

Elmira College Office of Campus Safety

Clery Reportable Year 2019
October 1, 2020 Submission

Safety and Security at Elmira College

Annual Security and Fire Safety Report
Information for Students and Staff of the College



Elmira College

Elmira College is located in Elmira, New York on 55 acres of property and offers Master, Bachelor, and Associate degree programs in the professional and liberal arts. Founded in 1855, Elmira provides an education built upon a combination of theory and practice, which is tested through internships and work experience. Studying at the Elmira campus, regionally and internationally are approximately 700 undergraduate students. As part of the greater community of Elmira, New York, the College shares a mutual concern for the safety and well-being of its members and visitors. Elmira's primary concern is our student body, and we endeavor to provide an atmosphere for the student that is conducive to academic and social growth. The welfare of the total student body is given of the utmost importance. Elmira College recognizes and accepts its responsibility to utilize prudent safety measures to ensure that all members of the academic community are able to pursue their educational objectives as free as possible from any threats to safety. The institution has adopted a pro-active and comprehensive campus safety program that has kept the occurrence of serious criminal offenses to a minimum. A collaboration of College professionals joins with students to provide a number of services, programs, and publications designed to ensure that our students and their possessions receive a high degree of protection.

In 1990, Congress enacted the Student Right-To-Know and Campus Security Act (CSA) as part of its annual Higher Education Reauthorization Act. Congress then amended the CSA three times, first clarifying the timing of reporting dates. The CSA was amended a second time in 1992 to include the provisions of the Campus Sexual Assault Victim's Bill of Rights. Passage of the CSA also required passage of the Buckley Amendment Clarification Act, regarding the inter-relation between the CSA's crime reporting requirements and the privacy provisions of The Family Education Rights and Privacy Act of 1974, 20 U.S.C. 1232g (FERPA). In October 1998, Congress passed the third major amendments to the CSA, in its Higher Education Act reauthorization act. With the 1998 amendments came the most obvious revision to the CSA, a name change. The Campus Security Act has been formally renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or more simply, the Clery Act. The law was most recently amended in 2000 to require schools beginning in 2003 to notify the campus community about where public "Megan's Law" information about registered sex offenders on campus could be obtained. In October 2009, Congress passed a new CFR 668.49 Institutional fire safety policies and fire statistics, creating a requirement for an institution that maintains any on-campus student housing facility to prepare an annual fire safety report. On August 14, 2008 The Higher Education Act (HEA) was amended by the Higher Education Opportunity Act (HEOA) to specify new campus safety requirements in the areas of hate crime reporting, emergency response and evacuation procedures, missing student notification and fire safety issues. In addition, existing guidance for defining on-campus student housing facilities and classifying burglaries has been updated.

In 2013, the Campus SaVE Act (Campus Sexual Violence Elimination Act) was amended to the Clery Act. It was signed in the law as part of the Violence Against Women Reauthorization Act (VAWA) on March 7, 2013. SaVE was designed as a companion to Title IX that will help bolster the response to and prevention of sexual violence in higher education and requires colleges to increase transparency about the scope of sexual violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus community wide prevention educational programming. Colleges and universities will be required to add to their reporting requirements "domestic violence, dating violence and stalking incidents." Institutions must also report whether a victim was "intentionally selected because of the actual or perceived . . . national origin [or] gender identity . . . of the victim." These two categories (national origin and gender identity) are in addition to the current categories of actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

Elmira College provides information on security policies, campus crime statistics, and fire safety information to those individuals most directly affected – its students and employees, both current and prospective. Offenses for which statistics are reported within this document are defined in accordance with the Federal Uniform Crime Reporting program, thus providing a similar frame of reference by which students and employees may better understand the information presented.

The Office of Campus Safety**DEPARTMENT PHILOSOPHY**

“The trustees or other governing board of every college chartered by the Regents or incorporated by a special act of legislature shall adopt rules and regulations for the maintenance of public order on college campuses, and other college property used for educational purposes and provide a program for the enforcement thereof. Such rules and regulations shall govern the conduct of students, faculty, and other staff as well as visitors and other licensees and invitees on such campuses and property.”

Art. 129-A NYS Education Law: Section 6450

Though Art 129-A is the basis of responsibility charged to the Office of Campus Safety, it is also our responsibility to take steps beyond this point to aid in the development of the Elmira College students through positive interactions with Safety personnel. The Office of Campus Safety is a 24-hour-a-day operation charged with the protection of person and property within the grounds of Elmira College. The Office of Campus Safety is comprised of six full-time certified security officers who, under the leadership of the Director of Campus Safety, are available for many services to students and staff. In addition to conducting foot and mobile patrols of the campus on a regular basis, Campus Safety personnel provide escorts as requested, respond to emergencies and suspicious activities, and investigate concerns that students or staff may have, work collaboratively with the Elmira Police Department, and work in conjunction with State Fire personnel to conduct scheduled inspections. All staff have been trained in First Responder First Aid, CPR, and AED. Campus Safety personnel are authorized to carry defensive spray, baton and hand cuffs for defensive purposes only.

Campus Policies

I. Clery Act Compliance: Policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus

a. Timely Warnings/Emergency Notifications

Elmira College has a robust policy regarding the investigation and subsequent issuance of “Timely Warnings” and “Emergency Notifications”. Upon receipt of a report of a possible crime being committed or a significant emergency on or off campus which may pose a significant threat to the campus community (e.g., Clery Act Crimes, sex assault predator, active shooter, major natural disaster), the Office of Campus Safety will investigate and determine the validity of the report and make appropriate notifications including but not limited to the Associate Dean of Students, Assistant Dean of Students, Vice President of Enrollment Management and Student Life, the College President and other pertinent administrators. Upon receipt of this information, with the nature of the event being taken into consideration, the Director of Campus Safety or his/her designee may make appropriate decisions with regards to a “Timely Warning,” or “Emergency Notification.” Once a determination has been made to issue a “Timely Warning” it will be issued through:

- i. The college Emergency Alerts system (a system that connects with registered user's cell phones and email, desktop alert as well as the Bell Tower Alert system)
- ii. Elmira's e-mail system for students, faculty and staff

These systems are used to quickly disseminate safety and other information to the resident students, faculty, staff, and administrative population. Depending upon the particular circumstances of the emergency, especially in all situations that could pose an immediate threat to the community and individuals, a notice may also be posted on the campus-wide electronic bulletin board on the Elmira web site at: <http://www.elmira.edu>, providing the College community with more immediate information.

Anyone with information warranting a timely warning should report the circumstances to the Office of Campus Safety by the quickest means possible, including the use of the emergency phones located across campus, by phone 607-735-1777 or in person at the Office of Campus Safety, located at 710 Park Pl, directly across the street from McGraw Hall. .

b. Policy for Reporting the Annual Disclosure of Crime Statistics and Fire Safety Report

The Office of Campus Safety prepares this report to comply with the Congressional Federal Register (CFR) 668, including the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Annual Fire Safety Report. The full text of this report can be located on our web site at https://www.elmira.edu/Student/Student_Support/Campus_Security.html. This report includes statistics for the previous three years concerning reported crimes and fire alarms that occurred on campus; in certain off-campus buildings or property owned or controlled by Elmira College; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as sexual assault, fire safety systems in each residence hall, and other matters.

This report is prepared in cooperation with the local law enforcement agencies surrounding our campus, Residence Life, the Associate Dean of Student Life, Assistant Dean of Students, the Office of Campus Safety and the Office of Enrollment Management. Each entity provides updated information on their educational efforts and programs to comply with the laws. Campus crime, arrest and referral statistics include those reported to the Elmira Police Department, designated campus officials (including but not limited to directors, deans, department heads, designated HR staff, conduct officers, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. Resident housing fire alarms include those reported directly to the Elmira Fire Department by any means.

Each year, an e-mail notification is sent to the campus community with a link to this report or how to receive a paper copy, if preferred. Faculty and staff receive a similar notification via an all staff and faculty email, and an informational flyer is handed out to all new students, faculty and staff at Fall and Spring Orientations which also includes the Notice of Availability of the Annual Security and Fire Safety Report.

Paper copies of the report may also be obtained at the Office of Campus Safety located 710 Park Pl, directly across the street from McGraw Hall or by calling: 607- 735-1777.

c. Policy for Reporting a Crime, Fire or Any Other Safety Concern

Reports regarding crimes on campus should be directed to the Office of Campus Safety, the Director of Campus Safety, or the Office of Student Life. Contact Office of Campus Safety at 1777 (using an on campus phone) or 607-735-1777 (using an off campus phone) for non-emergencies.

For an emergency on campus dial 1777 (using an on campus phone) or utilize one of the Purple or Gold Emergency Call Boxes located across campus or an emergency call box located at the main entrances to any residence hall, To call Emergency Services off campus dial 9-1-1 (9-1-1 from an on campus phone.) Any suspicious activity or person seen in a parking lot or loitering around vehicles, inside buildings or around the Residence Halls should be immediately reported to the Office of Campus Safety.

In addition you may report a crime to the following areas:

- i. Office of Enrollment Management 607-735-1806
- ii. Office of Student Life 607-735-1815
- iii. The Clarke Health Center 607-735-1750

If you wish to file an anonymous report it may be done in the following way:

Campus Conduct Hotline – Elmira College has established an anonymous tip line where students can report activity taking place within the Elmira community that is contrary to the ideals and values of the College. This is not an immediate response line. To contact the Campus Conduct Hotline, call 866-943-5787. For more information regarding the Campus Conduct Hotline, please visit https://www.elmira.edu/student/student_support/cch.html

Campus Safety Officers, in their judgment, may request assistance of other municipal agencies. Campus Safety Officers prepare reports where appropriate and notify the appropriate College officials according to an emergency notification procedure. Crimes should be reported to the Office of Campus Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. For example, a crime that was reported only to the Southern Tier Rape Crisis Center would not be included in the Elmira College crime statistics.

d. Voluntary Confidential Reporting Procedures

If you are the victim of a crime and do not want to pursue action within the College System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director of Campus Safety or a designee of the Office of Campus Safety can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

II. Access Policies: Policies concerning the security of, and access to, campus facilities

a. General Access Policy

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, and guests. During non-business hours access to all College facilities is by key or electronic proximity card, if issued, or by admittance via the Office of Campus Safety or Residence Life staff. In the case of periods of extended closing, the College will admit only those with prior written approval to all facilities. Over extended breaks, the doors of all residence halls will be secured around the clock, and student's proximity cards will be de-activated.

