

# Elmira College Office of Campus Safety

Clery Reportable Year 2023  
October 1, 2024 Submission

Safety and Security at Elmira College

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



Please note: Information contained in this report may represent policies, procedures and job titles that were applicable in reporting year 2023, however, those policies, procedures and job titles may no longer be effective, or may have been modified or eliminated.

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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 745 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, investigate concerns that students or staff may have, work collaboratively with the Elmira Police Department, Elmira Fire Department, and other local agencies, and work in conjunction with our facilities department and State Fire personnel to conduct scheduled inspections. All staff have been trained in First Responder First Aid, CPR, Naloxone, 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 Vice President of Campus Life and Dean of Students, Assistant Dean of Students, 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 cellular 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 Place, 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/life-at-elmira/student-resources-services/campus-safety/overview>. 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 staff, the Office of Campus Life, and the Office of Campus Safety. 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 other law enforcement agencies having jurisdiction over Elmira College properties or travel destinations. 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. Information regarding the availability of this report is provided to students and families at Fall and Summer Orientations. This 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 Place, 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 Residence Life. Contact the 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 entrance to residence halls. 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 Residence Life (607) 735-1821
- ii. The Clarke Health Center (607) 735-1750

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

A link to an Elmira College Incident Reporting Form is available to students on MyEC. Students can report activity taking place within the Elmira College community that is contrary to the ideals and values of the College. The incident report can be filed anonymously. This is not an immediate response reporting option. The Incident Reporting Form is available at:

[https://cm.maxient.com/reportingform.php?ElmiraCollege&layout\\_id=1](https://cm.maxient.com/reportingform.php?ElmiraCollege&layout_id=1)

Students may contact the on-call professional staff member utilizing the Residence Life emergency number (607) 873-4539.

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 can be reviewed through the Elmira.edu webpage and covers all levels of restrictions regarding access into Residence Halls.

### **III. Professional Staff Associated with Residence Halls**

#### **a. Assistant Dean of Students**

The Assistant Dean of Students reports directly to the Vice President of Campus Life and Dean of Students, and is tasked with managing Community Coordinators. The Assistant Dean of Students ensures training is accurate and complete and is a resource for students. The Assistant Dean of Students serves as the discipline and/or conduct officer for the college, guide programming/decision making, as well as taking part in the campus vision and fulfilling the college mission.

#### **b. Community Coordinators (CC)**

The Community Coordinators (CCs) 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 Resident Assistants. At all times, the CCs 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 Community Coordinator meets with all new students in their respective residence halls within the first three weeks of every term. Community Coordinators also serve as Conduct Hearing Officers. Community 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 Community 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, 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. There is an RA on call each night from 8 pm to 12 pm (weekday) or 8 pm to 2 am (weekend).

**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.

**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 Title IX training, which deal with the prevention of sexual assault, dating violence, domestic violence and stalking, Fire Safety conducted with all employees and students, and resident hall safety and security.

Office of Campus Safety personnel facilitate programs for student, parent, faculty, and new employee orientations, student organizations, community organizations, in addition to programs for Community 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. 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 is strictly prohibited.

**The following are prohibited:**

- a. Activities or paraphernalia that encourage the rapid or mass consumption of alcohol.
- b. Overconsumption of alcohol.
- c. Consumption of alcohol that requires medical evaluation or transportation to a medical facility.
- d. Providing alcohol to an individual(s) under the age of 21.
- e. Driving under the influence of alcohol.
- f. 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 while 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](mailto: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 Campus Life, Office of Campus Safety and Campus Chaplain.
- ii. Counseling Services: Counseling Center, Campus Chaplain, and Employee Assistance Program.
- iii. Referral Services: Office of Campus Life, Counseling Center, Employee Assistance Program.
- iv. College Disciplinary Actions: Assistant Dean of Students and Community Coordinator.

**XI. Policy Statements Regarding Sex Offenses**

**a. Policy Against Sexual Harassment And Other Sexual Misconduct**

**Overview and Policy Summary**

As an educational institution, Elmira College is committed to promoting a campus environment where 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, is not tolerated. Some of the conduct prohibited by this policy is unlawful, and all of the prohibited conduct is antithetical to the mission of the College. Elmira College will take reasonable and appropriate remedial action to prevent Sexual Misconduct, prevent its recurrence, and correct its discriminatory effects on the complainant and others.

Elmira's process to address cases of alleged sexual harassment and other forms of sexual misconduct is designed to consider the rights of the complainant, the rights of the respondent, the safety of the community, all applicable laws and College policies, and to conduct a timely, fair, impartial, and equitable investigation and adjudication process with thoroughness and respect for all involved parties.

As a recipient of federal funds, Elmira College is required to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. & 1681 et seq., which prohibits discrimination on the basis of sex in education programs or activities. Pursuant to Title IX and the Violence Against Women Act ("VAWA") and New York Education Law Section 129-B, 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.

