimes and other emergencies to Vassar’s Department of Safety and Security or 911, we also recognize that some may prefer to report to other individuals or College offices. The Clery Act recognizes certain College officials and offices as “Campus Security Authorities” (CSA). In addition to CSA’s who are a part of Safety and Security and those specifically designated by Vassar as a CSA, the Act defines CSA’s as “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 official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

While Vassar has identified numerous CSAs at the College, we officially designate the following offices as places where campus community members should report crimes:

Official	Campus Address	Phone Number
Safety and Security Department	Main Building, first floor, C-1-2	845-437-5221
		845-437-7333 (Emergencies)
Office of Residential Life and Student Wellness	Main Building, first floor, C-121	845-437-5315
Office of the Dean of the College	Main Building, second floor, C-215	845-437-5600
Office for Equal Opportunity & Affirmative Action/Title IX	Main Building, first floor, S-182	845-437-7924
Office of Athletics and Physical Education	Athletic Fitness Center	845-437-7450
Office of the Dean of Studies	Main Building, first floor, N-128	845-437-5255
Office of Student Growth and Engagement	Main, C 110	845-437-5953
Office of the Dean of Faculty	Main Building, first floor, N-171	845-437-5300

Pastoral and Professional Counselors

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by Vassar College to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, the College encourages pastoral and professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

Crimes Involving Student Organizations at Off-Campus Locations

Vassar College does not recognize any off-campus student organizations; nevertheless, it relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Vassar students while off campus. The Town of Poughkeepsie Police Department does forward any Vassar related, off campus crime blotters to officials at the College who then review them to determine if student conduct violations occurred off campus.

Disclosure to Victims

The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Emergency Alerts and Responses

Timely Warning Reports

Vassar has long recognized the importance of keeping its community members and others well informed about public safety issues. Vassar College's Department of Safety and Security provides timely notification of potential and actual occurrences of criminal activity to the Vassar community in conjunction with other law-enforcement agencies and other College departments.

Campus Timely Warnings intended to provide timely warning of crimes that pose an ongoing threat to faculty, staff, and students. These Warnings contain a brief description of the incident; the date, time, and location of the incident; and precautions to take.

Other Campus Advisories are also issued in those instances where the community should be aware of potential safety issues and other emergencies.

Emergency Notification

The College has developed multiple means of communicating emergency information, including the Vassar College website at <http://www.vassar.edu/emergency>, automated telephone and text messaging, an emergency siren, emails, digital signage emergency messaging and security patrol announcements via portable loud speaker.

A. Automated Telecommunications/Email/Text Message Systems

Computing and Information Services, in collaboration with the Office of Communications and Safety and Security, has installed, maintains, and tests emergency communications systems capable of sending automated telephone calls, emails, and text messages to the entire student body and workforce.

Twice a year the College tests the automated telephone and text systems by sending a text message to cell phones (students and employees) and recorded voice messages to cell

phones (students and employees) and home phones (employees only) whose users have registered their contact information. These tests are always announced in advance. All students and employees are encouraged to provide contact information that can be used in the event of an emergency.

B. Responses to Emergency Siren on Campus

A violent incident on campus is something none of us expects to experience. Preparation for what to do in such instances is essential, however, and the College provides regular information sessions for students and employees. Below is a summary of main points to follow. Remember: RUN, HIDE, and FIGHT.

RUN: If the location of the problem is clear and it is obvious you can flee to a safer location, your best option may be to RUN.

HIDE: If fleeing does not seem like a safe option, HIDE in the most effective way. You can:

Lock or barricade your door, turn out the lights, silence your cell phone or other device that could indicate your presence. Move away from doors and windows. If you are in an office, hide under your desk if you can and pull your desk chair under the desk.

FIGHT: If you are near the source of the gunfire, you may need to DEFEND yourself. Look around for what may be suitable objects that you can use to disarm or disable the perpetrator – fire extinguisher, chair or other furniture, for example. If you are with other people, form a plan to protect yourselves.

Whether or not you hear the siren, if you hear what sounds like gunshots, assume they are gunshots and consider your immediate options to avoid the perpetrator.

Emergency Management and Evacuation Procedures

Vassar Security Officers are trained first responders and are prepared to take action in any emergency situation that may arise on campus. A Crisis Response Team, as well as a broader Crisis Communication Planning Team is in place to allow immediate response by individuals performing specific roles and functions already predefined.

A Crisis Communication Plan has been developed by the College as part of its ongoing effort to protect Vassar College students, faculty, and staff. The development of this plan is based on a realistic assessment of potential incidents that could affect our community and the capabilities to react to those situations.

The Vassar College emergency response plan permits the simultaneous distribution of broadcast e-mails, text messages, and voice calls (including voice mails for calls unanswered). The system is used to distribute emergency notifications without delay in situations where a clear and active (e.g., in progress) threat or emergency exists that impacts the community and where it is recommended that the recipients take some form of action in response to the active threat or emergency. Our emergency siren and emergency notification system is tested twice a year. Tests

are always announced. Upon hearing the siren one should check for an emergency alert and take protective action.

More detailed information on emergencies, fire, evacuation and shelter in place drills can be found on the Residential Life and Student Wellness website: <https://residentiallife.vassar.edu/procedures/safety/emergencies.html>.

Drills, Exercises, and Training

The College prepares for a variety of emergency situations under the leadership of the Crisis Response Planning Group. The group meets regularly throughout the year, organizes teams to study resources and procedures, conducts tabletop and other exercises with public safety agencies, and develops the College's Crisis Management Plan. Vassar College tests emergency response and reviews evacuation procedures at least annually. These tests include regularly scheduled drills, exercises, and appropriate follow through activities, designed for assessment and evaluation of emergency plan capabilities. At various times per year, the College advertises its emergency response procedures to the campus community through seminars, email and other publications and at least once in conjunction with a test of its emergency response and evacuation procedures. The College maintains and tests its Crisis Communications Plans on an annual basis.

For questions and comments, please contact the Safety and Security, (845) 437-5200. Information is also available at <http://info.vassar.edu/resources/emergency/>.

In an emergency, call Security at 845-437-7333.

Campus Security Policies

Weapons/Dangerous Items

Possession, storage, and/or use of a firearm(s) of any description (including, but not limited to, air rifles, airsoft guns, paintball guns, pellet guns, pistols, ammunition, gunpowder, etc.) at Vassar College is prohibited and subject to immediate termination of the Housing Agreement and removal from residence, as well as judicial action and criminal prosecution

In addition, possession, storage or use of a dangerous weapon (including but not limited to clubs, dangerous knives, martial arts weapons), hazardous chemicals or biological substances, explosive devices of any description (including but not limited to fireworks, regardless of size or type), incendiary devices specifically modified to be used as a weapon, hunting equipment, and other dangerous articles, weapons, or substances in the residences is prohibited and may be subject to immediate termination of the Housing Agreement and removal from residences, as well as judicial action and criminal prosecution.

Missing Student Notification Policy

The following policy has been established concerning students who live in College-owned campus housing and who, based on the facts and circumstances known at the time to College officials, are presumed to be missing. Reports of a missing student should be made to one of the following Vassar College officials: Director of Safety and Security, (845) 437-7333, Associate Dean of the College for Residential Living and Wellness, (845) 437-5315, Dean of the College, (845) 437-5600, Director of Residential Education, (845) 437-5860. While the policy, pursuant to the Clery Act, covers residential students who are missing for at least 24 hours, Vassar encourages anyone to call the above-listed phone numbers if there is a concern about a missing on campus residential student regardless of the time period.

Other College officials receiving a missing person's report relating to a student are required to immediately notify the Associate Dean of the College for Residential Living and Wellness or Safety & Security immediately. Any report of a missing student will be fully investigated by appropriate college personnel under the coordination of the Associate Dean of the College for Residential Living and Wellness and/or the Director of Safety & Security. In order to determine if a student is missing, College officials will check a student's card access records, class attendance, student residence, and use other methods to determine the status of a missing student. Vassar will notify appropriate local law enforcement agencies not later than 24 hours after the time a student is determined to be missing (unless it was the local law enforcement agency that already made the determination that the student was missing). If the student has designated an emergency contact person, the College will notify that individual as well. If a student is under the age of 18, Vassar will notify their parents or guardian not later than 24 hours after the time a student is determined to be missing, regardless of whether they have designated a confidential contact (if so designated, the confidential contact would be notified as well). Local law enforcement will be notified regardless

of the age of the residential student and/or whether they have designated a confidential contact. The College may conduct a brief investigation after receiving a report to help determine whether the student is a missing person.

Confidential Emergency Contact Information

In compliance with the Federal Higher Education Opportunity Act, federal law, 20U.S.C § 1092j, a student may identify a confidential contact to be contacted by the College not later than twenty-four (24) hours after the time circumstances indicate that the student may be missing. The student should notify the confidential contact that they have been designated as such. Confidential contact information will be considered private and only accessible to authorized Vassar College individuals or law enforcement in the event the student is reported missing. Confidential contact information is distinct from general emergency contact information. It is kept by the Office of Residential Life. For students under age eighteen (18) and not emancipated, Vassar is required to notify the custodial parent or guardian not later than twenty-four (24) hours after the time the student is determined to be missing. All enrolled students at the college, regardless of their living circumstances, should designate an emergency contact person. Every student (resident and non-resident) has their own student account and may enter or change, under personal information/address, a designated emergency contact person at any time by updating their contact information. Students should update their personal information at the beginning of each academic year as a part of the check-in process to their residence hall and room, and are solely responsible for the accuracy of the information provided and updating the information when needed. In compliance with the Federal Higher Education Opportunity Act, federal law, 20 U.S.C § 1092j, a student may identify a confidential contact to be contacted by the college not later than twenty-four (24) hours after the time circumstances indicate that the student may be missing. The student should notify the confidential contact that they have been designated as such. Confidential contact information will be considered private and only accessible to authorized Vassar College individuals or law enforcement in the event the student is reported missing.

Daily Crime and Fire Log

The College maintains a public Daily Crime Log at the Safety and Security Office located at The New Hackensack Building, 2500 New Hackensack Rd. The Crime Log is available for public inspection (during normal business hours). The log contains all reported crimes on Vassar's Clery reportable property. The Crime Log includes information on the nature of reported crimes, the date and time the reported crime occurred, the general location of the reported crime, and the disposition of the complaint (where known). The appropriate information is logged in the Crime Log within two business days of it being reported. The Crime Log shall contain the required reporting information for the most recent 60 days. Crime Log information greater than 60 days in the past, shall be furnished upon request. The Daily Fire Log is maintained by the Office of Environmental Health and Safety and may be accessed through their office located at 25 Skinner Lane.

Crime Prevention/Safety Awareness Programs

In an effort to address the importance of security of oneself and others, Vassar College Safety and Security, through its Community Engagement Initiative, works closely with Residential Life and other constituencies to facilitate crime prevention and safety awareness programs on campus.

The Unit presents periodic Crime and Safety Programs to Residence Life Staff and Students, First Year Students, Exploring Transfer Staff and Students, Summer Programs Staff and Students and for all Staff and Students as requested. Topics include Violence Prevention and Intervention, Response to Active Shooter training (Run, Hide, Fight), Residence Hall Safety, Crime Prevention Events, such as the Annual Bicycle Safety and registration events in the Campus Quad.

In an effort to promote safety awareness, the Safety and Security Department maintains a strong working relationship with the community, and each year Security and Safety provides valuable information to students at their Orientation.

Below is a list of some of the programs available at Vassar:

- Annual Violence Prevention, Intervention and Response Training for Administrators and Staff focused on providing attendees with information to help detect, prevent and, if need be, respond to an active shooter situation;
- Annual Introduction of Safety and Security department, with a description of the office and the role of Safety and Security on campus and discussion on ways to help prevent crime and maintain personal safety and awareness, etc. for student constituencies, including House Teams (Student Staff), Summer program participants, First Year students;
- Year-round Bike Registration Program, informing students the best practices (methods and materials) for properly securing bikes on campus, and documents needed to aid in stolen bike recovery;
- Annual Active Shooter Table-Top Program, that allows for a simulated emergency incident to take place where discussions and decisions are made by College Administrators in an effort to respond to the incident. A member from The Town of Poughkeepsie Police Department leads the scenario and discussion; and
- Safety Assessments
 - Year-round Personal Safety evaluation for crime victims. Safety and Security evaluates specific needs and concerns for victims of crimes (Students, Faculty and Staff) as needed.
 - Safety Assessments of specific work locations, when a particular location on campus experiences some type of criminal activity or suspicious incident that location or if an employee would like personal work space safety information. Included in the assessment are recommendations from Safety and Security to help protect the location and those who work inside it.