Some facilities may have individual hours, which may vary at different times of the year. Examples are the Campus Center, the Gannett-Tripp Library, the Clarke Health Center and Emerson Athletic Facility. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. A student monitor and/or the Buddy System *may* be employed to further the safety of persons while utilizing designated computer and other professional labs during off-peak hours and on weekends. The general public is invited to attend events on-campus, with their access limited to those facilities in which the events are held. Emergencies may necessitate changes or alterations to any posted schedules.

Elmira College maintains a contract with a regional security vendor to provide additional security/safety officers in the event a need arises. These officers maintain a standard uniform identifying themselves. All contracted security personnel receive mandatory Clery Act CSA training and reporting procedures. These

contracted personnel work within the limits of a specific contract to aid in access control for the campus, special events or buildings. These contracted officers are authorized to check identification cards and search bags for illegal drugs, alcohol and weapons. Contracted security personnel maintain constant contact with Campus safety through issued radios or cell phones. For any violations found or problems with students and/or non-students these officers will contact the Office of Campus Safety, or the Residence Life Staff, as appropriate to respond to the situation.

For the safety and security of each residence hall and its residents all, residence halls are locked 24-hours a day. Access is gained by means of your proximity card. Any student contributing to any breach of security is subject to disciplinary action. Residents share responsibility with the College in ensuring that safety measures are in place and maintained. The student Code of Conduct which can be reviewed through the Elmira.edu webpage under Student Life covers all levels of restrictions regarding access into Residence Halls.

III. Professional Staff Associated with Residence Halls

a. Area Coordinator (AC)

Area Coordinators answer to the Director of Residence Life, and are tasked with managing RLC's and also are an active component with managing the RA staff. Area Coordinator's ensure training is accurate and complete and are a resource for students. Area Coordinators serve as discipline and/or conduct officers for the college, guide programming/decision making, as well as taking part in the campus vision and fulfilling the college mission.

b. Residence Life Coordinator (RLC)

The Residence Life Coordinators (RLCs) are responsible for community development, day-to-day operations associated with managing a residence hall or residence area, and the overall building maintenance. These individuals are professional live-in staff members who have training in student personnel services. They supervise Hall Council members, student workers, and Resident Assistants. At all times, the RLCs have the students' needs as their highest priority. Their purpose is served by establishing the hall or area as a center for community living while creating an atmosphere conducive to study, which facilitates the educational mission of the College. In order to ease the transition to Elmira, each Residence Life Coordinator meets with all new students in their respective residence halls within the first three weeks of every term. Residence Life Coordinators are a valuable resource for members of the residence hall community.

c. Resident Assistants (RAs)

RAs are full-time, undergraduate students that report to their area's Residence Life Coordinator. They are responsible for community development, programming, and floor or area supervision of a group of resident students. As resource persons for their halls, the RAs assist residents with personal and academic concerns, coordinate educational and social programming in conjunction with the Hall Council, and help to explain and enforce College policy and expectations.

d. Coverage

Each night that students are on campus, residence halls are staffed by Residence Life personnel who are on call for emergencies, room lockouts, and general assistance. Check your residence hall designated location or the on call calendar available in Google calendar app for the name of the on-duty RA and RLC.

IV. Policies concerning campus law enforcement

a. Campus Law Enforcement

Elmira College's Campus Safety Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Elmira College. Campus Safety Officers have the authority to issue parking violation tickets, which are billed to financial accounts of students, faculty, and staff, and to tow vehicles. Campus Safety Officers do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on the campus. The Office of Campus Safety at Elmira College maintains a highly professional working relationship with area police departments including, the City of Elmira Police, Chemung County Sheriff's Office, and the New York State Police. All crime victims and witnesses are strongly encouraged to immediately report the crime to Campus Safety or the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics. Currently, Elmira College has a Memorandum of Understanding (MOU) with the Chemung County Sheriff's Dept. and has presented the Elmira Police Dept. with an MOU and is awaiting approval from the City of Elmira.

V. Programs designed to inform students and employees about the prevention of crimes

a. Crime Prevention Programs

Crime Prevention Programs consist of various events around campus such as "Consent Day" and "Enough is Enough" which deals with the prevention of sexual assault, dating violence, domestic violence and stalking. Fire Safety with all employees and students, resident hall safety and security, and free self-defense training during domestic violence month.

Office of Campus Safety personnel facilitate programs for student, parent, faculty, and new employee orientations, student organizations, community organizations, in addition to programs for Residence Life Coordinators, Resident Assistants and residents providing a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes. The Office of Campus Safety will also facilitate reporting of crimes which occur off campus property through local police assets.

VI. Criminal Activity Off-Campus

- a. The City of Elmira Police work and communicate with Campus Safety on any serious incidents occurring on-campus or in the immediate neighborhood surrounding campus. Elmira Campus Safety Officers will respond to a student-related incident that occurs in close proximity to the campus if called for by the Police Department. Elmira College currently has no off-campus housing of recognized student organizations and therefore no policy in effect.

VII. Policy regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws. Elmira College maintains a complete policy for drinking at the provided link within the student Code of Conduct.

- a. Possession or consumption of alcohol by a person under the age of 21 is prohibited. Students 21 years of age or older may possess alcohol for their personal use in their own residence hall room/living space.
- b. Students 21 years of age or older are not permitted to consume alcohol in the presence of someone under the age of 21.
- c. Persons under 21 years of age are not permitted to be in the presence of alcoholic beverages, or beverage containers.

- d. No open alcoholic container will be allowed on College premises except in residence hall rooms, suites, or apartments assigned to students who are at least 21 years old and do not reside with a student under the age of 21.
- e. Alcohol may not be consumed in any public area. (e.g. the Fountain, fields/quads, building lobbies, hallways, or lounges, etc.)
- f. Engaging in acts of public drunkenness, vandalism, disorderly conduct, harassment, or infringement of the rights or privacy of others.

The following are prohibited:

- g. Activities or paraphernalia that encourage the rapid or mass consumption of alcohol.
- h. Overconsumption of alcohol.
- i. Consumption of alcohol that requires medical evaluation or transportation to a medical facility.
- j. Providing alcohol to an individual(s) under the age of 21.
- k. Driving under the influence of alcohol.
- l. Kegs, Mini-Kegs, or other large-quantity beverage dispensers intended for serving or storing alcohol

VIII. Notification to Parents Regarding Illegal Alcohol and Illegal Drug Use by Students

- a. Although the College heartily endorses the fact that a student's college years are a time of growth and individual exploration of the unknown, an overriding fact is that too many college students seriously and sometimes permanently affect themselves and others by alcohol and illegal drug experimentation.

FERPA permits College conduct officers to notify parents or legal guardians of any conduct actions resulting from their student's violation of the alcohol and illegal drug policy. Parents of students, under the age of 21, may be notified of any conduct violation regarding the College's alcohol policy. Parents of all students may be notified of any conduct action for violation of the College's illegal drug policy.

b. Drug and Alcohol Education

These programs are conducted throughout the academic year and are sponsored by a variety of campus groups. Programming is intended to educate and inform students regarding the use and abuse of alcohol and what avenues to pursue to get help. The Health Center provides various trainings and presentations throughout the year speaking to students about issues of sexual assault, victimization, awareness, domestic violence, alcohol and drug education, and more. Residence Life staff conduct numerous floor programming throughout the academic year covering many safety and security issues of concern to students. Program dates and times are advertised on the College Events Calendar as well as signage posted in the residence halls, Campus Center, Gannett-Tripp Library, and other poster boards around campus.

c. Good Samaritan Policy

If, in order to provide possible emergency care to an intoxicated individual, the reporting individual, who sought assistance for another student will receive no sanction if during the process of seeking help they intentionally or unintentionally revealed the fact that they were also in violation of the alcohol policy. The intoxicated student may be subject to conduct action.

IX. Policy regarding the possession, use and sale of illegal drugs and enforcement of federal and state drug laws.

- a. Elmira College intends to provide and maintain a drug-free environment for all students and employees of the College. A student need only be present in a room where illegal drugs are being used to be in violation of this policy. As such the following policies are in place:
 - i. The unlawful dispensing, distribution, manufacture, possession, or use of controlled substance, prescription medication, synthetic drugs, marijuana, or medical marijuana is prohibited.

- ii. Possession of drug paraphernalia.
- iii. Driving with ability impaired.
- iv. Possessing, manufacturing, consuming, providing, distributing or selling drugs on or off campus is subject to suspension or dismissal by the College and possible referral to local law enforcement.
- v. Misuse of prescription drugs is viewed to be illegal drug use and is covered by this policy.

The staff at Elmira College is available to any student who seeks assistance for personal issues associated with drug use. Students seeking this assistance should contact the staff of the Clarke Health Center – (607) 735-1750 or email chc@elmira.edu.

X. Description of any drug or alcohol abuse education programs as required under Section 120(a) through (d) of the HEA

a. Alcohol and Substance Abuse Information and Prevention Programs

Elmira College is committed to the education of its community regarding alcohol and drug use/abuse. Drug/alcohol education programs are offered to the Elmira community throughout the academic year. Students and staff are encouraged to attend. In addition, the College will assist community members who acknowledge a problem with drugs or alcohol. Staff members of the Health Center are available to discuss issues related directly or indirectly to alcohol education and/or abuse. They will also help individuals develop a plan to correct their behavior. Upon request, staff members will provide additional information on local, state, and national resources for those seeking assistance. Drug and Alcohol abuse and programming is also available in the student code of conduct and employee handbook.