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 the behavioral expectations in this policy. A Students' Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking, as well as an additional general statement of rights, is attached at the end of this policy.

### **Summary of Policy and Procedure**

This Policy prohibits all forms of sex and gender-related misconduct, referred to here, and defined more fully below, as "sexual misconduct." A person who has experienced sexual misconduct has several options:

- i. **A report to a Confidential Resource.** A confidential resource provides emotional and/or medical services and maintains confidentiality. A report to a confidential resource does not result in a College investigation or any other action to respond to the incident.
- ii. **A report to a Responsible Administrator.** Certain personnel at the College have the responsibility to receive reports of sexual misconduct and to take action based on those reports. A responsible administrator will forward the information about the incident to the Title IX Coordinator. The Title IX Coordinator will discuss options with the reporting person. The assistance the Title IX Coordinator can facilitate includes the following:
  - a. **Supportive Measures.** Supportive measures are intended to support the individual who experienced sexual misconduct to continue in their involvement in the College's program and activities. Supportive measures include no contact orders, academic accommodations, changes in housing assignment, or other academic, residential or work accommodations.
  - b. **Informal Resolution.** An informal resolution is a resolution that the parties (i.e., the person making the allegations and the accused person) agree upon to address the situation. Not all incidents are appropriate for informal resolution, and no party may be forced to accept an informal resolution. This is a voluntary process.
  - c. **Grievance Process.** A grievance process includes an investigation and adjudication process. The outcome of a grievance process is either that the person accused of sexual misconduct is found either responsible or not responsible for having committed a violation of this Policy. A violation results in appropriate sanctions and other remedies to address the violation.

Additionally, the person who experienced a crime has the option to pursue criminal charges:

- i. **A report to Law Enforcement:** If an incident involves criminal conduct, the victim may make a complaint to law enforcement.

The options for reporting above are not mutually exclusive, and an individual may pursue one option but not the other. An individual may obtain the services of a confidential resource and decide at that time or a later time to report to the College.

### **b. Reporting to a Responsible Administrator of the College**

Any Elmira student, staff member, or faculty member who wishes to report sexual misconduct may do so by contacting any one of the following specially trained individuals:

- **Title IX Coordinator:** Larry Parker, Campus Center, (607) 735-1930, [lparker@elmira.edu](mailto:lparker@elmira.edu)
- **Director of Human Resources:** Jessica Carpenter, McGraw Hall Room 116, (607) 735-1812, [jcarpenter@elmira.edu](mailto:jcarpenter@elmira.edu)
- **Assistant Dean of Students:** Ytsel Flores Christiansen, Campus Life Suite, (607)735-1816, [yfloreschristiansen@elmira.edu](mailto:yfloreschristiansen@elmira.edu)
- **Director of Campus Safety:** Daniel Howe, Cory House, (607) 735-1777, [dhowe@elmira.edu](mailto:dhowe@elmira.edu)
- **Director of Athletics:** Rhonda Faunce, Emerson Hall, (607) 735-1732, [rfaunce@elmira.edu](mailto:rfaunce@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 Sexual 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 sexual 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 supportive measures 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 the confidential resources listed in this section. Contacting any of these confidential resources does not mean that the student must file an official report with the College or report the sexual 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:

- Clarke Health Center: (607) 735-1750
- Counseling Center: (607) 735-1729

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:

- **Sexual Assault Resource Center (SARC):** 1-(888) 810-0093, [sarcst.org](http://sarcst.org), [sarcst@ppsfl.org](mailto:sarcst@ppsfl.org)
- **Arnot Ogden Medical Center:** (607) 737-4194, [www.arnothealth.org/arnot-ogden-medical-center](http://www.arnothealth.org/arnot-ogden-medical-center)
- **Chemung County Health Department:** (607) 737-2028, [www.chemungcountyhealth.org](http://www.chemungcountyhealth.org)
- **Planned Parenthood:** (607) 734-3313, [www.plannedparenthood.org](http://www.plannedparenthood.org)
- **Clinical Social Work and Counseling Services:** (607) 734-1447, [www.cswcsfingerlakes.com](http://www.cswcsfingerlakes.com)
- **Crisis Program:** (607) 737-5369, [Chemung.ny.networkofcare.org/emergency-services](http://Chemung.ny.networkofcare.org/emergency-services)
- **Suicide Hotline:** 1-(800)-SUICIDE (784-2433)
- **NYS Office of Victim Services:** 1-(800) 247-8035

#### **d. Supportive Measures & Emergency Removal of Students**

Supportive measures may be made by the College in an effort to immediately respond to a situation. Once a report is made under this policy, the complainant will be contacted by the Title IX Coordinator and offered individualized support as more fully described below. A report that triggers supportive measures need not be a formal complaint, and it may be made by a third-party (i.e., someone other than the complainant himself/herself). Once the respondent is informed of a report or a formal complaint, the respondent will be contacted by the Title IX Coordinator and offered individualized support as more fully described below. Supportive measures are intended to restore or preserve, to the extent practicable, equal access to the College's educational programs and activities and protect the safety of all parties without unreasonably burdening the

other party or parties. As required by federal regulation, these supportive measures must be non-disciplinary and non-punitive to the parties.