VASSAR COLLEGE'S RESPONSE TO SEX AND GENDER BASED VIOLENCE

Vassar College's Policies on Sexual Misconduct, Intimate Partner Violence, and Stalking

Members of the Vassar College community, guests, and visitors have the right to be free from sexual violence. Vassar College is committed to fostering a community that promotes the prompt reporting of sexual misconduct and timely and fair resolution of sexual misconduct complaints. The expectations of our community regarding sexual misconduct can be summarized as follows: In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Vassar's policy is to prohibit sexual misconduct, intimate partner violence, and stalking as they defined under the Clery Act, relevant state and federal law.²

This policy applies to all members of the College community, including students, employees, volunteers, independent contractors, visitors, and any individual regularly or temporarily employed, studying, living, visiting, conducting business, or having any official capacity at the College. Further, this policy applies to conduct occurring on Vassar property or at College-sanctioned events or programs that take place off campus, including study abroad and internship programs.

In 2020, in response to a Final Rule issued by the United States Department of Education effective August 14, 2020, Vassar College made significant changes to its policy on discrimination and harassment. While the Final Rule technically only governed Title IX, it adopted for Title IX definitions of sexual assault (rape, fondling, incest, and statutory rape), dating violence, domestic violence and stalking that either were pulled directly from the Clery Act or the Violence Against Women Act (which amended the Clery Act in 2013) or were in sum and substance overlapping with Clery Act definitions. To that end, the Vassar Policy on Discrimination and Harassment (which is available in full as Part E at <https://deanofthecollege.vassar.edu/documents/college-regulations/VassarCollegeRegulations.pdf> and of which relevant parts are excerpted here) governs conduct and behavior that may violate both Title IX and the Clery Act, or may violate one but not both laws/regulations. In certain cases, behavior, conduct, or an incident may not meet the technical thresholds to be covered under Part E above may still violate other Vassar policy. As one example behavior may violate the College Regulations that govern student behavior (<https://deanofthecollege.vassar.edu/documents/college-regulations/g/>). The content listed here is provided for information and to meet the publication requirements of the Clery Act, but readers are commended to review the policies in their entirety at the College websites for full information and inasmuch as policies may change from time to time or as required by changes in law, regulation, or guidance.

Victims and survivors of crimes and violations have several rights under the Violence Against Women Act Amendments to the Clery Act with regard to reporting to law enforcement and participating in the criminal justice process. They may notify law enforcement (including the Poughkeepsie or State Police) and Safety and Security, they may be assisted in notifying law enforcement, including assistance from Safety and Security and other offices on campus, and they

may decline to notify such authorities. Under New York State law, a victim or survivor may seek an Order of Protection in criminal or family court. College officials can provide information on how to access that process. Pursuant to Federal law, the State of New York will honor Orders of Protection and related (such as restraining orders) issued by other states and Native American Nations. An Order of Protection is different from a No Contact Order, which is issued by the College in certain cases and does not have the force of law.

Definitions

A. Covered Sexual Harassment

For the purposes of this Title IX Grievance Policy, “covered sexual harassment” includes any conduct on the basis of sex that satisfies one or more of the following:

- i. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
- ii. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity;
- iii. **Sexual assault** (as defined in the Clery Act as rape, fondling, incest, statutory rape), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
 - a. **Rape** is 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.
 - b. **Fondling** is 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 their age or because of their temporary or permanent mental incapacity.
 - c. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent. The age of consent in New York is 17, but this varies by state.
- iv. **Dating violence** (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of

such abuse.

- b. Dating violence does not include acts covered under the definition of domestic violence.
- v. **Domestic violence** (as defined in the VAWA amendments to the Clery Act), which includes any felony or misdemeanor crimes 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 New York State domestic or family violence laws 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 New York.
 - a. Please note that in order for an alleged Domestic Violence incident to be investigated under the policy, the relationship between the Complainant and Respondent must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have a relationship or status as described above.
- vi. **Stalking** (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to-- (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this definition:
 - a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
 - c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - d. Stalking as defined above may not always be "on the basis of sex" (for example when an individual stalks an athlete due to celebrity worship rather than sex), but when stalking is "on the basis of sex" (for example, when the stalker desires to date the victim) stalking constitutes "sexual harassment" for purposes of this policy. Stalking that does not constitute sexual harassment because it is not "on the basis of sex" may be addressed under other applicable College policies.

As required under New York State Education Law Article 129-B, Vassar College has adopted the following definition of Affirmative Consent:

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

- i. 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.
- ii. 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.
- iii. 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.
- iv. In order to give effective consent, one must be of legal age; New York State defines 17 years as of legal age.

C. Education Program or Activity for the purposes of this Title IX Grievance Policy, Vassar's "education program or activity" includes:

- i. Any on-campus premises
- ii. Any off-campus premises that Vassar has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- iii. Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Vassar's programs and activities over which the Vassar College has substantial control.

D. Formal Complaint for the purposes of this Title IX Grievance Policy, "formal complaint" means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Vassar's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

E. Complainant for the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

F. Relevant evidence and questions “Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. “Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

- i. Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
 - a. They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - b. They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent. 34 C.F.R. §106.45(6)(i).
- ii. Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege. For example, legally-recognized privileges include attorney-client privilege.
- iii. Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent. 85 Fed.Reg. 30026, 30294 (May 19, 2020).

G. Respondent For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

H. Privacy vs. Confidentiality Consistent with the Vassar College Regulations, references made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean Vassar’s offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Vassar will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

I. Disability Accommodations This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed

disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

Making a Report Regarding Covered Sexual Harassment to the Institution

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Rachel Pereira

Title IX Coordinator

Vassar College

Box 645124 Raymond Avenue

Poughkeepsie, New York 12604-0645

Phone: (845) 437-7924

rapereira@vassar.edu

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.a. Confidential and Private Reporting

- i. The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:
 - a. Title IX Coordinator or designee
 - b. Student Fellows & House Student Advisors (HSAs)
 - c. Director of Health Promotion & Education
 - d. Director of Case Management
 - e. Support, Advocacy, & Violence Prevention (SAVP) Director and Program Coordinator; (845) 437-7863. Support, Advocacy, & Violence Prevention (SAVP)Advocates, (845) 437-7333 and ask for an SAVP Advocate
- ii. The following Officials may provide confidentiality:
 - a. On-Campus Confidential Resources forStudents:
 1. Counseling Service, (845)437-5700
 2. Health Services, (845)437-58002.

- b. Off-Campus Confidential Resources:
 - 1. Family Services Center for Victim Safety & Support 24/7 Hotlines
 - 2. Rape Crisis/Crime Victims Hotline:(845)452-7272
 - 3. Domestic Violence Hotline: (845)485-5550
 - 4. New York State Domestic Violence and Sexual Violence Hotline, 24/7, 1-800-942-6906; The New York State Domestic Violence Text Line is 844-997-2121.
- c. Any employee not otherwise designed is a mandatory reporter.
 - 1. “Official with Authority”(“OWA”):
 - 2. President
 - 3. Board of Trustee Members
 - 4. Campus Safety & Security
 - 5. All Faculty
 - 6. Director of Equal Opportunity/Title IX Coordinator and Faculty Director of Affirmative Action
 - 7. Senior Officers/Deans/ Administrators/Directors with supervisory responsibilities
 - 8. Academic Deans/Dept Chair/Program Directorsix. Coaches/Athletic Trainers/ Athletic Directors

Non-Investigatory Measures Available Under the Title IX Grievance Policy

- i. **Supportive Measures Complainants** (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Vassar regardless of whether they desire to file a complaint, which may include no contact orders, counseling, modifications of work schedules, etc.. as appropriate. Supportive measures are non-disciplinary and non-punitive.
- ii. **Supportive Measures** may include, but are not limited to include:
 - a. Counseling
 - b. Extensions of deadlines or other course-related adjustments
 - c. Modifications of work or class schedules
 - d. Campus transport services
 - e. Restrictions on contact between the parties (no contact orders)
 - f. Changes in work or housing locations
 - g. Leaves of absence
 - h. Increased security and monitoring of certain areas of the campus

- iii. **Emergency removal** Vassar retains the authority to remove a respondent from Vassar’s program or activity on an emergency basis, where Vassar (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.
- iv. **Administrative Leave** Vassar retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with Vassar Faculty Handbook, and applicable Employee Handbooks.

Procedures Victims Should Follow

If an incident of sexual assault, domestic violence, dating violence or stalking occurs, the College’s first concern is for one’s safety and well-being. Victims are encouraged to consider the following procedures:

- i. Get to a safe place where you feel as physically and emotionally safe as possible.
- ii. If one is not sure what to do or where to start, call a SAVP Advocate (formerly SART). SAVP Advocates are trained faculty, administrators, and staff to provide 24-hour support. An advocate can be reached by calling 845-437-7333 and asking for a “SAVP Advocate.”
- iii. Seek medical attention for any physical injuries, potential pregnancy, or potential sexually transmitted infections. One can visit the health center on campus, a local emergency room, or seek off-campus medical assistance.
- iv. If an incident of sexual assault, domestic violence, dating violence or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. It is most helpful to get evidence collected quickly – before one eats, drinks, showers, uses the bathroom, etc. In order to do so, the victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented including through the preservation of photographic evidence. Evidence of stalking including any communication, such as written notes, voicemail or other electronic communications should be saved and not altered in any way.
 - a. Sexual Assault Forensic Exams (SAFE Exams) can be conducted at both Vassar Brothers Medical Center and Mid-Hudson Regional Hospital in Poughkeepsie. SAFE Exams provide compassionate, patient-centered, and professional care for sexual assault survivors after an assault. Survivors are treated by trained Department of Health certified sexual assault forensic examiners in a private examination room. Exams include evaluation, treatment, referral, and follow-up. The exam ensures the quality of collection, documentation, preservation, and custody of physical evidence. This service

is free of charge for survivors. Having a SAFE Exam completed does not mean that you need to press charges with law enforcement. Further, SAFE exams include a crucial medical response that goes beyond identifying and preserving evidence.

- b. An exam may reveal the presence of physical injury of which the victim is unaware. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted infections. Emergency contraceptive pills are offered to victims at the time of the exam (if the victim presents within 120 hours) to help prevent pregnancy from occurring as a result of the rape. Victims over age 18 will be offered a seven-day starter pack of HIV PEP (a post-exposure prophylaxis, meaning a medicine taken to prevent HIV after a possible exposure. PEP should be used only in emergency situations and must be started within 72 hours after a recent possible exposure to HIV) and victims under the age of 18 will be offered the full twenty eight day supply of PEP. If the victim reports memory loss, loss of consciousness, or other circumstances suspicious for a drug-facilitated assault, a urine test may be done if the victim presents within 96 hours. Some of the commonly used “date rape” drugs, however, are only detectable in the urine for 6-8 hours after ingestion. Note that under New York State law, a reporting victim has the right to be accompanied by an advocate at no cost. Under New York State law, a victim can elect to have the hospital or medical provider seek direct reimbursement from the New York State Office of Victim Services for the cost of an exam (regardless of whether the victim chooses to press criminal charges), and regardless of whether the victim has health insurance or is insured on their parent or guardian’s plan. The Office of Victim Services offers other programs that can assist victims and survivors with reimbursement for certain costs when they are an innocent victim of crime. An advocate can provide additional information. Advocate information and program details may be found at ovs.ny.gov.
- v. If a victim would like to learn about options, and receive assistance in, changing academic, living, transportation, or work situations, one can contact the Title IX Coordinator, the SAVP Director, or a SAVP Advocate. One can also learn about how to apply for a leave of absence, get questions answered about financial aid, and learn how to request protective measures on campus from the Title IX Coordinator, the SAVP Office, or a SAVP Advocate. Vassar College will provide student and employee victims of dating violence domestic violence, sexual assault, and stalking with a written explanation of their rights and options.
- vi. If a victim would like to learn about or access off campus resources they can receive assistance from the Center for Victim Safety and Support or Grace Smith House, both located in Poughkeepsie, NY. Both service agencies provide counseling resources, advocacy with reporting, and additional individual assistance. Grace Smith House also provides off campus shelter housing for victims of domestic violence. More information is located below.