Elmira's Counseling Center provides an overall coordination of the Drug-Free School Program. However, many services are the responsibility of other areas of the institution. These include:

- i. Alcohol and Drug Education: Clarke Health Center, Human Resources, Office of Student Life, Office of Campus Safety and Campus Chaplain.
- ii. Counseling Services: Counseling Center, Campus Chaplain, and Employee Assistance Program.
- iii. Referral Services: Office of Student Life, Counseling Center, Employee Assistance Program.
- iv. College Disciplinary Actions: Director of Residence Life, Area Coordinator.

XI. Policy statements regarding sex offenses and obtaining access to information regarding registered sex offenders in the campus community.

**a. Policy Against Gender Discrimination and Sexual and Other Misconduct
Overview and Policy Summary**

As an educational institution, Elmira College is committed to promoting a campus environment where gender discrimination, including sexual harassment, sexual assault, and other inappropriate sexual contact, as well as dating violence, domestic violence and stalking, where it impacts or has the potential to impact the educational or employment environment of any member of the College community (collectively referenced for purposes of this policy as “Misconduct”) is not tolerated, and where survivors of Misconduct of all kinds are provided with support and avenues of redress. Many activities prohibited by this policy are unlawful, and all are antithetical to the mission of the College. Elmira College will take reasonable and appropriate remedial action to prevent Misconduct, eliminate a hostile environment, prevent its recurrence, and correct its discriminatory effects on the complainant and others. Students and employees may report misconduct as described in this report and employees through the Office of Human Resources.

Elmira's process to address cases of alleged Misconduct is designed to:

- i. Consider the rights of the complainant, the rights of the respondent, the safety of the community, and applicable laws and College policies;
- ii. Conduct a timely, fair, impartial, and equitable investigation and adjudication process with thoroughness and respect for all involved parties;
- iii. Protect the privacy of all parties to the extent practical, while balancing the need to perform an investigation, follow the procedures outlined, comply with applicable law, and maintain campus safety;
- iv. Hold those found to have violated Elmira College policies accountable for their actions and provide appropriate remedies to address the effects of Misconduct on the complainant and others.

As a recipient of federal funds, Elmira College is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. & 1681 et seq., which prohibits discrimination on the basis of sex in education program or activities. Pursuant to the Violence Against Women Act ("VAWA"), the College also prohibits domestic/dating violence and stalking where it impacts or has the potential to impact the educational or employment environment of a College community member. The College will advise complainants of their rights under Title IX and will take steps necessary to prevent harassment and to correct its discriminatory effects, as appropriate.

Misconduct, as defined in this policy, can violate Title IX and/or the VAWA. In compliance with Title IX and VAWA, the College provides a procedure for reporting, investigating, and adjudicating Misconduct.

This policy applies to all students, faculty, and staff of Elmira College. This policy applies to conduct on-campus and in connection with any College-sponsored program or activity, regardless of where it occurs. Additionally, off-campus conduct may violate this policy if the conduct creates a threatening or uncomfortable work or learning environment on Elmira's campus or within any College program, or if the incident causes concern for the safety or security of the College's campus. Non-community members (e.g., alumni, family of students, vendors, etc.) visiting campus or participating in any College program or activity are expected to abide by this policy.

Members of the campus community who experience any form of Misconduct discussed in this policy should contact one of the persons/offices identified in this report for assistance. Some of these resources can provide confidential assistance while others will have a reporting obligation. You should carefully consider which resource you want to choose, and may choose both. These resources can assist you in recovering from the experience and in deciding among options that may be available, such as the criminal justice system and/or the College investigation and disciplinary process as described in this policy.

Any College community member who has been the victim of misconduct has the right to make a report to Campus Safety or one of the College's Responsible Administrators listed below, local law enforcement, and/or the New York State Police, or choose not to report. If reported to the College under this policy, a reporting individual will be protected from retaliation and will receive appropriate assistance and resources from the College. A Students' Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking is attached at the end of this policy.

In any case involving a crime of violence as defined in section 16 of Title 18 USC, or any non-forcible sex offense, Elmira College will upon written request of the victim provide the outcome determination and subsequent results of the investigation. If the victim is deceased as a result of the incident, the report will be made available upon written request to the next of kin.

b. Reporting to a Responsible Administrator

Any Elmira student, staff member, or faculty member who wishes to report a formal complaint of Misconduct against a member of the Elmira community may do so by contacting Campus Safety, the Assistant Dean of Students, the Vice President of Enrollment Management and Student Life, the Director of Athletics, or the Title IX Coordinator. These individuals all constitute Responsible Administrators under this policy and the impact of reporting to any of them is explained below:

- i. Title IX Coordinator – Jennifer Bozek – 607-735-1748 – jbozek@elmira.edu
- ii. Vice President of Enrollment Management and Student Life – Elizabeth Lambert – 607-735-1806 – elambert@elmira.edu
- iii. Associate Vice President of Athletics – Renee Carlineo – 607-735-1730 – rcarlineo@elmira.edu
- iv. Director of Campus Safety – Steven Vann – 607-735-1777 – svann@elmira.edu
- v. Assistant Dean of Students – Karl Koeppel – 607-735-1821 – kkoeppel@elmira.edu

These individuals have been trained to receive and respond to allegations of violations of this policy. Complaints can be made by those who have been the victim of a violation of this policy, by a third party on a victim's behalf or anonymously.

While certain other employees may also have a reporting obligation, if a complaint is made to anyone other than the Responsible Administrators listed above, the complainant risks the possibility that it will not come to the attention of the proper College officials and may, therefore, not be acted upon. For purposes of this policy, Faculty are NOT considered Responsible Administrators. In addition, unless a report is made to someone listed as a Confidential Resource, confidentiality cannot be assured.

Upon receiving a report, the Responsible Administrator to whom the report is made will discuss with the complainant available avenues and options. Options may include disciplinary action against the accused and remedial actions to ameliorate or correct the effects of the Misconduct. Other options may include interim changes in academic, residential, or working arrangements to separate the complainant and the accused or other measures to enhance the complainant's safety, such as escorts or increased monitoring of an area. The College will review the facts and circumstances of each case, as well the complainant's wishes, in deciding whether and what steps are reasonable and appropriate.

A Responsible Administrator will share all information reported to him/her with the Title IX Coordinator and may share with other school administrators, as needed. A Responsible Administrator will similarly report Misconduct that he or she observes firsthand or learns about in any other manner.

A Responsible Administrator is not a confidential resource. Although a person may disclose information concerning an incident to a Responsible Administrator and request that no investigation or disciplinary action be taken, the College may decide not to honor that request, depending on the circumstances. If a complainant requests that his/her identity be kept confidential but that an investigation and review for disciplinary action occur, the College's decision will depend on whether the information provided by the complainant can be acted upon without revealing the complainant's identity. If a complainant requests that no action be taken against the perpetrator, the College will consider the seriousness of the offense, whether there was a single perpetrator or multiple perpetrators, whether the circumstances suggest a risk to the campus community, and similar considerations. The College retains the right to act upon any information that comes to its attention. Requests for confidentiality will be decided by the Title IX Coordinator. Even if a complainant requests and/or is granted confidentiality, he or she may still have access to appropriate remedies on an interim or other basis. Even Elmira College offices and employees who cannot guarantee confidentiality will maintain a complainant's privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution.

If an anonymous report is made to a Responsible Administrator, it will be investigated and appropriate action taken, to the extent practicable. Anonymity may impact the action the College may be able to undertake in response to the complaint. In all cases, the College will take appropriate steps to protect against retaliation.

c. Confidential Resources

Students or other community members who are not sure whether they want to make a formal complaint can still seek help from confidential resources. Contacting any of these does not mean that the student must file an official report with the College or report the Misconduct to law enforcement, and in fact reporting to these confidential resources does not constitute reporting to the College (as a result, action by the College may not be taken) or to law enforcement. These resources are provided to offer non-judgmental support and information to help an individual decide what is best for him or her as he or she recovers.

On-Campus Confidential Resources

Reports to the Counselors and Registered Nurses in the Clarke Health Center are confidential by law. As such, personally identifiable information should not be subject to disclosure under any circumstances. On-campus confidential services can be reached at:

- i. Clarke Health Center – Health Services
607-735-1750
- ii. Gannett-Tripp Library – Counseling Services
607-735-1729 or by emailing retention@elmira.edu

All activities related to student advocacy and retention are handled via the Associate Dean of Students and the Director of Counseling, both of which operate within Student Support Services. Information provided, gathered, or shared in the execution of their function as a service element to students is treated as confidential, with the following exceptions.

- a. The health and safety of a member of the community is deemed to be at risk.
- b. A student provides written authorization for information to be disclosed.
- c. A subpoena is issued by a sitting judge.

The health and counseling services noted above are available to students free of charge. Confidential resources can provide a member of the campus community with information on medical and counseling services that may be available; academic, housing, and other support services that may be available (although some services may not be available if an individual wishes to maintain complete confidentiality); information regarding and assistance with the filing of formal complaints under this policy; and/or information regarding and assistance with contacting law enforcement.

A report to a Confidential Resource is not a report to the College and will not result in an investigation or disciplinary action. In addition, students or other members of the campus community may contact these resources on an anonymous basis, although anonymity may impact the assistance that can be provided.