Supportive measures could include, but are not limited to:

- Changes or adjustment in academics such as the extension of deadlines or other course-related adjustments or allowing a withdrawal from a course without penalty;
- Changes to housing, transportation and campus working situations if those changes are requested by a party and reasonably available;
- Removing the student's contact information from the College directory;
- Mutual "No Contact" orders and, in limited circumstances, one-way no contact orders;
- Access to campus escorts or other reasonable security or monitoring measures; and
- Counseling services.

The Title IX Coordinator is responsible for coordinating the implementation of supportive measures, including coordinating with the various College departments and offices that may be involved. Supportive measures will be offered free of charge. If a party's request for a supportive measure is denied, the party will be afforded an opportunity to have the denial promptly reviewed to assess whether the supportive measure is reasonable under the circumstances. In addition, each party will, upon request, be afforded the opportunity for a prompt review of the need for and terms of supportive measures that have been implemented, including the potential modification of these measures, to the extent that the party is affected by the measure(s) being reviewed. Each party will be allowed to submit evidence in support of, or in opposition to, the request to the extent the supportive measures under review affects that party. Information about how to request a review will be included in a written communication that will outline the supportive measures offered and any that were requested by the party but denied. Upon receipt of such a request, to the extent that the other party is affected by the measure(s) being reviewed, 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. The Title IX Coordinator in conjunction with the Vice President of Campus Life will enforce protective measures under College policy. Individuals who violate a "no contact order" or other supportive measures implemented by the College may be subject to conduct charges.

### **Emergency Removal of Students**

In some cases, the College may undertake an emergency removal of a student respondent in order to protect the safety of college community, which may include contacting local law enforcement to address imminent safety concerns. Emergency removal is not a substitute for reaching a determination as to a respondent's responsibility for the sexual harassment or other sexual misconduct allegations; rather, emergency removal is for the purpose of addressing imminent threats posed to any person's physical health or safety, which may arise out of the sexual misconduct allegations.

Prior to removing a student respondent through the emergency removal process, the College will undertake an individualized safety and risk analysis. If the individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student, including the student respondent, or other individual justifies removal, then a student respondent will be removed. This is the case regardless of the severity of the allegations and regardless of whether a formal complaint was filed.

After determining a student respondent is an immediate threat to the physical health or safety of an individual, the Title IX Coordinator will provide written notice of the emergency removal to both the complainant and respondent. This notice will contain: (1) the date the removal is set to begin, (2) the reason for the emergency removal, (3) the consequences of non-compliance, and (4) how to appeal the decision. If a student respondent disagrees with the decision to be removed from campus, the respondent may appeal the decision. The respondent

must provide written notice of the intent to appeal, which shall include the substance of the appeal, to the Title IX Coordinator within 10 days of receiving the notice of removal. The burden of proof is on the student respondent to show that the removal decision was incorrect.

This section applies only to student respondents. Employee respondents are not subject to this section and may be placed on administrative leave pursuant to the College's policies and/or collective bargaining agreements during the pendency of a Title IX grievance process.

e. **Definitions**

The College is committed to maintaining an environment that is free from sexual harassment and sexual violence and in which the freedom to make individual choices regarding sexual behavior is respected by all. Per state law, sexual activity requires affirmative consent as defined below in this policy.

**General Policy Definitions**

**Advisor of Choice:** An advisor of choice is a person selected by the Complainant or Respondent to advise and accompany the Complainant or Respondent throughout the investigation and adjudication process. An advisor of choice may be any person, including an attorney. The institution does not appoint or pay for an advisor of choice. An advisor of choice's role is limited to the functions further described in this policy.

**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:

**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.

**Coercion:** Coercion is a threat, undue pressure, or intimidation to engage in sexual activity. Coercion is more than an effort to persuade, seduce, entice, or attract another person to engage in sexual activity. A person's words or conduct are sufficient to constitute coercion if they deprive another individual of the ability to freely choose whether or not to engage in sexual activity.

**Complainant:** The term Complainant refers to the person who allegedly experienced the sexual misconduct in violation of the policy whether or not a formal complaint is filed. In some cases, the Title IX Coordinator may file a formal complaint and thereby initiate an investigation and adjudication process pursuant to this policy. In

that instance, the Title IX Coordinator is not the “Complainant”; the complainant remains the person who allegedly experienced the sexual misconduct.

**Formal Complaint:** A formal complaint refers to a written complaint filed in accordance with the grievance process below. A formal complaint is necessary to initiate an investigation and adjudication process.