- vii. If a victim would like to learn about their options to report the incident to law enforcement, one can contact the New York State Police Campus Sexual Assault Victims Unit (1-844-845-7269) or the Town of Poughkeepsie Police Department to file a report. The SAVP Director, SAVP Advocates, and/or off campus resources can accompany students if they would like to file a report with law enforcement.
- viii. Victims can also access national hotline resources, including RAINN at www.rainn.org or 800.656.HOPE (4673), the Stalking Resource Center at or 855-4-VICTIM at victimsofcrime.org/our-programs/stalking-resource-center and the National Domestic Violence Hotline at thehotline.org or 800-799-7233.

Resources

A. On-Campus Resources

Campus constituents, including but not limited to the Associate Dean of the College for Residential Life and Wellness (as well as ResLife Professional Staff and Student House Teams), Director of Health Promotion and Education, Director of Support, Advocacy, & Violence Prevention (SAVP), and SAVP Advocates, are trained to provide support and referral services for students to access the following resources:

- i. **The Office of Support, Advocacy, & Violence Prevention (SAVP)** aims to prevent and respond to sexual assault, dating/domestic violence, stalking, and sexual harassment through prevention education, collaboration, outreach, and advocacy. SAVP is committed to taking a survivor-centered approach, which means that if a student is victimized, they are given the options and make the decisions about what services they would like to access and whether or not they would like to report the incident. SAVP includes the SAVP Director, the SAVP Program Coordinator, and SAVP (formerly SART) Advocates. These individuals provide individual support, advocacy, and information to students who have been victims of sexual assault, relationship abuse, dating/domestic violence, and/or stalking. SAVP Advocates are available 24/7 by calling the Campus Response Center at 845-437-7333 and asking for a SAVP Advocate.

All interactions with SAVP will be conducted with a survivor-centered approach where an advocate offers the student options and choices, and the student makes all decisions. During business hours, you may contact the SAVP Director, at 845-437-7863 or by emailing savp@vassar.edu for support, advocacy, and more information about your options. The SAVP Director, SAVP Program Coordinator, and SAVP Advocates are “private resources” for the purpose of Title IX Reporting.

- ii. **The Counseling Service** is available during the week for confidential individual or group counseling. Call (845) 437-5700 or visit the office at Metcalf House to make an appointment. A Counselor-on-Call is available when the Counseling Center is closed and may be contacted through the Campus Response Center, (845) 437-7333.

- iii. The Associate Dean of the College for Student Living and Wellness convenes weekly meetings of the **Student Support Network (SSN)** to coordinate helping resources for students whose behavior indicates they may be in serious trouble. The core SSN consists of the Associate Dean of the College for Residential Life and Wellness, the Dean of Studies, and the Director of Counseling, but other administrators are invited as appropriate.

SSN members may share information about students who appear to be in trouble (e.g., who appear to be at risk to themselves or others, whose academic situation is dire, who are experiencing significant personal problems, or whose behavior is alarming other members of the college community). The group then determines if action by individual members of the group is warranted and might be helpful.

The [SSN Reporting Form](#) is available to bring situations to the attention of Vassar College so that these situations may be addressed.

- iv. The **Office for Equal Opportunity and Affirmative Action/Title IX (EOAA)** is responsible for monitoring the College's compliance with federal and state nondiscrimination laws including Title IX, investigating complaints of discrimination, harassment, and sexual misconduct, and overseeing the informal and formal grievance process in accordance with the College's Policy Against Discrimination and Harassment, and policies against Sexual Misconduct, Intimate Partner Violence and Stalking. Individuals who wish to report a concern, seek guidance, file a formal grievance, or request training or other assistance may do so by contacting:

Rachel Pereira

Title IX Coordinator

Vassar College

Box 645124 Raymond Avenue

Poughkeepsie, New York 12604-0645

Phone: (845) 437-7924

rapereira@vassar.edu

For concerns that involve members of the faculty one may also contact Colleen Cohen, Faculty Director of Affirmative Action, cocohen@vassar.edu

- v. **Safety and Security**, (845) 437-5221, promotes safety and security on campus, including around-the-clock protection by the uniformed, unarmed security force, additional evening and weekend support by the Campus Patrol (student foot patrols), escort and shuttle services during evening hours, and crime prevention programs. For campus emergencies, contact (845) 437-7333.
- vi. The **Campus Response Center (CRC)**, (845) 437-5221, operated by Safety and Security, is located in Main lobby and can be reached 24 hours a day, 7 days a week.

- vii. The **Emergency Medical Services (VCEMS)**, (845) 437-7333, provides quality, confidential, volunteer emergency medical care for the Vassar College community during the academic year. VCEMS operates from 5:00pm to 8:00am during the week and throughout the weekend.
- viii. The **Health Service** (845) 437-5800 is open from 9:00am to 5:00pm Monday-Friday and from 12:00noon-4:00pm on Saturday and Sunday during the academic year, and is staffed by physicians, physician's assistants, nurse practitioners, and nurses. The Health Service provides routine primary medical care to Vassar students. Travel health advisement is available and immunizations can be given, as well as allergy injections. Routine laboratory testing is available as is referral to outside agencies, as needed. Routine women's health, men's health, and gender affirming clinic services are also provided. When the Health Service is not open, Vassar EMS and/or ambulance can be reached by calling (845) 437-7333. For non-emergency medical concerns, the Night Nurse Triage line may also be accessed by calling (845) 437-5800 when the Health Service is closed.
- ix. The **Office of Health Promotion and Education** is staffed by a director and several student wellness peer educators (WPE). Students are encouraged to make an appointment for a one-on-one personalized consultation designed to fit their needs for self-improvement and knowledge of health and self-enhancement. WPEs are also available in the office or the houses to seek out education, referrals, or advice on all aspects of student health. Students are encouraged to use the resource library to learn more about wellness and health issues.
- x. The Associate Dean of the College for Student Living & Wellness, and Dean of Studies are also available to provide support and academic advice for students.

B. Off-Campus Resources

- i. **Center for Victim Safety & Support at Family Services** The Center for Victim Safety & Support at Family Services provides 24 hour non-residential, comprehensive services to survivors of relationship abuse, sexual assault, and other crimes. Services include confidential support, advocacy, accompaniment, counseling, rape crisis services (SAFE Exam accompaniment), financial reimbursement through the NYS Office of Victim Services, emergency assistance for survivors, and two 24-hour hotlines. All services are free of charge. CVSS also specializes in enhancing the system's response to victims of crime as well as prevention of crimes.

Rape Crisis/Crime Victims 24/7 Hotline: 845-452-7272

Domestic Violence 24/7 Hotline: 845-485-5550

Website: www.familyservicesny.org

- ii. **Grace Smith House** Grace Smith House is a shelter for survivors of relationship abuse and their families in need of safety and protection. Services include: emergency shelter, safety, housing advocacy, information and referrals, parenting discussions, children's groups and advocacy, crisis and supportive counseling, and a 24-hour hotline.

24/7 Hotline: (845) 471-3033

Website: www.gracesmithhouse.org

- iii. **Sexual Assault Forensic Exams** Sexual Assault Forensic Exams (SAFE Exams) provide compassionate, patient-centered, and professional care for sexual assault survivors after an assault. Survivors are treated by trained Department of Health certified sexual assault forensic examiners in a private examination room. Exams include evaluation, treatment, referral, and follow-up. The exam ensures the quality of collection, documentation, preservation, and custody of physical evidence. This service is free of charge for survivors. Having a SAFE Exam completed does not mean that you need to press charges with law enforcement.

Note that under New York State law, a reporting victim has the right to be accompanied by an advocate at no cost. Under New York State law, a victim can elect to have the hospital or medical provider seek direct reimbursement from the New York State Office of Victim Services for the cost of an exam (regardless of whether the victim chooses to press criminal charges), and regardless of whether the victim has health insurance or is insured on their parent or guardian's plan. The Office of Victim Services offers other programs that can assist victims and survivors with reimbursement for certain costs when they are an innocent victim of crime. An advocate can provide additional information. Advocate information and program details may be found at ovs.ny.gov.

SAFE Exams can be conducted at both Vassar Brothers Medical Center and Mid-Hudson Regional Hospital in Poughkeepsie.

Vassar Brothers Medical Center SAFE Exam: (845) 454-8500 (24/7)

Mid-Hudson Regional Hospital SAFE Exam: (845) 483-5000 (24/7)

Website: <https://www.health.ny.gov/professionals/safe/>

- iv. **New York State Police Campus Sexual Assault Victims Unit**

The mission of the New York State Police Campus Sexual Assault Victims Unit (NYSP CSAVU) is to reduce the incidence and facilitate the reporting of sexual assault, dating violence, domestic violence, and stalking on college and university campuses, through a prevention education campaign, a response training program, and by providing support and assistance to students, faculty and staff, university police, campus safety, local law enforcement, and victim advocates.

To report a sexual assault, dating violence, domestic violence, and/or stalking incident within a college campus in New York State, call the NYSP CSAVU hotline.

Emergencies: 911
NYSP CSAVU Hotline (24/7): 1(844) 845-7269
Website: <https://consentfirst.troopers.ny.gov/>

v. Town of Poughkeepsie Police

The Town of Poughkeepsie Police Department can assist survivors in filing a police report. Campus staff can assist you and accompany you to make a report, or you can contact the police directly. The Center for Victim Safety & Support also has an advocate who is co-located within the Town of Poughkeepsie Police Department.

Emergencies: 911
T/Pok Non-Emergencies: (845) 485-3666
Website: <https://consentfirst.troopers.ny.gov/>

vi. District Attorney's Office Special Victims Bureau

The Special Victims Bureau prosecutes through trial Sex Offense cases, including Child Sex Abuse, Domestic Violence crimes and Elder Abuse cases.

Phone: (845) 486-2300
Website: <http://www.co.dutchess.ny.us/countygov/departments/districtattorney/daindex.htm>

C. Reporting An Incident

If a student, employee or visitor has been the victim of an incident of sexual violence they may immediately report it to Vassar's Safety and Security at the New Hackensack Building or call 845-437-7333 from a campus phone. In the case of an emergency or ongoing threat, if possible get to a safe location and please report the incident to law enforcement by calling 911 or to any of the following:

- i. Town of Poughkeepsie Police at 845-485-3666
- ii. City of Poughkeepsie Police at 845-451-4000 (If the incident is located within the City of Poughkeepsie)
- iii. New York State Reporting Hotline (1-844-845-7269)
 - a. For confidential support resources, call the New York State Domestic and Sexual Violence Hotline at 1-800-942-6906.

Vassar College officials will assist any victim in notifying law enforcement, including local police, if they elect to do so. Victims are also entitled not to report to law enforcement. Any student or employee, who reports an incident of sexual violence, whether the offense occurred on or off campus, shall receive a written explanation of their rights and options. They will receive information regarding existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the institution and in the community; and describes options for available assistance in; and

how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Reports of all sexual assault, domestic violence, dating violence, and stalking made to Safety and Security will be referred to the Director of EOAA/Title IX Coordinator for investigation.

D. Vassar College Reporting Duties

Different people on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles at the College and College policy (Responsible Employees, Private Resources, Confidential Resources). At Vassar, some individuals and campus resources can offer confidentiality while others have specific obligations to respond when they receive a report of a crime or a campus policy violation. Even 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 resolution.