Off-Campus Confidential Resources

There are also confidential off-campus resources which may be available to you; contacting the resources below does not constitute notifying the College. These resources include:

- iii. Sexual Assault Resource Center (SARC) – 888-810-0093 – sarcst.org – sarcst@ppsfl.org
- iv. Arnot Ogden Medical Center – 607-737-4194 – <http://www.arnothealth.org/arnot-ogden-medical-center>
- v. Saint Joseph’s Hospital – 607-733-6541 – <http://www.arnothealth.org/st-josephs-hospital>
- vi. Chemung County Health Department – 607-737-2028 – www.chemungcountyhealth.org
- vii. Planned Parenthood – 607-734-3313 – www.plannedparenthood.org
- viii. Clinical Social Work and Counseling Services – 607-734-1447
- ix. Chemung County Crisis Program – 607-737-5369
- x. Suicide Hotline – 1-800-273-8255
- xi. NYS Office of Victim Services – 1-800-247-8035
- xii. Domestic Violence Hotline – 1-800-621-HOPE (4673)

d. Amnesty for Students

The health and safety of every student at Elmira College is of utmost importance. Elmira College recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Elmira College strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to College officials. A bystander acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to Elmira College officials or the Office of Campus Safety will not be subject to the College’s code of conduct action for violations of alcohol or drug use policies occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

e. Protecting Students and Others Reporting Misconduct/Interim Measures

Interim measures may be made by the College in an effort to immediately respond to a situation. When a student or other member of the campus community reports Misconduct to a Responsible Administrator, that Responsible Administrator will work with the Title IX Coordinator to make sure that the reporting individual is protected (such as against further misconduct). Where non-confidential reporting has occurred, the Title IX Coordinator will also consult with the reporting party regarding interim protective measures such as changes in College housing and/or academic schedules, transportation arrangements, removing the student’s information from the College directory, changes in work assignments, issuing a “no contact order,” or other measures to enhance the complainant’s safety, such as escorts or increased monitoring of an area. The College may also impose a suspension from the campus or part of the campus pending the outcome of an investigation and disciplinary proceeding. The Title IX Coordinator in conjunction with the Vice President of Enrollment Management and Student Life will enforce protective measures under College policy. Individuals who violate a “no contact order” or other interim measures implemented by the College may be subject to conduct charges.

Any party directly affected by a no contact order or other interim measure may, upon request, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of the no contact order or other interim measure, including potential modification or elimination of those measures. This request may be made by submitting a written request to the Title IX Coordinator, providing the basis for the request and submitting any evidence in support of the request. Upon receipt of such a request, the Title IX Coordinator will inform the other party of the request and allow the other party to respond, including submitting evidence if desired. This review process will occur as soon as possible, but generally no later than five business days of the request and the parties’ submission of any evidence.

f. Definitions for Title IX and VAWA

The learning and community living environment of Elmira College requires that individuals treat one another with respect, dignity, and fairness. In an intimate relationship, these values are of paramount importance. Sexually-related misconduct, which is a form of Misconduct defined by this policy, includes a broad range of behavior such as inappropriate physical touching, sexual exploitation, and sexual intercourse without consent and forms of sexual and/or interpersonal violence. Some forms of sexually-related misconduct may be a crime.

The College is committed to maintaining an environment that is free from sexual violence and in which the freedom to make individual choices regarding sexual behavior is respected by all. Sexual activity requires effective affirmative consent as defined below in this policy. Sexually-related misconduct by anyone is unacceptable and will be addressed in a timely fashion and with serious consequences by the College.

This policy and procedure are the College's procedures required by Title IX and VAWA. This policy and procedure are designed to provide students charged with Misconduct with the ability to present their information while ensuring a reporting party's protections under Title IX and VAWA, and providing prompt and equitable resolution.

- i. **Sexually-related misconduct**, which is a form of Misconduct as defined by this policy, is a category of behavior that includes actual or attempted:
 1. Sexual Harassment
 2. Sexual Assault (including non-consensual sexual contact and non-consensual sexual intercourse)
 3. Sexual Exploitation

Sexually-related misconduct can occur between strangers or non-strangers, including people involved in an intimate or sexual relationship. Sexually-related misconduct can be committed by males or by females, and it can occur between people of the same or different sex. Sexual violence is a form of sexually-related misconduct. Any non-consensual sexual activity or contact violates this policy.

- ii. **Sexual Harassment** – Elmira College is committed to providing a work and learning environment free from sexual harassment. Sexual harassment may involve the exploitation of an unequal power relationship (for example, between employee and supervisor or between a student and teacher), or may occur between student peers or employees of equal rank.

At Elmira College, sexual harassment also constitutes unprofessional conduct which compromises the College's commitment to the pursuit of learning. Elmira College will not tolerate any form of sexual harassment. Harassment on the basis of sex is discrimination which violates Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972 and the New York Human Rights Law. Illegal sexual harassment includes, but is not limited to, unwelcome: sexual advances; flirtation; propositions; verbal remarks of a sexual nature (whether directed to an individual or a group); vulgar language; sexually explicit or offensive jokes and comments; comments of a sexual nature about an individual or an individual's appearance; sexually suggestive visual displays, such as cartoons, posters or calendars; physical contact or physical assault.

Sexual harassment is not limited by the gender of either party. Nor is it limited to supervisor-subordinate or teacher-student relationships. Unwelcome conduct of a sexual nature violates the law when it creates an intimidating hostile or offensive work or educational environment, and - or where acceptance or rejection of unwelcome sexual advances is the basis for making an academic or a personnel decision. However, this policy prohibits all forms of sexual harassment, regardless of whether the harassment may give rise to a legal claim.

- iii. **Sexual Assault** – Consistent with federal law, Elmira College defines sexual assault as including:

Non-Consensual Sexual Intercourse: Sexual assaults of this type can be sub-defined as including:

1. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, forcibly or without affirmative consent or where the victim is incapable of consent due to mental or physical incapacity.
2. Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Non-Consensual Sexual Contact: Any intentional sexual touching, however slight, for purposes of sexual gratification, of the private body parts of another without affirmative consent. This may include non-penetrative acts, touching directly or with an object, and/or touching the private body parts of another over clothing.

- iv. **Sexual Exploitation** – When, without affirmative consent, one takes sexual advantage of another. Examples of sexual exploitation include but are not limited to observing or recording others engaged in sexual or private activity (such as undressing or showering) without the consent of all involved; or taking intimate pictures of another but then distributing the pictures to others without the photographed person's consent; acts of incest; engaging in sexual activity with another while knowingly infected with a sexually transmitted disease (STD) without informing the other person of such infection or exposing one's genitals in non-consensual circumstances.

v. **Domestic Violence, Dating Violence, and Stalking**

Domestic violence, dating violence, and stalking, where it impacts or has the potential to impact the educational or employment environment of a College community member, is also prohibited by this Policy.

1. **Domestic Violence** is physical violence, threats of violence or acts of physical intimidation or coercion between spouses or former spouses, cohabitating romantic partners or individuals who were formerly cohabitating romantic partners, individuals who share a child in common, or others in a family relationship.
2. **Dating Violence** is physical violence (hitting, punching, kicking, etc.) or threats of violence or acts of physical intimidation or coercion committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
3. **Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress. Stalking behavior includes but is not limited to repeated, intentional following, surveilling or observing another; or using "spyware" or other electronic means to gain impermissible access to a person's private information.

vi. **Affirmative Consent**

Elmira expects that any sexual activity or contact will be based on mutual affirmative consent to the specific sexual activity or sexual contact. All references to consent in this policy will mean affirmative consent which is defined as follows:

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

Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent may be initially given but withdrawn at any time by expressing in words or actions that they no longer want the sexual act to continue. When consent is withdrawn or can no longer be given, sexual activity must stop.

Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. In New York, a person under the age of 17 is incapable of giving consent to any sexual activity. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.

2. **Complainant** – The term complainant refers to the person making the complaint or report. That person is usually the person who has been the victim of an alleged act of Misconduct or other violation of this policy.
3. **Respondent** – The term respondent refers to the person alleged to have committed the alleged Misconduct or other violation of this policy.

XII. Formal Reporting, Investigation, and Disciplinary Procedures

a. Timing of Reports

As long as the College has authority over the potential violator, there is no time limit to invoking this policy in cases of alleged Misconduct. Nevertheless, complainants are encouraged to report alleged Misconduct as soon as possible in order to maximize the College's ability to respond promptly and effectively.

When the potential violator is a degree candidate, the complainant is encouraged to consult with the Office of the Registrar concerning the potential violator's intended date of graduation and to file a report in a timely manner in cases where authority over the student would otherwise be lost due to pending graduation. In no circumstances will the College permit an impending graduation to compromise its processes for resolution. The conferral of a degree may therefore be withheld, if necessary, until proper resolution of any Misconduct charges, provided that any disciplinary proceedings will be scheduled for the earliest practical date that can accommodate the students and their witnesses.

b. Bystander Intervention

- i. Bystander Intervention – A method of harassment intervention that encourages everyone to pay attention and take action if they see someone being made uncomfortable or in potential danger
- ii. Pro-Social Bystander – Someone who intervenes in a way that produces positive outcomes
- iii. 3 Steps to Bystander Intervention:
 1. Recognize when to intervene
 2. Consider the situation
 3. Decide to act

Elmira College understands that many situations may be resolved through proper educated bystander intervention. Elmira College uses the 4 (D)'s approach of intervention.

- iv. Distract – Interrupt the situation without directly confronting the parties involved.

- v. Delay – Check in on potentially troubling situations when you are not sure if the situation is unsafe or you do not feel safe immediately intervening.
- vi. Delegate – Identify other bystanders who can assist you in safely intervening
- vii. Direct – Intervene directly to make the parties aware that there is a problem and it has been noticed

c. Retaliation

It is a violation of College policy to retaliate against any person making a report of Misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of Misconduct. The College will not only take steps to prevent retaliation but will take strong responsive action if retaliation occurs and anyone engaging in retaliation is subject to disciplinary action, up to and including expulsion/termination. Retaliation includes intimidation, threats, or harassment against any such reporting party or third party. Retaliation should be reported promptly to Title IX Coordinator and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sexual misconduct.

d. Standard of Proof

The Department of Education's Office of Civil Rights has interpreted Title IX to require schools to evaluate reports of alleged sexual misconduct under a "preponderance of the evidence" standard and that is the standard adopted by this Policy in connection with all allegations of Misconduct. A preponderance of the evidence exists when a reasonable person, after a careful balancing of available information, would conclude that it is more likely than not that a violation has occurred and the individual accused is responsible for the violation.

e. Sanctions/Discipline

A student found to have engaged in Misconduct is subject to a range of sanctions depending on the circumstances of each case. Those sanctions can include written warnings, educational programs, education assignment, mandatory referral to the Clarke Health Center (or other appropriate healthcare provider), a fine, suspension, expulsion, referral to other disciplinary bodies, and other sanctions as may be deemed reasonable by the College under the circumstances.