**Institution Advisor:** A Complainant or Respondent who does not opt to be accompanied by an advisor of choice at a hearing is entitled to be appointed an advisor by the College at no charge to the party. This advisor is referred to an “institution advisor” who may be but need not be an attorney. The institution advisor is selected and assigned by the College. An institution advisor’s role is limited to asking cross-examination questions of the other party during a hearing. An institution advisor does not represent a party in any legal sense. The party is responsible for formulating the cross-examination questions the institution advisor will pose during the hearing.

**Reporting Party:** The term Reporting Party refers to the person making the report. That person is usually, but is not always, the person who experienced the harassment, sexual misconduct or other violation of this policy.

**Respondent:** The term respondent refers to the person alleged to have committed the alleged harassment or other sexual misconduct in violation of this policy.

**Sexual Misconduct:** The term “sexual misconduct” is an umbrella term used by this policy to more conveniently refer to any form of conduct prohibited by this policy. Sexual misconduct may occur between members of the same or opposite sex and in heterosexual or homosexual relationships.

### **Definitions- Conduct Violations**

This policy sets forth conduct expectations for our community and provides a process for the reporting, investigation and adjudication of alleged violations. This policy applies to alleged conduct violations of Title IX of the Education Amendments of 1972 (i.e., “Title IX Category” violations) and also applies to a broader range of contexts and behaviors inconsistent with the College’s commitment to equal opportunity (i.e., “College Category” violations).

The designation of conduct or allegations as either “Title IX Category” or “College Category” is not a function of the seriousness of the alleged conduct, but rather a function of the scope and coverage of Title IX versus the College’s broader jurisdiction to prohibit and discipline a larger scope of inappropriate behavior.

#### **f. Title IX Category Violations**

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

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

1. **Sexual Harassment** – “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

- An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (commonly referred to as a "quid pro quo");
  - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity (commonly referred to as a sexually or gender-based "hostile environment").
2. **Sexual assault.** "Sexual assault" includes any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving affirmative consent. Sexual assault consists of the following specific acts:
    - Rape. The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
    - Non-Consensual Sexual Contact/Fondling. The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh or buttocks) of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
    - Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in New York is 17.
  3. **Dating violence.** "Dating violence" means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.
  4. **Domestic violence.** "Domestic violence" means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the College is located, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  5. **Stalking.** "Stalking" is engaging in a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. Stalking that does not occur on the basis of sex may be addressed as a College Category Violation as described below.

**g. College Category Violations**

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



- 1. Sexual harassment.** “Sexual harassment” means unwelcome, offensive conduct that occurs on the basis of sex, sexual orientation, self-identified or perceived sex, gender, gender expression, gender identity, gender-stereotyping or the status of being transgender, but that does not constitute sexual harassment as a Title IX Category Violation as defined above. Sexual harassment can be verbal, written, visual, electronic or physical. The fact that a person was personally offended by a statement or incident does not alone constitute a violation. Instead, the determination is based on a “reasonable person” standard and takes into account the totality of the circumstances. The College considers the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the intent of the individual who engaged in the allegedly offensive conduct, and its effect or impact on the individual and the learning community.
- 2. Sexual assault.** “Sexual assault” includes any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving affirmative consent, but that does not constitute sexual assault as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity). Sexual assault consists of the following specific acts:

  - 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. This offense includes the rape of both males and females.
  - Non-Consensual Sexual Contact/Fondling. The touching of the private body parts (including genitalia, anus, groin, breast, inner thigh, or buttocks) of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving affirmative consent because of their youth or because of their temporary or permanent mental or physical incapacity.
  - Incest. Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - Statutory Rape. Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- 3. Dating violence.** “Dating violence” means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship; but that does not constitute dating violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example, because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College’s education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College’s education program or activity).
- 4. Domestic violence.** “Domestic violence” means violence committed by a former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the College is located, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction, if the conduct does not constitute domestic violence as a Title IX Category Violation as defined above because of the context in which it occurs (for example because the complainant was not in the United States at the time of the

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alleged conduct, because the complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).

5. **Stalking.** "Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress, but that does not constitute stalking as a Title IX Category Violation as defined above because of basis on which it occurs or the context in which it occurs (for example because the complainant was not in the United States at the time of the alleged conduct, because the complainant was not participating in or seeking to participate in the College's education program or activity at the time of the complaint, or because the conduct did not occur in the context of the College's education program or activity).
6. **Sexual Exploitation.** Sexual exploitation occurs when, without affirmative consent, a person takes sexual advantage of another in a manner that does not constitute another violation under this Policy. Examples of sexual exploitation include, but are not limited to: prostitution, acts of incest, observing or recording (whether by video, still photo or audio tape) of a sexual or other private activity (such as consensual sexual activity, undressing or showering) without the affirmative consent of all involved; taking intimate pictures of another, but then distributing the pictures to others without the photographed person's affirmative consent; engaging in voyeurism, engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; or exposing one's genitals in non-consensual circumstances.
7. **Retaliation.** Retaliation is an adverse act perpetrated to "get back" at a person because the person reported sexual misconduct, filed a complaint, or participated in an investigation or proceeding conducted pursuant to this policy by the College or by an external agency. An act of retaliation may be anything that would tend to discourage an individual from reporting sexual misconduct, pursuing an informal or formal complaint, or from participating in an investigation or adjudication as a party or a witness. A person who acts in good faith is protected from retaliation. The fact that a statement is not determined to be proven or established following investigation and adjudication does not mean that the statement lacked good-faith; a person may provide inaccurate information believing it is accurate, which is still good-faith. If a person who makes a statement knowing that it is false, the person has acted without good faith. 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