E. Clery Act Reporting Obligations

Certain campus officials (called Campus Security Authorities, or CSAs) also have a duty to report sexual assault and other crimes for federal statistical reporting purposes; and to determine if there is a continuing threat to the safety of the campus community, which would require an alert. These reports may also need to be included in security department logs. All personally identifiable information is kept confidential. General incident location (on or off-campus, in the surrounding area, but no addresses are given) must be included for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

CSAs include employees who have significant responsibility for students, student groups and campus activities. Pastoral and professional counselors who receive a report in their role are generally exempt from reporting.

All Clery reports of sexual assault and other crimes should be reported to Safety and Security, (845) 437-7333, <https://security.vassar.edu/docs/Vassar-Clery-IncidentReport-Form.pdf>.

F. Special Duties Involving Child Abuse or Mistreatment of a Minor

Individuals should report suspected child abuse and neglect, including sexual assault, to law enforcement and/or to the New York Statewide Central Register of Child Abuse and Maltreatment (sometimes referred to as the State Central Register or SCR) by calling one of the numbers listed below. It is not the responsibility of any employee, student or volunteer to investigate child abuse. This is the role of child protective services and law enforcement authorities. Vassar College must act quickly regarding all accusations of sexual or physical abuse. The source of abuse does not need to be known in order to file a report. If you suspect child abuse or neglect, do the following:

- i. If a child is in immediate danger, call the police (911) immediately.
- ii. College employees and students should notify local law enforcement immediately when these situations are suspected. Town of Poughkeepsie Police: (845) 485-3670.
- iii. Members of the college community may also contact the Vassar College Safety and Security Department at (845) 437-7333, but not before they contact local law enforcement.
- iv. If there is concern about abuse of a child by a parent or custodian call the Child Abuse Hotline:
 - a. Mandated Reporters should call (800) 635-1522
 - b. All others should call (800) 342-3720

G. Vassar College Complaint Procedure

Every member of the Vassar community has the right to request that student conduct charges be filed against an individual pursuant to the procedures outlined in College policy on Sexual Misconduct, Intimate Partner Violence, and Stalking and/or the Title IX Grievance Process.

The College will seek consent from reporting individuals prior to conducting an investigation. Declining to consent to an investigation shall be honored unless the College determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the reporting individual or other members of the community. Honoring such a request may limit the institution's ability to meaningfully investigate and pursue conduct action against an accused individual. The Title IX Coordinator may, in some cases, file a formal complaint to begin the process. Factors used to determine whether to honor such a request include, but are not limited to:

- i. Whether the accused has a history of violent behavior or is a repeat offender;
- ii. Whether the incident represents escalation in unlawful conduct on behalf of the accused from previously noted behavior;
- iii. The increased risk that the accused will commit additional acts of violence;
- iv. Whether the accused used a weapon or force;
- v. Whether the reporting individual is a minor; and
- vi. Whether the institution possesses other means to obtain evidence such as security footage, and whether the available information reveals a pattern of perpetration at a given location or by a particular group.

Those wishing to file a formal complaint alleging violations of this policy should contact the Director of EOAA/Title IX Coordinator, at 845-437-7924 or titleix@vassar.edu.

An online reporting form is available on the eoaa.vassar.edu website. You may report an incident anonymously to the College, by filling out the Anonymous Reporting Form on the savy.vassar.edu website. Whether or not a report is made to the College, individuals have the right to file a report with local police at 845-485-3666 and/or state police at 1-844-845-7269, or 9-1-1 in an emergency.

H. The Title IX Grievance Process

The Title IX Grievance Process covers cases brought by or against students and employees under the jurisdiction of Vassar College when the violation is covered by the terms of the policy.

- i. **Filing a Formal Complaint** The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and no longer than ninety (90) business days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; reasonable requests of either party, or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Vassar, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in Vassar College Regulations. <https://deanofthecollege.vassar.edu/documents/college-regulations/VassarCollegeRegulations.pdf>

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. Vassar will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Grievance Policy Vassar College Regulations prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

- ii. **Multi-Party Situations** The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.
- iii. **Determining Jurisdiction** The Title IX Coordinator will determine if the instant Title IX Grievance Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:
 - a. The conduct is alleged to have occurred on or after August 14, 2020;
 - b. The conduct is alleged to have occurred in the United States;
 - c. The conduct is alleged to have occurred in Vassar's education program or activity; and

- d. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Vassar will investigate the allegations according to the Grievance Process.

- iv. **Allegations Potentially Falling Under Two Policies:** If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.
- v. **Mandatory Dismissal** If any one of these elements are not met, the Title IX Coordinator will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.
- vi. **Discretionary Dismissal** The Title IX Coordinator may dismiss a Formal Complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:
 - a. A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
 - b. The respondent is no longer enrolled or employed by Vassar; or,
 - c. If specific circumstances prevent Vassar from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any party may appeal a dismissal determination using the process set forth in “Appeals,” below.

- vii. **Notice of Dismissal** Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.
- viii. **Notice of Removal** Upon dismissal for the purposes of Title IX, Vassar retains discretion to utilize Vassar College Regulations, or other employment handbooks to determine if a violation of the Code of Conduct has occurred. If so, Vassar will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the conduct process.
- ix. **Notice of Allegations** The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

a. **Contents of Notice** The Notice of Allegations will include the following:

1. Notice of the Vassar's Title IX Grievance Process and a hyperlink to a copy of the process.
2. Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
4. A statement that the parties may have an advisor of their choice, who maybe, but is not required to be, an attorney, as required under 34 C.F.R. § 106.45(b)(5)(iv);
5. A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source, as required under 34 C.F.R. §106.45(b)(5)(vi);

b. **Ongoing Notice**

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare

a response before any initial interview regarding those additional charges.

x. Advisor of Choice and Participation of Advisor of Choice

Vassar will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

Vassar has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of Vassar.

Vassar will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Vassar's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and Vassar cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. Vassar will not be obligated to delay a meeting or hearing under this process more than five (5) business days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by Vassar.

- a. **Notice of Meetings and Interviews** Vassar will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.
- b. **Delays** Each party may request a one-time delay in the Grievance Process of up to five (5) business days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Student Conduct, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

For example, a request to take a five-day pause made an hour before a hearing for which multiple parties and their advisors have traveled to and prepared for shall generally not be granted, while a request for a five-day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator shall have sole judgment to grant further pauses in the Process.

xi. Investigation

a. General Rules of Investigations

An investigator designated by the Title IX Coordinator will perform an investigation under a reasonably prompt timeframe of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

Vassar and not the parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Vassar and does not indicate responsibility.

Vassar cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Vassar will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e. evidence that tends to prove and disprove the allegations) as described below.

b. Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
2. inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

The institution will share the evidence made available for each party and each party's advisor, if any, to inspect and review through hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider

the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their designated extension request.

The institution will provide the parties five (5) business days after the initial inspection and review of evidence, and before the investigator completes their Investigative Report, to provide additional evidence in response to their inspection and review of the evidence, and then provide the parties five (5) business days to inspect, review, and respond to the party's additional evidence through a written response to the investigator. Those written responses may be disclosed to the parties.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination. The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

c. Inclusion of Evidence Not Directly Related to the Allegations:

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

xii. Investigative Report

The Title IX Coordinator and an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence, and provide that Report to the parties at least ten (10) business days prior the hearing in hard copy for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are otherwise relevant.

xiii. Hearing

a. General Rules of Hearings

1. Vassar will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing, unless otherwise resolved through an informal resolution process.
2. The live hearing may be conducted with all parties physically present in the same geographic location, or, at Vassar's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through Google Hangout

and Zoom. This technology will enable participants simultaneously to see and hear each other. At its discretion, Vassar may delay or adjourn a hearing based on technological errors not within a party's control.

3. All proceedings will be recorded through audio recording. That recording or transcript will be made available to the parties for inspection and review.
4. OPTIONAL: Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this Agreement may not be withdrawn

b. Continuances or Granting Extensions

Vassar may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, Vassar will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

c. Newly-discovered Evidence

As a general rule, no new evidence or witnesses may be submitted during the live hearing.

If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The Adjudicator will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly- discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the Adjudicator answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

d. Participants in the live hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

1. Complainant and Respondent (The Parties)

- i. The parties cannot waive the right to a live hearing.
- ii. The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence,

including through any evidence gathered that does not constitute a “statement” by that party.

For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement.

In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020), available at <https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html>.

- iii. Vassar will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation.
- iv. If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- v. The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions. The parties shall be subject to the institution’s Rules of Decorum.

2. The Decision-maker

- i. The hearing body will consist of a single adjudicator.
- ii. No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- iii. No member of the hearing body will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
- iv. The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
- v. The parties will have an opportunity to raise any objections regarding a decision- maker’s actual or perceived conflicts of interest or bias at the commencement of the live hearing.

3. Advisor of choice

- i. The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- ii. The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross- examination.
- iii. In addition to selecting an advisor to conduct cross-examination, the parties may select an advisor who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- iv. The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross- examination at no fee or charge to the party.
- v. The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.f. The advisor is not prohibited from being a witness in the matter.g. If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.
- vi. If neither a party nor their advisor appear at the hearing, Vassar will provide an advisor to appear on behalf of the non-appearing party.
- vii. Advisors shall be subject to the institution's Rules of Decorum, and may be removed upon violation of those Rules.

4. Witnesses

- i. Witnesses cannot be compelled to participate in the live hearing, and have the right not to participate in the hearing free from retaliation.
- ii. If a witness does not submit to cross-examination, as described below, the decision- maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing.
- iii. Witnesses shall be subject to the institution's Rules of Decorum.

5. Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- i. The adjudicator will open and establish rules and expectations for the hearing
- ii. The Parties will each be given the opportunity to provide opening statements
- iii. The adjudicator will ask questions of the Parties and Witnesses

- iv. Parties will be given the opportunity for live cross-examination after the adjudicator conducts its initial round of questioning; During the Parties' cross-examination, adjudicator will have the authority to pause cross-examination at any time for the purposes of asking the adjudicator's own follow up questions; and any time necessary in order to enforce the established rules of decorum.
- v. Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the adjudicator. A Party's waiver of cross-examination does not eliminate the ability of the adjudicator to use statements made by the Party.

6. Live Cross-Examination Procedure

- i. Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.
- ii. Before any cross-examination question is answered, the adjudicator will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the adjudicator may be deemed irrelevant if they have been asked and answered.

7. Review of Recording

- i. The recording of the hearing will be available for review by the parties within (ten) 10 business days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

8. Determination Regarding Responsibility

- i. **Standard of Proof** Vassar uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this Policy. This means that the investigation and hearing determines whether it is more likely than not that a violation of the Policy occurred.
- ii. **General Considerations for Evaluating Testimony and Evidence**
 - a. While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Decision-maker.
 - b. Decision-makers shall not draw inferences regarding a party or witness' credibility based on the party's or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about

how a party or witness would or should act under the circumstances.