Any College employee or faculty member found to have engaged in Misconduct is subject to a range of discipline depending on the circumstances of each case. That discipline can include termination, referral to other disciplinary bodies, or other sanctions as may be deemed appropriate by the College.

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

- i. "Expelled after a finding of responsibility for a code of conduct violation," or
- ii. "Suspended after a finding of responsibility for a code of conduct violation," or
- iii. "Withdrew with conduct charges pending"

Transcript notations for a student suspended for violating the College's Sexual Misconduct Policy or who chooses to withdraw pending conduct investigation will remain on a transcript for a minimum of one year. After one year's time, a student may request to have the transcript notation removed by submitting a written request to the Title IX Coordinator describing the incident and what was learned over your time away from the College. The Title IX Coordinator shall consult with appropriate College officials to determine whether removal of the notation is appropriate under the circumstances. Transcript notations for expulsion shall not be removed.

f. Related Misconduct

In accordance with this Policy, if it is determined that a charged student or employee has engaged in other misconduct, including in addition to Misconduct as defined in this policy, appropriate discipline for that other misconduct may be imposed under this policy. All persons participating in any investigation under this policy, whether as parties to the proceedings or as witnesses, are expected to provide truthful information.

g. Law Enforcement and Effect of Criminal Proceedings

Because Misconduct, and especially sexually-related misconduct, may constitute both a violation of College policy and criminal activity, the College encourages persons to consider reporting alleged Misconduct promptly to local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence (If you have been a victim of sexual assault, it is important to preserve evidence. For example, in cases of rape or other forms of sexual assault, it is important not to shower, change clothes or even brush your hair, as physical evidence may be lost). Because the standards for finding a violation of criminal law are different from the standards for finding a violation of this policy, criminal investigations or reports are not determinative of whether Misconduct for purposes of this Policy has occurred. In other words, conduct may constitute Misconduct under this Policy even if it is not a crime or law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. Questions about whether incidents violate criminal laws and how the criminal process works should be directed to law enforcement officials or the local district attorney's office.

The filing of a report of Misconduct under this policy, even in connection with sexually-related misconduct, is independent of any criminal investigation or proceeding. The criminal process and the College's disciplinary processes are not mutually exclusive, meaning that an individual can either bring a complaint through the College or law enforcement, or both. Reporting to local law enforcement does not constitute filing a complaint under this policy, nor does filing a complaint under this policy constitute reporting to local law enforcement. The Office of Campus Safety will assist individuals in making a report of a crime to local law enforcement. Any internal investigation and/or hearing process conducted by Elmira College will be conducted concurrently with any criminal justice investigation and proceeding. However, in some cases the College may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation. Such delays will not last more than 10 days except when law enforcement authorities specifically request and justify a longer delay.

The Elmira Police Department, which can be reached at (607) 735-8600, can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner. The New York State Police Sexual Assault Hotline, which can be reached at 1-(844) 845-7269, may also be of assistance in reporting an incident to law enforcement. Orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by a College community member or other person. In appropriate circumstances, an order of protection may be available that restricts the offender's right to enter the College's property, and Elmira College will abide by a lawfully issued order of protection. Campus Safety, or other College officials, will, upon request, provide reasonable assistance to any member of the campus community in obtaining an order of protection or, if outside of New York State, an equivalent protective or restraining order, including providing that person with:

- i. a copy of an order of protection or equivalent when received by the College and providing that person with an opportunity to meet or speak with a College representative, or other appropriate individual, who can explain the order and answer questions about it, including information from the order about the other person's responsibility to stay away from the protected person or persons;

- ii. an explanation of the consequences for violating these orders, including but not limited to arrest, additional conduct charges, and interim suspension; and assistance in contacting local law enforcement to affect an arrest for violating such an order of protection.

XIII. Procedures for Investigating and Resolving Alleged Violations of Misconduct Policies

- a. The College's investigation and resolution of a complaint (excluding any appeal) will normally be completed within 60 calendar days. However, the nature of a complaint and/or extenuating circumstances (such as the time of the academic year, the timing of College breaks, the effect of concurrent criminal proceedings, etc.) may require an extension of that timeframe. In the event that the investigation and/or resolution exceed the timeframes in this policy, the Title IX Coordinator will notify both parties of any scheduling delays and the expected adjustment in the time frame.
- b. The complainant and respondent will be permitted to have an advisor of their choice attend any investigatory interview/ meeting with him/her (at the party's own expense if the advisor is a paid advisor). Unless the matter involves a sexual assault, domestic or dating violence, or stalking, the advisor must be a non-attorney member of the campus community. An advisor's role is to consult with and support the party and may not disrupt or distract from the interview/meeting. The advisor is not permitted to speak or otherwise make any direct statements to the investigators or during any meetings. Each party is required to speak on their own behalf if he or she wishes to be heard and not through the advisor. Any advisor who fails to comply will be required to leave the meeting, and the meeting will proceed in the advisor's absence.

c. Mediation

In some cases, a mediated resolution may be appropriate. This may be the case in instances of more minor acts of insensitivity or misunderstandings. Serious sanctions, such as suspension, expulsion or termination, are not possible as a result of the mediation process, but lesser sanctions may be agreed to. Mediation is not available in cases of sexual assault or other violence or where a student is complaining of conduct by an employee in a position of authority over that student.

A person who desires mediation should contact the Title IX Coordinator. Mediation must be agreed upon by both parties, and the Title IX Coordinator must agree that mediation is appropriate. The mediation must be conducted by a third-party; mediation between just the complainant and respondent is not acceptable. A campus mediator will begin mediation efforts promptly and will report to the Title IX Coordinator that the mediation occurred. At any time during the mediation process the complainant or the respondent has the right to terminate the process and proceed to an investigation.

The Title IX Coordinator must agree that the parties' mediated resolution is appropriate under the circumstances. If the parties reach agreement and this agreement is deemed appropriate, the mediation is considered successful. Both parties will sign a statement agreeing that the mediation was successful, and the matter will be considered resolved. If the mediation is unsuccessful, the complainant can proceed with a formal complaint. A copy of the signed statement will constitute the record of the mediation. If a party with obligations pursuant to a mediated resolution fails in his/her obligations, the other party may ask the College to enforce the terms of the resolution or may proceed with a formal complaint process.

- d. Upon receipt of a complaint and a desire by the complainant to move forward with an investigation, or a determination by the College to move forward in the absence of a participating complainant, the investigation process will begin. Investigators appointed by the Title IX Coordinator will contact the complainant(s) and the respondent(s) to meet and review the investigation procedures, and outline the basis for the complaint. The investigation will normally be conducted by a team consisting of two members of Title IX Investigation

Team. In extenuating circumstances the College may utilize an external team solely or in conjunction with an internal investigation team. The investigation process generally includes interviewing the persons involved, including witnesses, and gathering and considering relevant evidence. The complainant and respondent will be given an equal opportunity to present separately information in the context of the investigation. Normally, the investigation will be completed within 14 days of receipt of the complaint. In unusual cases, it may be apparent that an investigation should not proceed. This may be the case if the complaint is not of a nature covered by this policy; where another policy or procedure is more appropriate; or where there is indisputable proof that the allegations are not true. If an investigation is not to proceed, the complainant and respondent will be so informed. That decision is not appealable.

In most instances, both parties are advised to avoid unnecessary contact with the other and, in appropriate cases, an administrative “no contact” directive may be issued to the respondent.

The complainant and respondent will have the right to have their own prior sexual history with persons other than the other party and their own mental health diagnosis and/or treatment excluded from the investigatory and disciplinary proceedings held under this policy.

Both the complainant and the respondent shall receive notice referencing the specific provision of this policy alleged to have been violated and the possible sanctions. This notice shall also include the date, time, location and factual allegations concerning the alleged violation.

The investigation team uses the preponderance of the evidence standard (i.e., it is more likely than not that a fact is true and/or that a violation of this policy occurred) in making its findings and recommendation. The parties, upon submission of a written request to the Title IX Coordinator, may be permitted to review on campus information in the case file, subject to redaction permitted and/or required by law and consistent with College policy and applicable federal and state law, including the Family Educational Records Privacy Act. At the conclusion of the investigation, the investigation team will issue a written report of the evidence and their findings and recommended action to the person identified below.

- i. **Student Respondent** – The Director of Residence Life will review the finding and recommendations of the investigatory team and make a final determination, including issuing appropriate sanctions. The Director of Residence Life may discuss the case and information provided with the investigatory team, with anyone interviewed as part of the investigation, or with any other person deemed relevant. Alternatively, the Director of Residence Life may request further investigation by the investigatory team.
- ii. **Faculty Respondent** – The Dean of Academic Affairs will review the findings and recommendations of the investigatory team and make a final determination, including issuing appropriate sanctions or referral to other procedures as may be required. The Dean may discuss the case and the information provided with the investigatory team, with anyone interviewed as part of the investigation, or with any other person deemed relevant. Alternatively, the Dean may request further investigation by the investigatory team.
- iii. **Other Employee Respondent** – The Director of Human Resources will review the findings and recommendations of the investigatory team and make a final determination, including issuing appropriate sanctions. The Director of Human Resources may discuss the case and the information provided with the investigatory team, with anyone interviewed as part of the investigation, or with any other person deemed relevant. Alternatively, the Director of Human Resources may request further investigation by the investigatory team.
- iv. **Vendor, visitor, or other non-student, non-employee Respondent** – The Director of Campus Safety or other College administrator (as designated by the Title IX Coordinator) will review the findings and recommendations of the investigatory team and make a final determination, including issuing appropriate sanctions. The Director may discuss the case and the information provided with the

investigatory team, with anyone interviewed as part of the investigation, or with any other person deemed relevant. Alternatively, the Director may request further investigation by the investigatory team.