#### h. **Timing of Reports**

There is no time limit to invoking this policy in cases of alleged Sexual Misconduct. However, the passage of time may make effective responsive action difficult. Further, if the respondent is no longer a member of the College community, the College's ability to respond may be limited. Therefore, complainants are encouraged to report alleged sexual harassment or other sexual 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 violators 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 sexual misconduct

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charges, provided that any disciplinary proceedings will be scheduled for the earliest practicable date that can accommodate the students and their witnesses.

i. **Standard of Proof**

The College will use “preponderance of the evidence” as the standard of proof to determine whether each alleged violation of this policy occurred. “Preponderance of the evidence” means that the Hearing Panel must determine whether, based on the evidence presented, it is more likely than not that the respondent engaged in the conduct charged in violation of this Policy.

j. **Sanctions/Discipline**

A student found to have engaged in sexual 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), mandatory counseling, requiring the Respondent to write a letter of apology, requiring unpaid service to the campus or local community, loss, revocation or restriction of housing privileges, probation, a fine, suspension, expulsion, a no contact directive, referral to other disciplinary bodies, and other sanctions as may be deemed reasonable by the College under the circumstances. The College may also withhold a student's degree and/or diploma for a specified period of time and/or deny a student participation in commencement activities.

Any College employee or faculty member found to have engaged in sexual misconduct is subject to a range of discipline depending on the circumstances of each case. That discipline can include, but is not limited to, written warnings, suspension, termination, a no contact directive, requiring the respondent to write a letter of apology, requiring unpaid service to the campus or local community, 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:

- “Expelled after a finding of responsibility for a code of conduct violation,” or
- “Suspended after a finding of responsibility for a code of conduct violation,” or
- “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.

k. **Law Enforcement and Effect of Criminal Proceedings**

A victim of a crime, including a crime arising from sexual misconduct under this policy, will be notified that the victim may, but is not required to, report the incident to local law enforcement and pursue criminal charges. The criminal process and the College’s disciplinary processes are not mutually exclusive or dependent on each other, meaning that a person may pursue either a criminal complaint or College complaint or both.

In criminal cases, including non-consensual sex offenses, the preservation of evidence is critical and must be done properly and promptly. Criminal investigations may be useful in the gathering of relevant evidence,

particularly forensic evidence. (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 sexual misconduct for purposes of this policy has occurred. In other words, conduct may constitute sexual 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 sexual misconduct under this policy is independent of any criminal investigation or proceeding. 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. Campus Security can 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 ten (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 Security, 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:

- 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;
- 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.

## I. The College's Grievance Process

### Filing a Formal Complaint

A formal complaint is necessary to initiate the College's grievance process, meaning an investigation and adjudication process. A formal complaint must be in written form and must be signed by the complainant. A third-party or anyone other than the victim of the misconduct may not file a formal complaint. However, a formal complaint may be filed by a parent or guardian of a minor person.

A formal complaint is a document filed by a complainant or signed by the College's Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the College investigate the allegation. The respondent may be either a student or an employee or a visitor, independent contractor, intern, or volunteer of the College. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic

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mail to: Title IX Coordinator, Larry Parker, 607-735-1930 or lparker@elmira.edu. In order to qualify as a formal complaint, the document must contain the complainant's physical or electronic signature, or otherwise indicate that the complainant is the person filing the formal complaint.

If a complainant declines to sign a formal complaint or does not wish to participate in the complaint and adjudication process, or the complainant's identity is unknown, and the Title IX Coordinator determines there is sufficient cause to file a formal complaint, the Title IX Coordinator may file a formal complaint. In such cases, the Title IX Coordinator is not considered to be a complainant or other party under this policy. The Title IX Coordinator will consider the wishes of the complainant not to proceed with the investigation and adjudication process. However, the Title IX Coordinator may file a formal complaint if the Title IX Coordinator determines that the allegations are such that it would be unreasonable not to proceed despite the wishes of the complainant.

The Title IX Coordinator may determine that cases where the allegations arise out the same set of facts should be consolidated for purpose of the investigation and/or adjudication. Instances where consolidation of complaints may occur include but are not limited to cross-complaints filed by the parties against each other, multiple complaints by a single complainant against a respondent, or multiple complaints by a single complainant against multiple respondents.