- c. Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.
- d. Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.
- e. Decision makers will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
- f. Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed, but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.
- g. The Final Rule requires that Vassar allow parties to call "expert witnesses" for direct and cross examination. While the expert witness will be allowed to testify and be cross examined as required by the Final Rule, the decision-maker will be instructed to afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross examination and regardless of whether all parties present experts as witnesses.
- h. The Final Rule requires that Vassar allow parties to call character witnesses to testify. While the character witnesses will be allowed to testify and be cross examined as required by the Final Rule, the decision-maker will be instructed to afford very low weight to any non-factual character testimony of any witness.
- i. The Final Rule requires that Vassar admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

- j. j. Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the adjudicator may draw an adverse inference as to that party or witness' credibility.

iii. Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. The Determination will include:

- a. Identification of the allegations potentially constituting covered sexual harassment;
- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination
- d. Conclusions regarding which section of the College Regulations, or relevant employee handbook, if any, the respondent has or has not violated.
- e. For each allegation
 - i. A statement of, and rationale for, a determination regarding responsibility;
 - ii. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent;and
 - iii. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- f. The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

iv. Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the determination regarding responsibility will be issued by Vassar within ten (10) business days of the completion of the hearing.

v. Finality

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

vi. Appeals

- a. Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within five (5) business days of being notified of the decision, indicating the grounds for the appeal.
- b. The limited grounds for appeal available are as follows:
 - i. Procedural irregularity that affected the outcome of the matter (i.e., a failure to follow the institution's own procedures);
 - ii. 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;
 - iii. The Title IX Coordinator, investigator(s), or decision-maker had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
 - iv. The sanctions imposed are disproportionate to the severity of the violation or outside the parameters set by the College. The appeal body will return the complaint to the Chair/senior officer of the Grievance Hearing Panel, who may then increase, decrease, or otherwise modify the sanctions.
- c. The submission of appeal stays any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.
- d. If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.
- e. Appeals may be no longer than 20 pages (including attachments). Appeals should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12 point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.
- f. Appeals will be decided by the appropriate Appeal body, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter. If the respondent in the original complaint is a faculty member, the elected

faculty Appeal Committee hears all appeals, except for appeals of a remedy or sanctions determined by the Appeal Committee itself, which are heard by the Academic Affairs Committee of the Board of Trustees. If the respondent in the original complaint is a student, the College Regulations Appeal Panel, chaired by the Dean of the College, hears all appeals. If the respondent in the original complaint is a non-faculty employee, the Vice President of Human Resources hears all appeals unless the initial grievance panel was chaired by the Vice President of Human Resources. In this case, the president appoints another senior officer to hear the appeal.

- g. Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

vii. Retaliation

- a. Vassar will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.
- b. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.
- c. No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.
- d. Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment.
- e. Complaints alleging retaliation may be filed according to Vassar's retaliation policy.

- f. Vassar is committed to the principles of integrity in an academic community, as articulated in the statement on Academic Responsibility and Respect for Persons. Vassar's policy is not to discriminate in the administration of its educational policies, admissions policies, scholarships and loan programs, athletics programs, or other College programs and activities, and not to tolerate discrimination or harassment of its faculty, administration, staff, students, or visitors.
- g. The College prohibits discrimination on based on an individual's actual or perceived race, color, religion, or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military status or affiliation, predisposing genetic information/characteristics, familial status, domestic violence victim status, age, other characteristic protected by law, or participation in activities protected by law.
- h. The Vassar College Office for Equal Opportunity and Affirmative Action (EOAA) oversees, facilitates and supports the college's efforts to ensure equal opportunity for all persons regardless of protected characteristics and participation in protected activities in employment, educational programs and activities, and admissions.

ix. Sanctions

The College reserves the right to take whatever measures it deems necessary, and that are available under federal and state law, in response to an allegation of sexual misconduct and gender-based violence in order to protect students' rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, no contact orders, and interim suspension or emergency removal from campus pending a hearing. When a charge of sexual misconduct is formally processed, and a respondent is found to have violated this policy, appropriate sanctions will be used to reasonably ensure that such actions are never repeated. Not all forms of sexual misconduct and gender-based violence will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions, ranging from a verbal warning to expulsion, depending on the severity of the offense. The College also reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or severe violations of College Regulations. Neither the initial hearing body nor any appeals body will deviate from the range of recommended sanctions unless compelling justification exists to do so.

When a charge of misconduct covered by this policy is formally processed, and a respondent is found to have violated this policy, serious sanctions will be imposed. The College reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on

the severity of the offense³. The College also reserves the right to broaden or lessen any range of recommended sanctions when appropriate in light of mitigating circumstances or the nature of the behavior. The College will not deviate from the range of recommended sanctions unless compelling justification exists to do so.

- a. Any person found responsible for violating the Sexual Misconduct Policy for non-consensual sexual contact (where no intercourse has occurred) may receive a sanction from the list detailed in the footnote below. Those sanctions listed range from probation to expulsion/termination, depending on the severity of the incident, and taking into account any concurrent or previous College regulations violations.
- b. Any person found responsible for violating the Sexual Misconduct Policy for non-consensual or forced sexual intercourse will likely face a recommended sanction of suspension or expulsion/termination, and taking into account any concurrent or previous College regulations violations.
- c. Any student found responsible for violating the Sexual Misconduct Policy for sexual exploitation or sexual harassment will receive a sanction from the list detailed in the footnote below. This will range from warning to expulsion/termination, depending on the severity of the incident, and taking into account any concurrent or previous College regulations violations.
- d. Any student found responsible for dating violence or a college policy violation equivalent to dating violence will receive a sanction of
- e. Any student found responsible for domestic violence or a college policy violation equivalent to dating violence will receive a sanction of
- f. Any student found responsible for stalking or a college policy violation equivalent to dating violence will receive a sanction of

x. Transcript Notations

When a student is suspended or expelled because of a responsible finding for a violent offense,⁴ Vassar will make a notation on the student's transcript that they were "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." Individuals who withdraw from the college while such conduct charges are pending will have "withdrew with conduct charges pending" on their transcript until the case is resolved. If a finding of responsibility is vacated for any reason, any

³ The full range of possible sanctions for violations of college regulations include but are not limited to: Educational interventions, Warnings, Mandated Service, Restitution, Loss of privileges, Ban, Reassignment, Probation, Removal from Campus Housing, Deferred Suspension, Suspension of 1, 2, 3, 4, 5, 6, 7, or 8 semesters, Expulsion.

⁴ Article 129-B of the New York Education Law requires transcript notations for "violent crimes" which include murder, sexual offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, manslaughter, and arson, as defined by the Jeanne Clery Act.

such transcript notation shall be removed. Students may submit a written request to the Dean of Studies Office that the suspension notation be removed from the transcript. Notation for suspensions is not eligible for removal until one year after the suspension has been completed. In considering a student's request, the College will look at whether there has been any further conduct violations in the year following conclusion of the suspension. The college will keep a confidential, internal record of the suspension. Notation for expulsions shall not be removed.

xi. Confidentiality and Privacy

Vassar College will endeavor to maintain confidentiality in all informal and formal proceedings, except as otherwise specified in these statements of procedure or as required by law. Even College 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 EOAA Office/Title IX Coordinator to investigate and/or seek a resolution.

xii. Victim Confidentiality

Vassar College recognizes the sensitive nature of sexual violence and is committed to protecting the privacy of any individual who reports an incident of sexual violence. Personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources for support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20)). Further, the institution will maintain as confidential, any supportive measures or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the names of crime victims or house identifiable information regarding victims in the College Safety and Security department's Daily Crime and Fire Log or online. Students may block the public disclosure of directory information by notifying the Office of the Registrar in writing. Requests for non-disclosure will be honored by the college until removed in writing by the student. Students may also control the types of directory information displayed in the online Student Directory by going to the Student Directory page of the Vassar College website and logging into "set student display preferences."

xiii. Interim Accommodations or Supportive Measures

Interim accommodations or supportive measures (accommodations) are available to all parties while an investigation is occurring and whether or not a student or employee reports to law enforcement and/or pursues any formal action with the College. Forms of interim accommodations can vary from a campus no-contact order, reassigning an individual to a different course schedule or class, adjusting work schedules, housing assignments, limiting access on campus, and/or interim suspension or emergency removal from campus as allowed by law. Interim action that maximizes the ability for all parties involved to continue their

education/work on campus, while minimizing adverse effects will be sought and interim actions will not unduly burden either party. Many forms of interim accommodations can be utilized even if you do not want to seek disciplinary action against a person.

All parties to an investigation or adjudication will be afforded a prompt review, reasonable under the circumstances, of the need for and the terms of any interim measure and accommodation that directly affects them, and will be allowed to submit evidence in support of their request.

Students and employees may contact the Title IX Coordinator, the SAVP Director, or SAVP Advocates for assistance with such accommodations. Certain accommodations may be made even if a student does not wish to formally report an incident of sexual violence to the College.

A complainant may meet with Vassar Safety and Security and/or the Director of Support, Advocacy, and Violence Prevention to develop a Safety Action Plan, which is a plan for Vassar and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services through the local court's system. Pursuant to Federal law, the State of New York will honor Orders of Protection and related (such as restraining orders) issued by other states and Native American Nations.

xiv. No-Contact Orders

A campus no-contact order is a directive issued by a campus authority that prevents contact between persons or from one person to another. Such an order may be issued through the formal reporting process (i.e. Student Conduct) or under the direction of a Title IX Coordinator. This may apply to communications in-person, online, and other forms of contact, both on and off-campus. It is important to note that this is different than a civil order, which is issued by a court. A campus no-contact order may be issued as a sanction or outcome, and may also be issued on an interim basis while an incident is under investigation or adjudication.

Both the accused/respondent and the reporting individual shall, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of a no-contact order, including potential modification, and shall be allowed to submit evidence in support of their request.

xv. Alcohol and/or Drug Use Amnesty

The safety and health of students is the overriding concern of the college.

In order to encourage those who may be in danger from alcohol poisoning or alcohol/ drug-related injury to get proper assistance, no student in need of medical treatment for her or his alcohol or other drug-related overdose, or assisting another student in obtaining such medical treatment, will be found responsible for the violation of using alcohol or drugs or of providing

alcohol or drugs to the student they have assisted in obtaining treatment. Students may, however, be found responsible for violations outside of drug/ alcohol use and/or distribution of drugs/alcohol if they are identified.

The college also recognizes that students who have been drinking and/ or using drugs (whether such use is voluntary or involuntary) in situations involving domestic violence, dating violence, stalking, or sexual assault may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Vassar strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to institution officials. A reporting individual acting in good faith or a bystander acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to college officials or law enforcement will not be subject to Vassar's code of conduct 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.

xvi. Advisor/Support Person

The complainant and the respondent each may have a support person/advisor of their choosing present with them during any investigatory meeting and resolution processes to provide advisement/moral support. here is no restriction regarding who may serve as a support person. A support person will limit their role in meetings/ hearings to that of a support person to the complainant or the respondent. Except as otherwise required by Title IX Regulations and College policy thereunder, a support person will have no speaking role at meetings/hearings. Witnesses and others involved in an investigation are not entitled to have a support person.

xvii. Legal Counsel

It is the reporting individual's and the respondent's decision whether to seek the advice and assistance of an attorney at their own expense if they need legal advice. Although anyone has the right to seek legal advice, and legal counsel may act as a support person, neither the complainant nor the respondent may be represented by legal counsel at investigatory interviews, informal resolution processes, or a college administrative hearing. In proceedings covered by Title IX and the Department of Education's 2020 Final Rule, parties must submit to cross examination by parties' advisors of choice (who may or may not be an attorney) but that obligation is limited to cross examination of testimony in a live hearing.

xviii. Bystander Intervention and Risk Reduction

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander:

- a. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- b. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- c. Speak up when someone discusses plans to take sexual advantage of another person.
- d. Offer support to someone who discloses sexual assault, abusive behavior or experiences with stalking.
- e. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

If you or someone else is in immediate danger dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt. Further information regarding bystander intervention may be found at https://www.nsvrc.org/sites/default/files/2018-02/publications_nsvrc_tip-sheet_bystander-intervention-tips-and-strategies_1.pdf.

I. RISK REDUCTION

i. Sexual And Gender-Based Violence Prevention and Awareness Programs

Throughout the year, a variety of College resources including The Office for Equal Opportunity and Affirmative Action/Title IX (EOAA or Title IX), Support, Advocacy, & Violence Prevention (SAVP) Office, and Office of Health Promotion & Education offer primary prevention and awareness programs. These programs center around sexual assault, dating and domestic violence and stalking. These programs include an overview of the College's policies and procedures prohibiting these offenses, relevant definitions of these offenses and consent under New York State Law, discussion of the impact of alcohol and illegal drug use, effective consent, safe and positive options for bystander intervention, information about risk reduction, and support resources available to students.

Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive information on a periodic basis. All incoming students complete an online course, "Sexual Assault Prevention for Undergraduates," through Foundry before they are eligible to register for fall classes. This course details information about Vassar's sexual misconduct policy, as well as issues pertaining to consent, sexual assault, dating violence, stalking, healthy relationships and bystander intervention. Additionally, during first-year orientation they attend Speak About It (speakaboutitonline.com), an educational performance with information pertaining to Vassar's policy, healthy relationships, and bystander intervention. All incoming students also attend small-group bystander intervention training workshops to discuss strategies to safely intervene in risky situations. The Support, Advocacy, & Violence Prevention (SAVP) Office is committed to providing both

peer-to-peer and administrator-led violence prevention workshops to the Vassar campus community throughout the academic year. Workshops include information and training around issues of consent, sexual assault, dating/domestic violence, stalking, the impact of rigid gender norms and stereotypes, and effective bystander intervention tools to confront gender-based violence in the community. SAVP has also offered Mentors in Violence Prevention (MVP) trainings (<http://www.mvpnglobal.org/>) to the Vassar community, once a semester.

Workshops can also be tailored to fit the needs of your group or organization. If you would like more information or violence prevention resources please email the SAVP Program Coordinator at savp@vassar.edu. Programs are available for student and employee groups.

Below is a list of some of the programs available at Vassar:

- a. Annual Title IX/SAVP training on sexual misconduct/consent policies, prevention, bystander intervention, on/off campus support resources, reporting options and procedures, etc. for the following campus constituents:
 - i. Safety & Security, First-year Students, Student Organization Leaders, House Teams (Students and Professional Staff), Athletics, Summer program employees/participants, Health Promotion and Education, Health Services, Faculty, Staff.
- b. Awareness Campaigns via tabling for i.e. Domestic Violence Awareness Month (Annual) and Sexual Assault Awareness Month (Annual), Title IX/SAVP participation in annual campus health and resource fairs; collaborations for campus participation in local and national initiatives i.e. Take Back the Night, Walk a Mile in Her Shoes, Denim Day.
- c. SAVP Advocate training on protocols and survivor support (monthly)
 - i. Peer-to-peer student group trainings (as requested) on resources, consent, healthy relationships, bystander intervention, etc.

Annual Training of Employees

Sex Offender Registration – Campus Sex Crimes Prevention Act

In accordance with the “Campus Sex Crimes Prevention Act of 2000”, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, Vassar is providing contact information to the State of New York Offender Registry. Federal and state laws require a person designated as a “sexual predator or offender” to register with the New York State Division of Criminal Justice. The State Division of Criminal Justice is required to notify the local law enforcement agency where the registrant resides, attends, or is employed by an institution of higher learning. Students, faculty, and staff may access information about sexual predators/offenders at: <http://www.criminaljustice.ny.gov>.

VASSAR COLLEGE'S POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

Vassar Alcohol and Drug Policy

Vassar's policies and procedures are distributed to the entire college community. Please refer to Vassar College Regulations 2019-2020. Federal law requires Vassar College to notify annually all faculty, staff, and students of the following:

Vassar College aims to create an environment that promotes the highest levels of learning alongside a healthy and vibrant social atmosphere. To this end, the college is constantly re-evaluating the quality of life on campus. In order to protect all members of the Vassar community, members should understand that the unlawful possession, use, distribution, or manufacture of illicit drugs by students and/or employees, on College property or as part of any school activity, is strictly prohibited by the college, as well as by New York State law.

Furthermore, members of the community should understand that Vassar College observes all laws and regulations governing the sale, purchase, and serving of alcoholic beverages by all members of its community and expects that these laws, regulations, and procedures will be adhered to at all events associated with the college. This includes activities on the Vassar campus, in any work area, and at off-campus functions sponsored and supported by Vassar College. The college will continue to work cooperatively with local police agencies to maintain an environment conducive to the learning and social development of our members. Except as specifically provided in New York State Education Law 129-B and in Vassar policy, the College cannot and will not protect any member of the Vassar community who has broken federal, state, and/or local law. The College offers amnesty from drug and alcohol conduct violations to victims and bystanders who report sexual and interpersonal violence in good faith. To learn more, visit: <https://eoaa.vassar.edu/title-ix/reporting/students-bill-of-rights/alcohol-and-other-drugs.html>. Sanctions may include referral for prosecution, any of the sanctions outlined in college policies governing students and employees, up to and including suspension or expulsion of a student and termination of an employee, and/or the required completion of an appropriate rehabilitation program.

Illegal Substances (Drugs)

It is a violation of state law and college policy to illegally possess, use, distribute, manufacture, sell or be under the influence of illicit drugs. Students who violate this policy will be referred to the Office of Residence Life, the Office of Student Services, and/or Safety and Security.⁵

Drugs Risks and Consequences

The college recognizes that alcohol and illicit drug abuse are harmful to relationships and family life, work and creativity, study and research, and the health and safety of our community members. Specifically the college would like to remind the community of the following risks associated with the use of illicit drugs and abuse of alcohol:

5 See APPENDIX B for Federal and New York State Laws Regarding Drug and Alcohol violations

Interpersonal Problems: The more a person abuses alcohol or illicit drugs the greater potential for problems within relationships.

2. **Academics:** Difficulty meeting academic responsibilities is one of the most common consequences of alcohol and illicit drug use. Academic problems may include earning lower grades, doing poorly on exams or papers, missing classes, and falling behind on assignments.
3. **Accidents:** The use of alcohol and drugs can alter a person's judgment, normal reaction, and perception; impair motor skills; lower inhibitions; and intensify emotions. All of these increase the chances of accidents either to the user or to others.
4. **Illness and Health Problems:** The use of alcohol and drugs can impact a person's health by putting them at a greatly increased risk for health and psychiatric problems, as well as increased morbidity and mortality.
 - a. Alcohol and illicit drugs can interact negatively with over-the-counter and prescription drugs. Every individual reacts differently to alcohol and drugs, at different times.
 - b. Short-term alcohol and drug abuse can lower a person's immune system, making them more susceptible to colds, illnesses, and injuries.
 - c. Long-term alcohol and drug abuse can lead to serious health risks such as addiction, liver disease, heart disease, and certain kinds of cancers.

Know the signs of alcohol/drug impairment:

- Passed out or difficult to awaken
- Cold, clammy, pale or bluish skin
- Slowed breathing
- Vomiting (asleep or awake)

Know how to help:

- Turn a vomiting person on their side to prevent choking

Clear vomit from the mouth

Keep the person awake

NEVER leave the person unattended

Drug and Alcohol Education Programs/Resources

Vassar College has a deep-rooted respect for its students and employees, and for this reason seeks to share the responsibility of promoting a healthy, safe environment free of drug and alcohol abuse with all members of the Vassar community. Vassar conducts numerous passive and active evidence-based educational programs throughout the year for students, house teams and peer educators.

Below is a list of some of the programs/resources available at Vassar:

The College provides an alcohol and drug education program for all new students, as well as ongoing programming about alcohol and drug use and abuse for students throughout the academic year;

The Office of Health Promotion and Education provides programs, outreach, and consultation for students around all areas of health and wellness. The office is committed to making sure that students feel comfortable accessing resources and are aware of the different resources on campus. The Office of Health Promotion and Education provides both small and large scale programs about sexual health, nutrition, birth control, stress reduction, disordered eating, how to help a friend who may be struggling, alcohol and other drugs. Some of our most popular programs include the Harvest Health Fair, Halloween 5K Fun Run, Birth Control 101, Destress Daze, and SEXpo;

“One Less,” a peer lead alcohol education program offered to all first-year student during Orientation week;

Annual assignment of Alcohol Edu, an interactive online program that uses the latest evidence-based prevention methods to inspire students to make healthier decisions related to alcohol and other drugs, educate students on the mental and physical effects of alcohol, prepare students to engage in bystander intervention, etc., to incoming first-year students;

The Office of Residential Life and Student Wellness Office refers students to the Health Education Office for services such as “BASICS” (Brief Alcohol Screening for College Students), and provides educational workshops for students in student conduct violation of campus policy on the use of drugs and alcohol, as needed; and

Health resources including STI/D testing, basic needs pantry, biofeedback monitoring.

While Vassar would like to emphasize that its primary goal is to educate students on the dangers of alcohol and drug abuse, information regarding resources for Faculty and Staff can be accessed through the Employee Assistance Program, as described at <http://humanresources.vassar.edu/benefits/staff/eap.pdf>.

ANNUAL DISCLOSURE OF CRIME STATISTICS

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. Vassar’s Safety and Security Department maintains a close relationship with local police departments to ensure that crimes reported directly to these police departments that involve Vassar College are brought to the attention of the Safety and Security.

The Safety and Security Department collects the crime statistics disclosed in the charts through a number of methods. The following statistics also include crimes that are reported to various Campus Security Authorities, as defined in this report. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.⁶

Primary Crimes	Year	On Campus	Student Housing (subset of On Campus)	Noncampus Building or Property	Public Property	Unfounded
Criminal Homicide						
<i>Murder and Nonnegligent Manslaughter</i>	2017	0	0	0	0	0
	2018	0	0	0	0	0
	2019	0	0	0	0	0
<i>Negligent Manslaughter</i>	2017	0	0	0	0	0
	2018	0	0	0	0	0
	2019	0	0	0	0	0
Sex Offenses						
Rape	2017	17	11	0	0	0
Fondling	2017	5	3	0	0	0
Incest	2017	0	0	0	0	0
Statutory Rape	2017	0	0	0	0	0
Rape	2018	13	7	0	0	0
Fondling	2018	4	2	0	0	0
Incest	2018	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
Rape	2019	17	16	0	0	0
Fondling	2019	21	17	0	0	1
Incest	2019	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
Notes						
<p>The statistics for Sex Offenses are also included in those incidents reported to Health Services, Health Education, the Title IX Office and the SAVP Coordinator</p> <p>In the year 2019, there were (0) Hate Crimes committed on Campus.</p> <p>In the year 2018, there were zero (0) Hate Crimes committed on Campus</p> <p>In the year 2017, there were five (5) Hate Crimes committed on Campus, Four (4) involved vandalism based upon Race and One (1) involved Intimidation based upon National Origin all occurred in On Campus-Student Housing Facilities.</p> <p>All Clery Statistics are based on the locations owned or controlled by Vassar College</p> <p>*Revised Burglary total for 2018 from 9 to 8 after Department of Education classification guidance</p>						

Primary Crimes	Year	On Campus	Student Housing (subset of On Campus)	Noncampus Building or Property	Public Property	Unfounded
Robbery	2017	0	0	0	0	0
	2018	1	0	0	0	0
	2019	2	1	0	0	0
Aggravated Assault	2017	0	0	0	0	0
	2018	0	0	0	0	0
	2019	0	0	0	0	0
Burglary	2017	23	14	0	0	0
	2018	*8	3	0	0	0
	2019	2	2	0	0	0
Motor Vehicle Theft	2017	0	0	0	0	0
	2018	0	0	0	0	0
	2019	0	0	0	0	0
Arson	2017	0	0	0	0	0
	2018	0	0	0	0	0
	2019	0	0	0	0	0
VAWA Offenses						
Dating Violence	2017	3	1	0	0	0
	2018	0	0	0	0	0
	2019	17	15	0	0	0
Domestic Violence	2017	1	0	0	0	0
	2018	3	3	0	0	0
	2019	1	1	0	0	0
Stalking	2017	3	2	0	0	0
	2018	3	2	0	0	0
	2019	5	3	0	0	0
Arrests & Disciplinary Referrals		Arrest				
		On Campus	Student Housing	Noncampus Building or Property	Public Property	
<i>Liquor Law Violations</i>	2017	0	0	0	0	
	2018	0	0	0	0	
	2019	0	0	0	0	
<i>Drug Abuse Violations</i>	2017	0	0	0	0	
	2018	2	0	0	0	
	2019	0	0	0	0	
<i>Illegal Weapons Possession</i>	2017	0	0	0	0	
	2018	0	0	0	0	
	2019	0	0	0	1	
Arrests & Disciplinary Referrals		Referred for Disciplinary Action				
		On Campus	Student Housing	Noncampus Building or Property	Public Property	
<i>Liquor Law Violations</i>	2017	18	14	0	0	
	2018	11	9	0	0	
	2019	4	2	0	0	
<i>Drug Abuse Violations</i>	2017	24	12	0	0	
	2018	37	33	0	0	
	2019	16	14	0	0	
<i>Illegal Weapons Possession</i>	2017	0	0	0	0	
	2018	0	0	0	0	
	2019	0	0	0	0	

ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution. The following report details all information required by this act for Vassar College.