In all cases, the official reviewing the findings and recommendations may accept them, reject them, send the matter back for further consideration, or issue his/her own determination. Any determination is to be based on a preponderance of the evidence presented. Normally, the review of the investigatory report will be completed within 14 days of receipt, but this timeframe may be extended if necessary under the circumstances.

In any case where a student is a Respondent or Complainant, both the Complainant and Respondent will be permitted to submit a written impact statement to the Title IX Coordinator after a finding of responsibility for violation of this policy and prior to the determination of an appropriate sanction(s). The Title IX Coordinator will provide copies of any such written impact statements to the official responsible for making a determination regarding appropriate sanctions.

If a determination is made that a violation of this policy did not occur, no sanction(s) will be issued under this policy. However, the College retains the right to address inappropriate behavior through other applicable College personnel and student life policies and procedures.

- e. Each party will be notified in writing, at or about the same time, of the results of any decision by the above identified persons. In cases where a student is a party, the final outcome letter shall include factual findings supporting the determination, the decision and sanction, if any, as well as the rationale for the decision and sanction. Any record of or information obtained during the proceedings shall be protected from public release until a final determination is made. A final determination is made under this policy when no appeal of the decision is sought, or in the event of an appeal, when the decision on appeal is communicated to the complainant and respondent. Any public release of the full and fair record of the proceedings shall be made in accordance with College policy and federal and state laws.
 - i. Either party may appeal in writing within 10 days of the decision (except that a vendor, visitor, or other non-student, non-employee does not have a right of appeal). Where the accused is a student, the appeal will be considered by a panel consisting of the Vice President of Enrollment Management and Student Life and two other College officials appointed by the Title IX Coordinator. Where the accused is a faculty member, the appeal should be sent to the Provost; and where the accused is a non-faculty employee, the appeal should be sent to the Vice President of Finance and Administration.
 - ii. Appeals will be permitted only for claims of procedural error (including issues relating to the adequacy of any investigation), new evidence which was not reasonably available at the time of the investigation and decision, or because any sanction imposed (or the failure to impose a sanction) is claimed to be inappropriate. All grounds for appeal must be set forth in the written appeal statement. On appeal, the designated person(s) reviewing the appeal may accept, reject, or modify any finding and/or sanction, or may return the matter for further consideration. The designated person(s) reviewing the appeal may also, as part of this appeal process, speak directly with the investigatory team, the initial decision-maker, or otherwise directly (or through a designee) seek additional information from the parties or witnesses, if considered necessary. A written decision regarding an appeal (which will be based on a preponderance of the evidence standard) will generally be issued within 10 days and if there is a change in the determined outcome, that change notification will be sent to both parties involved at or about the same time as feasible.
- f. Regardless of whether discipline is imposed, the College may offer other, non-disciplinary remedies to the complainant.

g. At all steps of the process, College officials may consult with the College's legal counsel.

h. Rights of the Complainant and the Respondent.

i. Rights of the Complainant

When a member of the campus community has become the victim of an alleged act of Misconduct which violates this policy, the victim should expect that the conduct system/investigators shall respond in a caring, sensitive manner which allows the victim to utilize the policy's process unimpeded, while still maintaining the rights of the respondent person. The following rights shall be provided to victims of alleged offenses:

1. The right to be fully informed of the applicable conduct codes and policies.
2. The right to have complaints of Misconduct responded to quickly and with sensitivity.
3. The right to preservation of confidentiality, to the extent possible and appropriate under the circumstances.
4. The right to be notified of available counseling, mental health or student services for victims, both on campus and in the community.
5. The right to be treated with dignity and respect by all persons involved in the investigatory and appeal process.
6. The right to be informed by College officials of options to notify proper law enforcement authorities, including on-campus public safety and local police.
7. The right NOT to be discouraged by College officials from reporting a crime, especially crimes of sexual assault/violence, to both on and off-campus authorities.
8. The right to have an advisor who, in cases which do not involve sexual assault, domestic/dating violence, or stalking, is a non-attorney member of the College community; this person has an advisory role only and may not directly participate in the investigatory/resolution process.
9. The right to notification of options for and available assistance in changing academic, working, and living situations after an alleged incident, if so requested by the victim and if such changes are reasonably available (no charges or investigation, campus or criminal, need occur before this option is available).
10. The right to request a campus physical restriction or "keep-away" order against the respondent.
11. The right to NOT be subject to any type of retaliation. Violation of such instructions would constitute grounds for the College to take immediate and further action.
12. The right to submit an appeal and receive a written response in the proscribed time frame.
13. The right to participate in the investigatory/resolution process by means other than being in the same room with the respondent.
14. The right to have the evidence presented be relevant, based in fact, and without prejudice, and the outcome of the complaint based solely on evidence presented during the investigatory/review process.
15. The right to assert an objection to any member of the investigatory team or to any decision-maker under this policy, for reasons of demonstrated bias.
16. The right to present relevant witnesses and evidence.
17. The right to make a victim-impact statement and to have that statement considered in determining any sanction.
18. The right to be informed in writing of the outcome and any sanctions resulting from the complaint, usually at or about the same time as the respondent.

ii. Rights of the Respondent

When a member of the campus community has become the respondent of an alleged act of Misconduct which violates this policy, the respondent should expect that the conduct system shall

respond in a caring, sensitive manner which allows the respondent to utilize the policy's process unimpeded, while still maintaining the rights of the complainant. The following rights shall be provided to respondent of the alleged offenses:

1. The right to be advised of the nature of the allegations against him/her.
2. The right to be fully informed of the applicable conduct codes and policies.
3. The right to have complaints of Misconduct responded to quickly and with sensitivity.
4. The right to be presumed not in violation of College policies unless and until determined to be in violation under a preponderance of the evidence standard.
5. The right to preservation of confidentiality, to the extent possible and appropriate under the circumstances.
6. The right to waive the investigatory or review process by admitting responsibility. In these cases, the Assistant Dean of Students, Dean of Academic Affairs, or Director of Human Resources, as appropriate, may determine an appropriate sanction.
7. The right to be notified of available counseling, mental health, or student services available on campus.
8. The right to be treated with dignity and respect by all persons involved in the investigatory and appeal process.
9. The right to have an advisor who, in cases which do not involve sexual assault, domestic/dating violence, or stalking, is a non-attorney member of the College community; in all cases this person has an advisory role only and may not directly participate in the investigatory/resolution process.
10. The right to notification of options for and available assistance in changing academic working and living situations after an alleged incident, if so requested and if such changes are reasonably available.
11. The right to NOT be subject to any type of retaliation. Violation of such instructions would constitute grounds for the College to take immediate and further action.
12. The right to submit an appeal and receive a written response in the proscribed time frame.
13. The right to participate in the process by means other than being in the same room with the complainant.
14. The right to have the evidence be relevant, based in fact, and without prejudice, and the outcome of the complaint based solely on evidence presented during the investigatory/review process.
15. The right to assert an objection to any member of the investigatory team, or to any decision-maker under this policy, for reasons of demonstrated bias.
16. The right to present relevant witnesses and evidence.
17. The right to make a statement and to have that statement considered in determining the outcome of the case.
18. The right to be informed in writing of the outcome and any sanctions resulting from the complaint, usually at or about the same time as the complainant.

i. Withdrawal prior to resolution of an open conduct case

A student who withdraws from the institution prior to an outcome of a pending conduct case should understand that the investigation will continue without their participation. A student can still be found responsible in their absence.

j. Resolution of Procedural Issues

In the event procedural issues arise under this policy which are not explicitly addressed, the Title IX Coordinator shall have the authority to resolve those issues.

XIV. Public Awareness/Advocacy Events/Education

If a victim discloses actions constituting a violation of this policy through a public awareness event such as “Take Back the Night,” a candlelight vigil, a protest, a student organization or other event or forum, or other public event, the college is not obligated to begin an investigation. The college may, however, use the information to inform the need for additional education and prevention efforts. Elmira College also uses resource training such as EVERFI to provide and track sexual assault prevention training.

XV. Multiple Complainants/Respondents/Claims

In cases where there are multiple complainants and/or multiple respondents, the College reserves the right to handle the cases individually or jointly. Further, in cases where there are allegations of a violation of this Policy and collateral allegations of other policy violations (e.g., an allegation of a sexual assault and minor property damage), the College reserves the right to have allegation(s) of violations of this Policy and the collateral allegation(s) investigated and adjudicated pursuant to this Procedure. In cases where the individual has more than one status with the College (such as a student who is also employed with the College, or any employee who takes courses at the College), the College will determine at its discretion which status is primary; in such a situation, sanctions imposed may include both sanctions related to each status.

XVI. Recordkeeping

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

XVII. Training

Responsible Administrators, persons assigned as investigators, and individuals determining violations of this policy will receive annual training on relevant topics, including discrimination, harassment, sexual misconduct, stalking, domestic violence and dating violence, and how to conduct investigations and disciplinary proceedings that protect the safety and respectful treatment of all parties and promote accountability to the College community.

XVIII. Academic Freedom

Elmira College is an academic institution at which academic freedom is necessary and valued. The College will not construe this policy to prevent or penalize a statement, opinion, theory, or idea offered within the bounds of legitimate, relevant, and responsible teaching, learning, working, or discussion.

XIX. Clery Act Compliance

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

XX. Coordination with Other Policies

A particular situation may potentially invoke one or more College policies or processes. The College reserves the right to determine the most applicable policy or process and to utilize that policy or process. This policy does not apply to

decisions relating to requests for reasonable accommodation due to a disability. Academic disability accommodations are handled by the Disability Accommodation Office and pursuant to that office's policies. Work-related disability accommodations are handled by the Human Resources Office and pursuant to that office's policies.