#### Mandatory Dismissal

In order to comply with the Title IX regulations, the Title IX Coordinator will review a formal complaint filed by a complainant. In order to comply with Title IX regulations, the Title IX Coordinator must "dismiss" the Title IX Category violation(s) if it is apparent that the allegations are not within the scope of Title IX, including that the conduct alleged:

- would not constitute sexual harassment, sexual assault, dating violence, domestic violence or stalking as defined in the Title IX category violations above, even if proved,
- did not occur in the College's education program or activity, or
- did not occur against a person in the United States.

Notice of dismissal of the Title IX Category violation(s) will be in writing and issued to both the complainant and respondent. The Title IX Coordinator may determine at any point in the process that facts have emerged that require the dismissal of a Title IX Category violation. Even if Title IX Category violations are subject to dismissal, the College may continue to process the allegations as College Category violations assuming that the allegations, if true, would constitute College category violations.

#### Discretionary Dismissal

The Title IX Coordinator may (but is not required to) dismiss a formal complaint or any of its allegations if at any time during the investigation or hearing a) the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the complaint or any specific allegations; b) when the respondent is no longer enrolled in or employed by the College; and c) where specific circumstances prevent the College from gathering evidence (such as where a complainant refuses to cooperate but does not withdraw a formal complaint). The decision to dismiss or not to dismiss a charge under these circumstances will depend on the totality of the situation. Any decision to dismiss a complaint or allegation pursuant to this section is immediately appealable.

#### **m. Informal Resolution**

In some cases, an informal resolution may be appropriate. An Informal Resolution prioritizes educational and conciliatory approaches over more adversarial contestation of the facts. The intent of an Informal Resolution Process is for the parties to undertake a facilitated discussion regarding the matters at issue related to the

allegations to see if they can reach agreement on a resolution that leaves both parties feeling satisfied with that resolution. Serious sanctions, such as suspension, expulsion or termination, are not possible as a result of the informal resolution process, but lesser sanctions may be agreed to by the parties. The Informal Resolution Process is not available where a student is complaining of conduct by a faculty or staff member of the College. Supportive measures are available to both parties in the same manner as they would be if the formal complaint were proceeding under the formal grievance and hearing process. The Informal Resolution Process is voluntary.

The Title IX Coordinator will offer the Informal Resolution Process to the parties after a formal complaint is filed by a complainant. Informal resolution must be agreed upon by both parties in writing. The informal resolution process will be conducted/facilitated by a third-party so that the complainant and respondent will be allowed to, but will not be required to, meet together as part of any informal resolution. At any time during the informal resolution process the complainant or the respondent has the right to terminate the process before the final written resolution is signed and return to or proceed to an investigation and formal adjudication. No party should feel intimidated, coerced or threatened to participate in an Informal Resolution Process, or to withdraw from an Informal Resolution Process.

The individual facilitating the process will be screened to ensure that such person is free from conflicts of interest and bias. The facilitator's role is to conduct the Informal Resolution process in a way that is impartial and does not favor one party over the other. The facilitator may meet separately with each party to explore the party's views about the allegations and desired outcome from the process. Either party can elect to have any meeting occur so that the parties are in different rooms and the facilitator "shuttles" between the parties.

For the Informal Resolution process to have the best chance for success, the parties should be free to express themselves. As a result, the information received from both parties during the Informal Resolution process will be kept confidential by the facilitator. In addition, the facilitator will not be available as a witness in any hearing that may occur should either party terminate the Informal Resolution process before a resolution. This is in keeping with the concept that the facilitator is impartial and is only facilitating the interaction between the two parties and is not listening or taking notes for any purpose other than assisting the parties. Should the formal complaint be returned to the formal grievance and hearing process of this policy, the parties may not disclose information shared by the other party during the process in the hearing. This confidentiality protection does not apply to information that is learned outside the Informal Resolution process through the investigation or otherwise.

A resolution is reached only if both parties agree. The facilitator will not impose an outcome, although they may assist the parties in suggesting resolutions that appear to meet the parties' needs. The college encourages terms of resolution that meets the parties' needs, and may include a disciplinary sanction. If there is no agreement on a resolution, the complaint is returned to the formal grievance and hearing process outlined in this policy.

If the parties reach mutual agreement and this agreement is deemed appropriate by the College, the informal resolution is considered successful. The facilitator will draft a document reflecting the agreement between the parties that becomes final once it is signed by both parties. Once both parties have signed a statement agreeing that the informal resolution was successful, the matter will be considered resolved without the need for further investigation or to pursue the formal grievance and hearing process. A copy of the signed statement will constitute the record of the informal resolution.

#### **n. Investigation Procedures**

Where a formal complaint has been filed, and in the absence of an informal resolution, the college will appoint investigators to conduct an investigation into the allegations in the formal complaint. The investigation will normally be conducted by a team consisting of two members of Title IX Investigation Team. In certain

circumstances the College may utilize an external team of investigators solely or an external investigator in conjunction with an internal investigator. The investigation is an impartial fact-finding process.