Definitions

The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act:

On-Campus Student Housing – A 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 a reasonable contiguous area that makes up the campus.

Fire – Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Residence Hall Fire Drills

Fire Drills are conducted in all residential buildings four times per year. New York State Office of Fire Prevention and Control staff inspect all campus buildings annually and the College corrects any identified violations consistent with the requirements of the inspection program.

Vassar College takes Fire Safety very seriously and continues to enhance its programs to the College community through education, engineering and enforcement. Educational programs are presented throughout the year to faculty, staff and students so they are aware of the rules and safe practices. These programs, which are available at all campus locations, include identification and prevention of fire hazards, actual building evacuation procedures and drills, specific occupant response to fire emergencies and hands-on use of fire extinguishers.

The College maintains and tests all fire alarms and automatic fire suppression systems in accordance with the appropriate New York State Fire Code and National Fire Protection Association Standard to insure system readiness and proper operation in the event of a fire emergency.

Description of Fire Safety System

Vassar maintains various fire safety systems in on-campus residential facilities (more in comment).

Vassar College has adopted and developed numerous Safety Policies and Guidelines to help promote a safe living and work environment. These policies, guidelines and other fire safety information can be accessed on the Internet at <http://buildingsandgrounds.vassar.edu/safety/fire/>.

Additional information can be accessed using the following link, <http://residentiallife.vassar.edu/procedures/>.

Additional protection is provided by Safety and Security who are trained for initial response to fire incidents occurring at campus facilities. Officers provide assistance as requested by the fire department.

Campus Fire Safety Policies

Appliances

Extension cords, hot plates, halogen lamps, and immersion coils are **prohibited**. Air conditioners are permitted when they are authorized by the Office of Accessibility and Educational Opportunity. Freezers, dishwashers, washing machines, and open-coil appliances are **prohibited** in college residences as they pose a threat of electrical overload and/or fire.

Space heaters may only be used when they are required under the Energy Conservation Policy (see link <http://buildingsandgrounds.vassar.edu/policies/>) installed by Buildings and Grounds. They must be plugged directly into a wall outlet. Micro-fridges, computers, stereos, televisions, radios, irons, non-commercial hair dryers, and other similar appliances are permitted, unless specifically prohibited by the Office of Residential Life. All appliances must have a manufacturer's label that shows the listing by a nationally recognized testing laboratory (e.g., ETL, UL, etc.). We require the use of a relocatable power tap (sometimes called a power strip or surge protector) that is UL listed and has an integral circuit breaker that disconnects the current before damage is done. Other surge protectors and extension cords are not permitted. Care should be taken to prevent fire hazards resulting from excessive use of appliances and over-dependence on power strips.

Prohibited Items

Please do not bring any of the following, as they are not permitted in the residence houses or apartments:

- microwave ovens (unless it is a combination microwave oven and refrigerator, which can be rented from Campus Specialties, Inc.)
- pets (except those kept in a cage, aquarium, or terrarium)
- electric blankets, sheets, and mattresses
- heating pads
- hot plates
- immersion heaters
- toasters (allowed in apartment area)
- hot pots without auto shut-off
- corn poppers (allowed in apartment area)
- percolators
- irons without auto shut-off
- candles
- incense
- electric frying pans and grills (allowed in apartment area)
- woks (allowed in apartment area)
- ultraviolet / infrared lamps
- halogen lamps
- extension cord(s)

Fire or Smoke-Producing Articles

Bunsen burners, portable stoves, kerosene lamps, cut trees, incense and candles are prohibited in residences. Possession of hibachis, barbecue grills, smokers, potpourri burning units or other fire-starting devices/substances are prohibited in the Houses, as is their use in residential areas or adjacent outdoor space without staff supervision. Violators are subject to judicial action and criminal prosecution.

Open flames are prohibited in residential facilities. Smoking is prohibited across campus (including but not limited to residential facilities).

Fire Incident Reporting

Students/Staff are required to report all fires to Safety and Security by calling the Campus Response Center (CRC) at 845-437-7333 or 7333 from a campus phone. In an emergency, please contact 911 directly and make sure you give them detailed information about your location. CRC Officers will dispatch the appropriate emergency responders and campus staff to respond and document the condition(s). Safety and Security staff will excerpt those reports and forward electronically to the Director of Environmental Health and Safety who will ensure it is entered in the required Fire Log.

Procedures for Student Housing Evacuation

In case of an emergency requiring evacuation, students, employees, and community members should follow posted signs to exit the building safely. Staff may also provide further instructions. Please avoid using the elevator and instead use the stairs. The College has a procedure for evacuating students with disabilities. Each student with a relevant disclosed disability is trained individually at the beginning of the academic year. The College works with the Town of Poughkeepsie: Arlington Fire District on evacuations of students with disabilities in case of fire.

Fire Safety Education and Training Programs for Students, Faculty and Staff

All Professional Residential Life staff, Student Leaders and House Officers participate in annual life safety training. Typically, the training involves multiple training stations in a “Train the Trainer” format, offered in conjunction with Town of Poughkeepsie: Arlington Fire District staff including:

- Building evacuation procedures
- Use of fire extinguishers
- Common fire code violations
- College rules/regulations concerning appliances, open flames, prohibited items and smoking

Fire Drills are conducted in all residential buildings four times per year. New York State Office of Fire Prevention and Control Staff inspect all campus buildings annually and the College corrects any identified violations consistent with the requirements of the inspection program.

Students/Staff are required to report all fires to Safety and Security by calling the Campus Response Center (CRC) at 845-437-7333 or 7333 from a campus phone. CRC Officers will

dispatch the appropriate emergency responders and campus staff to respond and document the condition(s). Safety and Security staff will excerpt those reports and forward electronically to Director of Environmental Health and Safety who will ensure it is entered in the required Fire Log.

Plans for Future Improvements in Fire Safety

Vassar College continues to monitor trends related to residence hall fire incidents and alarms to provide a fire safe living environment for all students. New programs and policies are developed as needed to help insure the safety of all students, faculty and staff.

HEOA Fire Safety Report data 1/1/2019-12/31/2019		Fire Statistics					Fire Safety Systems			
Student Residences	Address	Number of Fires	Cause of Fire	Number of Injuries	Number of Deaths	Property Value Damage	Fire Alarm and Detection Systems	Full Sprinkler System	Evac Plans Posted	Evac Drills Cond/yr
Lathrop	11 North Campus Drive	0		0	0	0	YES	YES	YES	4
Strong	7 North Campus Drive	0		0	0	0	YES	YES	YES	4
Raymond	21 Josselyn Drive	0		0	0	0	YES	YES	YES	4
Davison	17 Josselyn Drive	0		0	0	0	YES	YES	YES	4
Josselyn	12 Josselyn Drive	0		0	0	0	YES	YES	YES	4
Jewett	15 Josselyn Drive	0		0	0	0	YES	YES	YES	4
Main	100 Main Campus Drive	0		0	0	0	YES	YES	YES	4
Ferry	60 Main Campus Drive	0		0	0	0	YES	YES	YES	4
Cushing	16 Kenyon Drive	0		0	0	0	YES	YES	YES	4
Noyes	10 Kenyon Drive	0		0	0	0	YES	YES	YES	4
South Commons 1	1 South Commons Drive	0		0	0	0	YES	YES	YES	4
South Commons 2	2 South Commons Drive	0		0	0	0	YES	YES	YES	4
South Commons 3	3 South Commons Drive	0		0	0	0	YES	YES	YES	4
South Commons 4	4 South Commons Drive	0		0	0	0	YES	YES	YES	4
South Commons 5	5 South Commons Drive	0		0	0	0	YES	YES	YES	4
South Commons 6	6 South Commons Drive	0		0	0	0	YES	YES	YES	4
South Commons 7	7 South Commons Drive	0		0	0	0	YES	YES	YES	4
South Commons 8	8 South Commons Drive	0		0	0	0	YES	YES	YES	4
South Commons 9	9 South Commons Drive	0		0	0	0	YES	YES	YES	4
Terrace Apartment 01	1 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 02	2 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 03	3 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 04	4 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 05	5 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 06	6 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 07	7 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 08	8 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 09	9 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 10	10 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 11	11 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 12	12 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 13	13 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 14	14 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 15	15 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 16	16 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 17	17 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 18	18 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 19	19 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 20	20 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 21	21 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 22	22 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 23	23 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 24	24 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 25	25 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 26	26 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 27	27 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 28	28 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 29	29 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 30	30 Terrace Lane	0		0	0	0	YES	YES	YES	4
Terrace Apartment 31	31 Terrace Lane	0		0	0	0	YES	YES	YES	4

Terrace Apartment 32	32 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 33	33 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 34	34 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 35	35 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 36	36 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 37	37 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 38	38 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 39	39 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 40	40 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 41	41 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 42	42 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 43	43 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 44	44 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 45	45 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 46	46 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 47	47 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 48	48 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 49	49 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 50	50 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 51	51 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 52	52 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 53	53 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 54	54 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 55	55 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 56	56 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 57	57 Terrace Lane	0	0	0	0	YES	YES	YES	4
Terrace Apartment 58	58 Terrace Lane	0	0	0	0	YES	YES	YES	4
Townhouse 040	40 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 042	42 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 044	44 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 046	46 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 048	48 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 050	50 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 052	52 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 054	54 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 056	56 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 058	58 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 062	62 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 064	64 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 066	66 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 068	68 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 070	70 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 072	72 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 074	74 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 076	76 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 078	78 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 080	80 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 084	84 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 086	86 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 088	88 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 090	90 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 092	92 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 094	94 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 096	96 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 098	98 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 100	100 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 102	102 Brewers Lane	0	0	0	0	YES	YES	YES	4
Townhouse 106	106 Brewers Lane	0	0	0	0	YES	YES	YES	4

Townhouse 108	108 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 110	110 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 112	112 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 114	114 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 116	116 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 118	118 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 120	120 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 122	122 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 124	124 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 128	128 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 132	132 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 134	134 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 136	136 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 138	138 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 140	140 Brewers Lane	1	trash can fire	0	0	0-99	YES	YES	YES	4
Townhouse 142	142 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 148	148 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 152	152 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 154	154 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 156	156 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 158	158 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 160	160 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 162	162 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 164	164 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 166	166 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 168	168 Brewers Lane	0		0	0	0	YES	YES	YES	4
Townhouse 170	170 Brewers Lane	0		0	0	0	YES	YES	YES	4
49 Collegeview	49 Collegeview	0		0	0	0	NO	NO	NO	0
12 Old Silvermine	12 Old Silvermine	0		0	0	0	NO	NO	NO	0
Total		1								

APPENDICES

APPENDIX A

NEW YORK STATE CRIME DEFINITIONS

A **sexual assault** is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent, as well as incest or statutory rape.

Domestic violence is a felony or misdemeanor crime of violence committed by:

1. A current or former spouse or intimate partner of the victim;
2. A person with whom the victim shares a child in common;
3. A person who is cohabitating with or has cohabitated with the victim as a spouse;
4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies;
5. 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.

Dating Violence

New York State does not specifically define "dating violence." However, under New York Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime and is committed by a person in an "intimate relationship" with the victim. The existence of such relationship may include the consideration of the following factors:

1. Length of the relationship;
2. Type of relationship;
3. Frequency of interaction between the persons involved in the relationship.

Rape/Sexual Assault The following summary provides information about sexual offenses recognized under New York State Penal Law. Individuals who are victims of any sexual offense are urged to report it to the Town of Poughkeepsie Police Department and/or the District Attorney's Office.