XXI. Designation of Authority

Any College administrator or official who this policy empowers to act may delegate his/her authority to any other appropriate College official. Delegation of authority may be necessary to avoid conflicts of interest or where time constraints or other obligations prevent a College official named in this policy from fulfilling his/her designated role.

XXII. Policy Compliance

Any person with a concern about the College's handling of a particular matter should contact the College's Title IX Coordinator, Jennifer Bozek located in the Clarke Health Center – Clarke Health Center – 607-735-1848. The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100, (800) 421-3481.

XXIII. Amendments

This Policy may be amended, in writing, by the President and notification to Student Government.

XXIV. Students' Bill of Rights in Cases Involving Sexual Assault, Domestic/Dating Violence, and Stalking

- a. All students have the right to:
 - i. Make a report to local law enforcement and/or state police;
 - ii. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
 - iii. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and or criminal justice process free from pressure by Elmira College;
 - iv. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
 - v. Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
 - vi. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
 - vii. Describe the incident to as few College representatives as practical and not be required to unnecessarily repeat a description of the incident;
 - viii. Be protected from retaliation by the College, any student, the accused and/or the respondent, and/or their friends, family, and acquaintances within the jurisdiction of Elmira;
 - ix. Access to at least one level of appeal of a determination;
 - x. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
 - xi. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of Elmira College.
- b. Advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained.

Sex Offender Registration

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, the Elmira College Office of Campus Safety is providing a link to the Dru Sjodin National Sex Offender Registry. <https://www.nsopw.gov/>

This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

Registry information provided from this site shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children in particular.

Unlawful use of the information for purposes of intimidating or harassing another is prohibited and willful violation shall be punishable as a Class 1 misdemeanor.

Please use the United States Department of Justice website at <http://www.nsopr.gov/> to search for sex offenders, find answers to frequently asked questions and learn about education and prevention methods.

c. Policy regarding emergency response and evacuation procedures
Emergency Response and Evacuation Procedures

Upon report of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus the Office of Campus Safety will be dispatched to investigate and report the findings to the President of the College, the Office of Enrollment Management and other pertinent administrators, depending on the type and location of the emergency.

Once the emergency is confirmed procedures contained within Elmira's Emergency Response and Preparedness Plan (ERPP) shall be followed.

Issuance of a Timely Warning alert to the appropriate segment or segments of the campus community will be determined in accordance with section I. Clery Compliance Timely Warnings of this report. The alert will contain appropriate instruction issued in accordance with the ERPP, providing that the content of the notification will not compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Should the larger community need to be informed the procedures of the Timely Warning or Emergency Notifications would be followed with any additional notifications necessary.

Annually, the Emergency Response and Evacuation plan will be tested through the use of a large scale drill run by the Elmira College Crisis Team and in conjunction with the Crisis Plan.

Procedures

Evacuation drills are coordinated by the Office of Campus Safety and Office of Residence Life quarterly each year for all facilities on campus. Thus, the emergency response and evacuation procedures are tested at least four times a year. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Elmira does tell residents in advance about the designated locations for long-term evacuations.

Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At Elmira College, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the College an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by Campus Safety and Residence Life Staff to evaluate egress and behavioral patterns. Reports are prepared by Campus Safety which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Shelter-in-Place Procedures – What it means to "Shelter-in-Place"

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

d. Missing Student Notification Policies and Procedures

Anyone suspecting a student or employee has been missing should immediately notify the Office of Campus Safety, the Office of Enrollment Management, or the President's Office. Official missing student reports must be referred immediately to Campus Safety or a local law enforcement agency, with jurisdiction in the area. It is always appropriate to notify local law enforcement.

Any student may identify a contact person or persons whom the College will notify of the determination that the student is missing, if the student has been determined missing by Campus Safety, or the Elmira Police. The contact person is identified by the student to Residence Life staff through the appropriate form issued by Residence Life. The College must inform parent or guardian of students less than 18 years of age and not emancipated, within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Elmira College will notify Elmira Police of the determination that the student is missing, unless Elmira Police was the entity that made the determination that the student is missing.

Procedures to follow when a student who resides in an on-campus housing facility is determined to have been missing:

- i. If a student has designated a contact person, notify that contact person once notified that the student is missing
- ii. If the student is under 18 years of age and is not emancipated, notify the student's custodial parent or guardian and any other designated contact person that the student is missing

- iii. Regardless of whether the student identified a contact person, is above the age of 18, or is an emancipated minor, inform Elmira Police once notified that the student is missing.

e. **Definitions**

- i. **Aggravated Assault** – Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- ii. **Arson** – Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- iii. **Burglary** – Burglary is the unlawful entry of a structure to commit a felony or a theft.
- iv. **Criminal Homicide** – Manslaughter by Negligence – The killing of another person through gross negligence.
- v. **Criminal Homicide** – Murder and Non-negligent Manslaughter – The willful (non-negligent) killing of one human being by another.
- vi. **Hate Crime** – A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.
- vii. **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).
- viii. **Gender** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- ix. **Gender Identity** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- x. **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).
- xi. **Sexual orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- xii. **Ethnicity** – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- xiii. **National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- xiv. **Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
- xv. **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.
- xvi. **Larceny/Theft** – The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another (Larceny and theft mean the same thing in the

- UCR). Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
- xvii. **Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle or any self-propelled vehicle, such as: sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts, and motorized wheel chairs.
 - xviii. **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.
 - xix. **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.
 - xx. **Vandalism of Property Destruction/Damage** – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
 - xxi. **Weapon Law Violations** – Are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
 - xxii. **Drug Abuse Violations** – Are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
 - xxiii. **Liquor Law Violations** – Are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
 - xxiv. **Sex Offenses: Definitions**
 - 1. **Sexual Assault** – An offense that meets the definitions of rape, fondling, incest or statutory rape as used in the FBI UCR program.
 - 2. **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.
 - 3. **Rape** – The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.
 - 4. **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
 - 5. **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - 6. **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

XXV. Statistics for Crime Classification

Figure 1. Crime Classification (2017-2019)

Crime Classification		Campus		Non-Campus Property	Public Property	Total
		On Campus Student Housing	On Campus Total			
Murder/ Non-Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Manslaughter by Negligence	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2019	2	2	0	0	2
	2018	4	4	0	0	4
	2017	3	3	0	0	3
Fondling	2019	2	4	0	0	4
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Aggravated Assault	2019	1	1	0	0	1
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Burglary	2019	0	1	0	0	1
	2018	1	5	0	0	5
	2017	3	3	0	0	3
Motor Vehicle Theft	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Figure 3. Hate Based Crime Classification
See next page

Hate Based Crime Classification		Category of Hate Crime						
		Race	Gender	Religion	Sexuality	Ethnicity	Disability	Total
Murder/ Non-Negligent Manslaughter	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Manslaughter by Negligence	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Rape	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Fondling	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Incest	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Burglary	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0

Continued								
		Race	Gender	Religion	Sexuality	Ethnicity	Disability	Total
Arson	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Any Other Crime Involving Bodily Injury	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Simple Assault	2019	2	0	0	0	0	0	2
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Intimidation	2019	0	0	0	0	0	0	0
	2018	1	0	0	0	0	0	1
	2017	0	0	0	0	0	0	0
Larceny-Theft	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (except Arson)	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0
Number of Unfounded Incidents	2019	0	0	0	0	0	0	0
	2018	0	0	0	0	0	0	0
	2017	0	0	0	0	0	0	0

Figure 4. Crime Classification (2017-2019)

Crime Classification		Campus		Non-Campus Property	Public Property	Total
		On Campus Student Housing	On Campus Total			
Drug Law Arrests	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Drug Law Violation Disciplinary Referrals	2019	9	9	0	0	9
	2018	4	4	0	0	4
	2017	18	18	0	0	18
Liquor Law Arrests	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Liquor Law Violation Disciplinary Referrals	2019	79	79	0	0	79
	2018	131	131	0	0	131
	2017	109	109	0	0	109
Illegal Weapons Possession	2019	1	1	1	0	2
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Figure 5. WA Classification (2017-2019)

WA Classification		Campus		Non-Campus Property	Public Property	Total
		On Campus Student Housing	On Campus Total			
Domestic Violence	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Dating Violence	2019	0	0	0	0	0
	2018	3	3	0	0	3
	2017	1	1	0	0	1
Stalking	2019	1	1	0	0	1
	2018	1	1	0	0	1
	2017	0	0	0	0	0

XXVI. Fire Safety Report

Elmira College provides information on fire safety policies and campus fire statistics to those individuals most directly affected – its students and employees, both current and prospective.

This report is prepared in cooperation with the Director of Campus Safety, Director of Facilities Management, and the Office of Residence Life. Each entity provides updated information on their educational efforts and programs to comply with the Law. Campus fire statistics include those reported to campus officials or directly to the Elmira Fire Department.

Each year, an e-mail notification is sent to all enrolled students that provide the web site to access this report. Faculty and staff receive a similar notification via an all staff and faculty email, and an informational flyer is handed out to all students at fall and Spring Orientations which also includes the Notice of Availability for the Annual Security and Fire Safety Report.

Copies of the report may also be obtained at the Campus Safety Office located at 710 Park Pl, Elmira NY or by emailing Campus Safety at security@elmira.edu, or by calling: 607-735-1777.

Statistics to be collected and reported include the number of fires and the cause of each fire. As defined by the Higher Education Opportunity Act (HEOA) the cause categories are:

- a. Unintentional Fire
- b. Intentional Fire
- c. Undetermined Fire

Also to be reported are the numbers of deaths related to the fire, number of injuries related to the fire that resulted in treatment at a medical facility, and the value of property damage related to the fire.

a. Description of Each On-Campus Student Housing Facility Fire Safety System

Elmira College offers a variety of housing options for students. Options include cooperative housing, traditional residence halls, and suite style buildings. Each hall is supervised by professional staff including Residence Life Coordinator (RLC). They are assisted by Resident Assistants (RAs). RAs are students who are part-time staff members as well as full-time students. As resource persons for their halls, the staff assists residents with personal and academic concerns, coordinates educational and social programming in conjunction with the Hall Council, and helps to explain and enforce College policy.