The College's investigation will normally be completed within 45 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 exceeds 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.

The complainant and respondent will be permitted to have an advisor of their choice, who may be an attorney, attend any investigatory interview/ meeting with him/her (at the party's own expense if the advisor is a paid advisor). 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.

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. The investigators retain discretion to determine how to conduct the investigation and what information is necessary and relevant, subject to the direction of the Title IX Coordinator. 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. The notice of investigation will include, to the extent known:

- the identities of the involved parties;
- the date, time, location and factual allegations concerning the alleged violation;
- the policy provisions allegedly violated;
- a description of the investigation and adjudication process;
- potential sanctions;
- the right to an advisor of their choice, who may be, but is not required to be, an attorney;
- their right to inspect and review evidence in accordance with this policy;
- notice that knowingly making false statements or knowingly submitting false information is prohibited under the Student Code of Conduct; and
- that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.

This information will be provided in sufficient detail and with sufficient time to prepare a response before any initial interview. If, in the course of the investigation, the College decides to investigate allegations that are not included in the notice initially provided to the parties, the Title IX Coordinator or designee will provide notice of the additional allegations to the parties. The Complainant and Respondent will be provided with notice of the name of the appointed investigators and an opportunity of not more than two days after the notice to raise an objection to the investigator(s) based on any alleged conflict of interest known to the party. If an objection is raised, the Title IX Coordinator will determine whether a conflict of interest in fact exists and necessitates the replacement of the investigator(s).

The complainant and respondent will be provided with advance written notice of the date, time, location, participants, and purpose of any meeting or interview in which they are invited to or expected to participate. The College does not appoint an advisor for a party during the investigation phase of the process.

The complainant and the respondent will be given an equal opportunity to present information during the investigation. This includes the opportunity to present fact or expert witnesses and other evidence that the party

believes tends to prove or disprove the allegations. However, at all times, the burden of gathering evidence remains with the College. The investigator may decline to interview any witness or to gather information the investigator finds to be not relevant or otherwise excludable (e.g., sexual history of the complainant with a person other than the respondent, materials subject to a recognized privilege, medical records in the absence of a release by the subject of the records, etc.). The investigator will determine the order and method of investigation. No unauthorized audio or video recording of any kind is permitted during investigation meetings or interviews.

#### Opportunity for Inspection and Review of Evidence

The complainant and respondent will be provided an equal opportunity to inspect and review any evidence obtained in the investigation directly related to the allegations gathered in the investigation, regardless of whether the information will be relied on in reaching a determination. Prior to the conclusion of the investigative report, the complainant and respondent, and each party's advisor of choice, if any, will be provided a copy (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform) of the evidence, subject to redaction permitted and/or required by law. The complainant and respondent will be provided with at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report. The investigator will determine if additional investigation is necessary and, if so, will complete any additional investigative steps.

#### Investigative Report

At the conclusion of the investigation, the investigators will complete a written investigative report that fairly summarizes the relevant evidence. The investigators need not include information in the investigative report that the investigators determine not relevant or otherwise excludable. The investigators will submit the investigative report to the Title IX Coordinator. At least ten (10) days prior to a hearing to determine whether there is responsibility for the allegations, the complainant and respondent, and each party's advisor if any, will be provided a copy of the investigative report (which may be sent in hard copy or electronic format or made available through an electronic file sharing platform), subject to redaction permitted and/or required by law.

#### **o. Hearing Procedures**

A hearing before a three-member Hearing Panel designated by the Title IX Coordinator will be convened not less than ten days after the parties have been provided access to the final investigative report, for the purpose of determining whether the respondent is responsible or not responsible for the charge(s). The Hearing Panel members may be members of the campus community or may be external to the College, as determined by the Title IX Coordinator. In any case where the respondent is a student, the Chair of the Hearing Panel will typically be the Assistant Dean of Students. The Title IX Coordinator will notify the parties in writing of the date, time, and location of the hearing, the names of the Hearing Panel members, and how to challenge participation by any Hearing Panel member for bias or conflict of interest. Bias or conflict of interest will be judged by an objective standard (whether a reasonable person would conclude the decision maker is biased). Participants in the hearing will include the members of the Hearing Panel, the complainant and the respondent, their respective advisors, the investigators who conducted the investigation, and witnesses (solely during their own testimony). Hearings are private. Observers or additional support personnel, other than the parties' advisors, are not allowed unless deemed necessary by the Title IX Coordinator for purposes such as accommodation of a disability. Cell phones and recording devices may not be used by the parties or their advisors in the hearing room(s).

Hearings may be conducted with all parties physically present in the same location or, at the Title IX Coordinator's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling the Hearing Panel and the parties to simultaneously see and hear any party or witness providing information or answering questions. If either party so requests, the hearing will be conducted with the parties located in separate rooms using technology as described in the preceding sentence.