Sexual Misconduct (NYS § 130.20) occurs when a person engages in sexual intercourse, and/or oral or anal sexual conduct with another person without the latter's consent. (NYS Class A Misdemeanor)]

Forcible Touching (NYS § 130.52) occurs 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. For the purposes of this policy, forcible touching includes squeezing, grabbing, or pinching. (NYS Class A Misdemeanor)

Sexual Abuse (NYS § 130.55/.60/.65) occurs when a person has sexual contact with another person without the latter's consent. The level of offense is elevated by the use of forcible compulsion, or when the latter person is incapable of consent by reason of physical helplessness, or when the latter person is less than fourteen years old. (NYS Class B, A, Misdemeanor(s),

Class D Felony)

Aggravated Sexual Abuse (NYS § 130.65-A/.66/.67/.70) occurs when a person inserts a finger or foreign object in the vagina, urethra, penis, or rectum of a person who is incapable of consent. The level of offense is elevated by the use of forcible compulsion, when the latter person is incapable of consent by reason of physical helplessness, mental disability or incapacitation, or when the person is less than eleven years old. The level of offense is elevated when the insertion causes physical injury to the latter person. (NYS Class E, D, C, B Felony)

Rape (NYS § 130.25/.30/.35) occurs when a person engages in sexual intercourse with a person who is incapable of consent. The level of offense is elevated by the use of forcible compulsion, when the latter person is incapable of consent by reason of physical helplessness, mental disability or incapacitation, or when the latter person is less than seventeen years old. (NYS § Class E, D, B Felony)

Incest (NYS § 255.25/.26/.27) occurs 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. (NYS Class E felony).

Criminal Sexual Act (NYS § 130.40/.45/.50) occurs when a person engages in oral sexual conduct or anal sexual conduct with another person who is incapable of consent. The level of offense is elevated by the use of forcible compulsion, or when the latter person is incapable of consent by reason of physical helplessness, mental disability or incapacitation, or when the latter person is less than seventeen years old. (NYS Class E, D, B Felony)

Facilitated Sex Offense with a Controlled Substance (NYS § 130.90) occurs when (1) a person knowingly and unlawfully possesses a controlled substance/compound or any substance that requires a prescription to obtain, and administers such substance to another person without such person's consent and with the intent to commit against such person conduct constituting a felony as defined under the sex offenses described in the NYS Penal Law (Part 2; Title H; Article 130), and (2) thereafter commits or attempts to commit such conduct constituting a felony as defined under the NYS Penal Law (Part 2; Title H; Article 130). (NYS Class D Felony)

Predatory Sexual Assault (NYS § 130.95) occurs when a person commits the crime of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined, and (1) in the course of the commission of the crime or the immediate flight therefrom, he or she causes serious physical injury to the victim of such crime, or uses or threatens the immediate use of a dangerous instrument; or (2) the person has engaged in similar conduct as described above against one or more additional persons; or (3) the person has previously been subjected to a conviction for a felony defined in NYS § 130 of New York State Penal Law (NYS Class A-II Felony)

Stalking (NYS § 120.50/.55/.60) occurs when a person engages in a course of conduct directed toward another person and knows or should reasonably know that such conduct is likely to alarm, harass, or cause reasonable fear of harm or injury in that person, or in a third party. The feared harm of injury may be to physical, emotional, or mental health, personal safety,

property, education, or employment. Stalking may include, but is not limited to, unwanted visual or physical proximity to a person, repeatedly conveying oral or written threats, extorting money or valuables, implicitly threatening physical conduct, or any combination of these behaviors directed at or toward a person. All incidents of stalking will be taken seriously. When the stalker is anonymous, the college will investigate as thoroughly as possible using all available resources. The following are some examples of stalking type behavior:

1. Unwelcome communication, including, but not limited to: face-to-face, telephone, voice message, electronic mail, written letter, and/or contact; unwelcome gifts or flowers, etc.
2. Threatening or obscene gesture
3. Surveillance
4. Trespassing
5. Vandalism
6. "Peeping-tommery"
7. Voyeurism
8. Unwelcome touching or physical contact
9. Gaining unauthorized access to personal, medical, financial, and/or other identifying information, including, but not limited to: access by computer network, mail, telephone, or written communication (NYS Class A Misdemeanor, Class E, D Felony)

Cyber-stalking is an extension of the physical form of stalking where electronic media such as the internet, pagers, cell phones, or other similar devices are used to pursue, harass or to make unwanted contact with another person in an unsolicited fashion and will not be tolerated. Some examples of cyber-stalking include but are not limited to: unwanted/unsolicited emails or instant messages, disturbing messages on online bulletin boards, unsolicited communications about a person, their family, friends, or co-workers, or sending/posting disturbing messages with another username.

Vassar College Affirmative Consent is compliant with New York State Education Law Article 129B.

New York State Criminal Codes do not utilize Affirmative Consent Standards but do delineate lack of consent standards: Lack of consent results from:

- (i) Forcible Compulsion
- (ii) Incapacity to consent

CLERY REPORTABLE CRIME DEFINITIONS

Murder and Non-negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence

The killing of another person through gross negligence. (Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.)

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.

Sex Offenses include:

1. Rape is 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.
2. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
3. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

Robbery

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

Aggravated Assault

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

(It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

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

(For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.)

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

(Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

Arson

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.

HATE CRIMES

A **hate crime** is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's **bias**. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin. Although there are many possible categories of bias, under Clery, only the following seven categories are reported:

1. **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).
2. **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
3. **Gender identity.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived gender-related characteristics.
4. **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).
5. **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
6. **National origin/Ethnicity.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
7. **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery purposes, hate crimes include any previously listed as well as the following offenses if they include an element of bias/hate:

Larceny-Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. 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.

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.

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.

(To be the victim of intimidation, one does not have to be the intended target of the offender.)

Destruction/Damage/Vandalism of Property

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.

CLERY REPORTABLE CRIME DEFINITIONS

Dating Violence, Domestic Violence, & Stalking

The term “dating violence” means violence committed by a person—(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on the victim’s statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

The term “domestic violence” includes felony or misdemeanor crimes 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 State of New York, 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 State of New York.

The term “stalking” means engaging in a course of conduct (two or more acts by which the stalker directly, indirectly, or through third parties follows, monitors, observes, surveils, threatens, or communicates about a person or interferes with his or her property) directed at a specific person that would cause a reasonable person to—(a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

Law Violations

In addition to disclosing statistics for the aforementioned offenses, the Clery Act requires institutions to disclose *violations of the law resulting in arrests or persons being referred for disciplinary action* in the following categories:

Weapons: Carrying, Possessing, Etc.

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 Law Violations

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

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.

APPENDIX B

FEDERAL AND NEW YORK STATE LAWS REGARDING DRUG AND ALCOHOL VIOLATIONS

Both federal and New York State law make it a criminal offense to manufacture, distribute, dispense, or possess with intent to manufacture, distribute, dispense, or simply possess a controlled substance, including marijuana. 21 U.S.C. § 801, et. seq.; New York State Penal Law §§ 220 and §§ 221; New York State Public Health Law, § 3306.

Federal penalties for the illegal possession, use, sale, or delivery of controlled substances depend on the quantity of the drug and the type of drug. Drugs are categorized according to Schedules, which depend on the drug's known or potential medical value, its potential for physical or psychological dependence, and its risk, if any, to public health. Schedule I drugs carry the most severe penalty, and Schedule V drugs carry the least severe penalty. The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines of up to \$25,000 for unlawful distribution of or possession of with intent to distribute narcotics. For unlawful possession of a controlled substance, a person is subject to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under 21 years of age may be punished by up to twice the term of imprisonment and fine otherwise authorized by law. Federal trafficking penalties for first offense Schedule I and II drugs range from a minimum of five years to a maximum of life in prison and a fine of \$1 million for an individual or \$10 million if not an individual. Penalties for first offense trafficking Schedule III and IV drugs range up to five years in prison and a fine of \$250,000 for an individual or \$1 million if not an individual. Federal penalties for first offense trafficking marijuana range up to a maximum of life in prison and up to \$4 million fine for an individual or \$10 million if not an individual, depending on the quantity of marijuana.

Definition of Controlled Substance Schedules

The drugs and other substances that are considered controlled substances under the CSA are divided into five schedules. A listing of the substances and their schedules is found in the DEA regulations, 21 C.F.R. Sections 1308.11 through 1308.15. A controlled substance is placed in its respective schedule based on whether it has a currently accepted medical use in treatment in the United States and its relative abuse potential and likelihood of causing dependence. Some examples of controlled substances in each schedule are outlined below.

NOTE: Drugs listed in schedule I have no currently accepted medical use in treatment in the United States and, therefore, may not be prescribed, administered, or dispensed for medical use. In contrast, drugs listed in schedules II-V have some accepted medical use and may be prescribed, administered, or dispensed for medical use.

Schedule I Controlled Substances

Substances in this schedule have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and there is a lack of accepted safety for use of the drug or other substance under medical supervision. Some examples of substances listed in schedule I are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3,4-methylenedioxymethamphetamine ("ecstasy").

Schedule II Controlled Substances

Substances in this schedule have a high potential for abuse which may lead to severe psychologi-

cal or physical dependence. Examples of single entity schedule II narcotics include morphine and opium. Other schedule II narcotic substances and their common name brand products include: hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (Oxy-Contin®), and fentanyl (Sublimaze® or Duragesic®). Examples of schedule II stimulants include: amphetamine (Dexedrine®, Adderall®), methamphetamine (Desoxyn®), and methylphenidate (Ritalin®). Other schedule II substances include: cocaine, amobarbital, glutethimide, and pentobarbital.

Schedule III Controlled Substances

Substances in this schedule have a potential for abuse less than substances in schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence.

Examples of schedule III narcotics include combination products containing less than 15 milligrams of hydrocodone per dosage unit (Vicodin®) and products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with codeine®). Also included are buprenorphine products (Suboxone® and Subutex®) used to treat opioid addiction.

Examples of schedule III non-narcotics include benzphetamine (Didrex®), phendimetrazine, ketamine, and anabolic steroids such as oxandrolone (Oxandrin®).

Schedule IV Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances in schedule III. An example of a schedule IV narcotic is propoxyphene (Darvon® and Darvocet-N 100®). Other schedule IV substances include: alprazolam (Xanax®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restoril®), and triazolam (Halcion®).

Schedule V Controlled Substances

Substances in this schedule have a low potential for abuse relative to substances listed in schedule IV and consist primarily of preparations containing limited quantities of certain narcotics. These are generally used for antitussive, antidiarrheal, and analgesic purposes. Examples include cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC® and Phenergan with Codeine®).

Violations and Penalties

The State of New York has established sanctions for the possession, use, and sale of controlled substances that are consistent with federal penalties. Specific criminal sanctions are delineated in the New York State Penal Laws, and the seriousness of the drug offense and penalty imposed upon conviction depends on the individual drug and the amount held or sold, as well as the holder's intent (personal use, distribution, or sale). Below are some additional and important New York State laws regarding the unlawful use of alcohol, tobacco, and other drugs:

New York State Vehicle Traffic Law § 1192 Driving While Ability Impaired (BAC .05-.07): up to a \$300 \$500 fine for 1st offense, up to 15 days in prison, 90-day license suspension; 2nd offense: \$500 \$750 fine, up to 30 days in prison, minimum 6 month license revocation; 3rd offense (misdemeanor) \$750 \$1,500 fine, up to 180 days in prison, minimum 6 month license revocation. **Driving While Intoxicated (BAC .08 or more):** up to a \$500 \$1,000 fine for first offense, up to 1 year in prison, minimum 6 month license revocation. **Felony Driv-**

ing While Intoxicated (Second DWI conviction within 10 years): up to a \$1,000 \$5,000 fine for second offense, up to 4 years in prison, minimum 1 year license revocation; 3rd offense: \$2,000 \$10,000 fine, Class D Felony, up to 7 years in prison, minimum 1 year license revocation.

New York State Penal Law § 260.20(2) Furnishing alcohol to persons under age 21; any visibly intoxicated person; or to any habitually intoxicated person known as such to the person authorized to dispense any alcoholic beverages: punishable by a fine and imprisonment up to 1 year. **New York State Penal Law, § 260.21(3)** Selling tobacco products to any person under the age of eighteen is a class B misdemeanor and punishable by imprisonment of up to three months.

New York State Penal Law § 240.40 Appearing in public under the influence of narcotics or a drug other than alcohol to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity is a violation, punishable by a fine and imprisonment up to 15 days.