All student housing is alarmed in such a manner that an activated fire alarm will be transmitted simultaneously to the Office of Campus Safety and the Elmira Fire Department. All housing is in strict compliance with fire regulations as overseen by the Fire Department and upgraded as required by pertinent building codes.

Figure 6. Causes of Alarm Activation

Residence Hall	Intentional Fires			Undetermined Fires			Fire Related Deaths			Value of Property			Number of Annual Fire Drills		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Alumni Hall	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
Anderson Hall	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
Benjamin Cottage	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
Columbia Hall	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
Langdon Cottage	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
Lent Cottage	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
MacKenzie Cottage	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
Meier Hall	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
Perry Hall	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
Tompkins Hall	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4
Twin Towers	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4

Figure 7. Unintentional Fires

Residence Hall	Cooking			Smoking Materials			Open Flames			Electrical			Heating Equipment			Hazardous Products			Machinery Industrial			Natural			Other		
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
Alumni Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Anderson Hall	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Benjamin Cottage	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Columbia Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Langdon Cottage	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lent Cottage	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MacKenzie Cottage	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Meier Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Perry Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tompkins Hall	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Twin Towers	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Figure 8. Student Housing Fire Safety Systems

Housing	Unit Alarmed to OCS & EFD	Sprinkled	Pull Stations	Smoke Detectors	Horns/Strobes	Heat Detectors	Auto Door Closures	Fire Extinguishers
Alumni Hall	YES	NO	YES	YES	YES	YES	YES	YES
Anderson Hall	YES	NO	YES	YES	YES	YES	YES	YES
Columbia Hall	YES	NO	YES	YES	YES	YES	YES	YES
Cottages	YES	NO	YES	YES	YES	YES	YES	YES
Meier Hall	YES	YES	YES	YES	YES	YES	YES	YES
Perry Hall	YES	NO	YES	YES	YES	YES	YES	YES
Tompkins Hall	YES	NO	YES	YES	YES	YES	NO	YES
Twin Towers	YES	LIMITED	YES	YES	YES	YES	YES	YES

b. Number of Fire Drills Held Each Year

Elmira College works very closely with the Elmira Fire Department (EFD) and their Department of Fire Prevention. At a minimum a supervised fire drill is scheduled for once a quarter (generally in January, April, June, and September).

c. Policies and Rules on Portable Electrical Appliances, Smoking, and Open Flames in Student Housing

Fire safety regulations are for the safety and welfare of the College community. Misuse or abuse of emergency equipment that results in the sounding of a false alarm is a class B felony and is prohibited and considered a serious violation of College policy and local fire codes. College staff will inspect student living areas regularly and annually by the New York State Office of Fire Prevention to ensure the following fire safety violations are not present in both the private rooms and common areas of the living unit if applicable.

- i. The Use of the Following Hazardous Appliances is prohibited:
 1. Hotplates and George Foreman Grills in areas other than kitchens
 2. Toaster ovens and microwaves in areas other than kitchens
 3. Non-UL listed appliances
 4. Appliances containing immersion coils
- ii. The Use of Open Flame is prohibited, including:
 1. Candles
 2. Incense
 3. Kerosene lamps
- iii. Electrical Hazards, such as the Following are prohibited:
 1. Extension cords
 2. Cords nailed or stapled to walls
 3. Splicing of electrical cords
- iv. Holiday Decorations and String Lights:

While certain decorations are helpful in acquiring the right "spirit of the season," live greenery is not allowed anywhere in the residence halls. Under no circumstances may decorations be attached or suspended from fire safety devices or equipment. String lights and/or holiday lights are not permitted in residence halls unless it is between November and Winter Break.

Excessive Combustible Materials are prohibited:

1. Excessive disorderly condition and the storage of excessive amounts of trash, paper, cardboard, boxes, newspaper, etc.
 2. Partitions installed by residents
 3. Excessive decorations, tapestries, posters or other wall coverings
 4. Tapestries or decorations attached to ceilings
 5. Fireworks, explosives, ammunition
- v. Tampering with or Impacting Fire Protection Equipment is prohibited:
1. Smoke detectors covered, blocked, disabled or tampered with
 2. Fire sprinkler heads operationally compromised by presence of tape, hanging materials or obstructions
 3. Items hanging on sprinkler piping
 4. Activity that impacts the functioning of any automatic door closure mechanism (propping of fire doors)
 5. Obstruction of or tampering with fire protection devices/equipment (fire alarm pull stations, hose cabinets, fire extinguishers, sprinkler heads)
- vi. Tampering with or Impacting Fire Walls, Ceiling and Doors are prohibited:
1. Holes which penetrate walls, ceiling and doors
 2. Automatic door closing mechanisms disabled or by-passed (propping of fire doors)
- vii. Exit Ways is prohibited:
1. Obstructing corridors, stairwells, lobbies, or exit doors by storage, furniture, etc.
 2. Tampering with, obstructing or vandalizing exit and emergency lights
- viii. Lighting of Outside Fires is prohibited:
1. Outdoor fires are not permitted on campus property, including campus wooded areas without the written permission of the Director of Campus Safety, Elmira Fire Department and sanctioned by the College.
- ix. Smoking Regulations on Campus:
1. Smoking is prohibited in all campus buildings and facilities
 2. Front steps/entrances of academic, administrative and residential buildings are designated as non-smoking areas. Ashtrays are located at all entrances; however, all smoking must occur at least 20 feet from the building.
- x. Fire Alarms:

The fire alarm system at the College serves to protect lives and property. Due to the cost of having the Elmira Fire Department respond to false alarms, individual residents or entire residence halls are assessed a fine for preventable, false fire alarms in addition to the fine assessed for intentionally set fire alarms. Misuse of exterior emergency phones in addition to pull stations, fire extinguishers, emergency exits, or fire doors is considered tampering with fire equipment and may result in a fine and/or College judicial sanctions. It is required that all persons leave any facility during the sounding of the alarm system.

- xi. Fire Lanes:

Any and all roads on campus, whether marked or unmarked, are constituted as fire lanes, and must be clear of parked vehicles at all times. Parking in front of buildings, in gated areas, and all roadways unless designated as parking spaces with yellow lines, constitutes parking in a fire lane.

d. Procedures for Student Housing Evacuation in Case of a Fire

Whenever a fire alarm is activated all persons inside the building are required to evacuate immediately and remain out of the building until cleared to return by the Fire Department. Evacuating persons should report to their assigned gathering location, issued by their Residence Life Coordinator, as soon as possible for accountability and to provide any information pertinent to the alarm.

e. Policies Regarding Fire Safety Education and Training Programs

Fire safety education and training programs are available through the Office of Campus Safety or the Elmira Fire Department. Anyone desiring to receive any specific training or sponsor a presentation should contact Campus Safety.

Figure 9. Elmira College Main Campus



Figure 10. Elmira College Quarry Farm

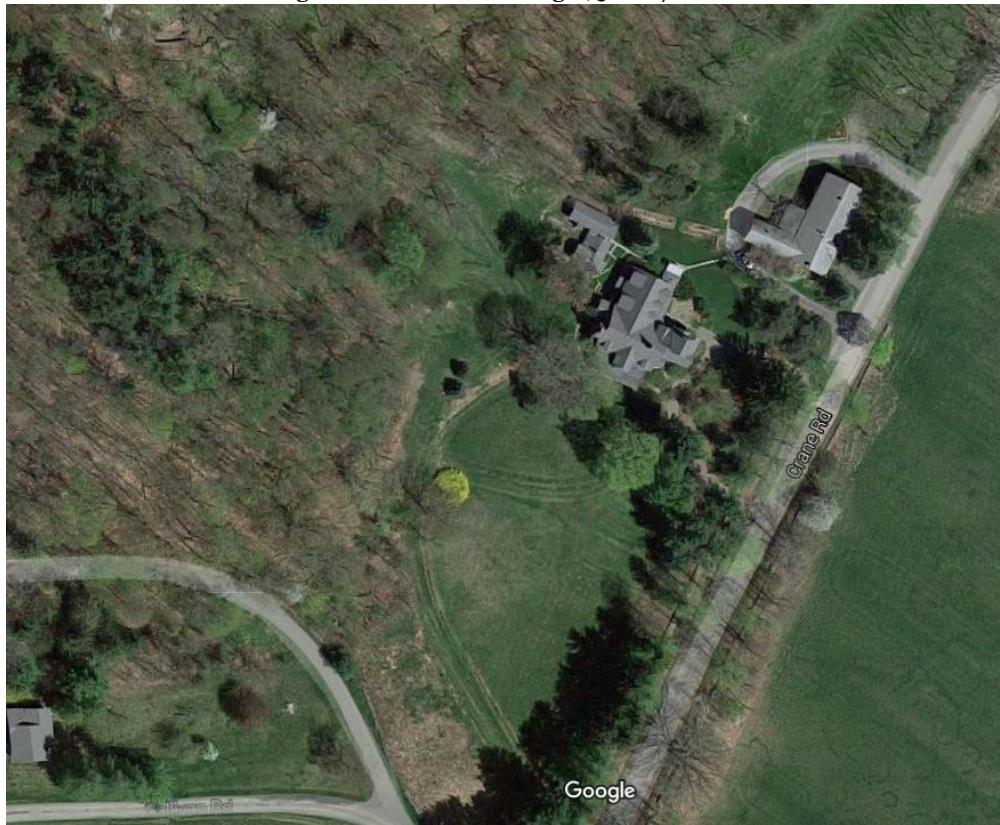


Figure 11. Elmira College Murray Athletic Center (MAC)



Figure 12. Elmira College Facilities Management



Figure 13. Eldridge Park Athletics Field



Figure 14. Dunn Field (Athletics Use)