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The Title IX Coordinator may postpone the hearing for good cause as determined by the Title IX Coordinator. Good cause may include, without limitation, unavailability of one or more participants due to unanticipated events or circumstances, the timing of academic breaks or holidays, or other extenuating circumstances.

The Chair of the Hearing Panel is in charge of organizing the presentation of information to be considered at the hearing. Generally, the hearing will proceed in the following order:

1. Opportunity for Opening Statement by the complainant
2. Opportunity for Opening Statement by the respondent
3. Questions for the investigators by the Hearing Panel and, if desired, on behalf of complainant and the respondent (as described below)]
4. Questions for the complainant by the Hearing Panel and, if desired, on behalf of the respondent (as described below)
5. Questions for the respondent by the Hearing Panel and, if desired, on behalf of the complainant (as described below)
6. Questions for each witness by the Hearing Panel and, if desired, on behalf of complainant and the respondent (as described below)
7. Opportunity for Closing Statement by the respondent
8. Opportunity for Closing Statement by the complainant

Formal rules of evidence will not apply. Except as otherwise expressly prohibited by this Policy, any information that the Chair of the Hearing Panel determines is relevant may be considered, including hearsay, history and information indicating a pattern of behavior, and character evidence. All evidence previously made available to the parties for inspection and review prior to completion of the investigative report as described above in the section of the policy requiring that all evidence gathered during the investigation be shared at least ten days prior to completion of the investigative report will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of questioning. Absent extraordinary circumstances as determined by the Chair of the Hearing Panel, no party may seek to introduce at the hearing any evidence not previously made available in accordance with the preceding sentence, other than the investigative report itself and any responses to the investigative report submitted by the parties as described above.

The Chair of the Hearing Panel will address any concerns regarding the consideration of information prior to and/or during the hearing and may exclude irrelevant information. Subject to the terms of this policy, the Chair will have discretionary authority to determine all questions of procedure, to determine whether particular questions, evidence or information will be accepted or considered, to call breaks or temporary adjournments of the hearing, and/or to recall parties or witnesses for additional questions as the Chair deems necessary or appropriate. The Chair may impose additional ground rules as the Chair may deem necessary or appropriate for the orderly and efficient conduct of the hearing, which will apply equally to both parties.

The Hearing Panel will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility; provided that questions that seek disclosure of information protected under a legally recognized privilege will not be permitted unless the person or entity holding the privilege has waived the privilege in writing. Questioning must be conducted by the party's advisor in a respectful, non-intimidating and non-abusive manner, and never by a party personally. If a party does not have an advisor present at the hearing, the Title IX Coordinator will arrange for the College to provide without fee or charge to that party, an Institution Advisor of the College's choice to conduct cross-examination on behalf of that party.

Only relevant questions may be asked by a party's advisor to a party or witness. Before the party or witness answers a question posed by an advisor, the Chair of the Hearing Panel will first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Such decisions by the Chair are final

and not subject to objection or reconsideration during the hearing. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, other than questions and evidence about the complainant's prior sexual behavior that (a) are offered to prove that someone other than the respondent committed the alleged misconduct, or (b) concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the hearing by a party's advisor as described above, the Hearing Panel may not rely on any statement of that party or witness, during the hearing or otherwise, in reaching a determination regarding responsibility. The Hearing Panel will not draw an inference as to responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination questions.

The hearing will be recorded through either an audio recording or transcript. That recording or transcript will be made available to the parties, upon request, for inspection and review. Prior to obtaining access to the recording or transcript, the parties and their advisors must acknowledge in writing that they will not disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the grievance process.

### Advisors

The complainant and the respondent may each have present with them during the hearing an advisor of their choice (at the party's expense, if the advisor is a paid advisor). If a party does not have an advisor present at the hearing, the College will provide, without fee or charge to that party, an Institution Advisor of the College's choice for the limited purpose of conducting questioning on behalf of that party as provided in this policy. Except with respect to questioning as described below, the advisor's role is limited to consulting with their advisee, and the advisor may not present evidence, address the Hearing Panel during the hearing, object to any aspect of the proceeding, or disrupt the hearing in any way, and any consultation with the advisee while the hearing is in progress must be done in a quiet non-disruptive manner or in writing. The advisor may consult with the advisee verbally outside the hearing during breaks, when such breaks are granted by the Chair of the Hearing Panel. An advisor's questioning of the other party and any witnesses must be conducted in a respectful, non-intimidating and non-abusive manner. If the Chair determines that an advisor is not adhering to these or other ground rules, the advisor may be required to leave the hearing, and the hearing will proceed without an opportunity for the party to obtain a replacement advisor; provided, however, that the College will assign an advisor of the College's choosing, without charge, for the purpose of conducting questioning on behalf of the party as provided below. Witnesses are not permitted to bring an advisor or other person to the hearing, absent an approved disability accommodation. The Hearing Panel may be advised by and/or consult with the College's legal counsel as the Chair of the Hearing Panel deems necessary or appropriate.

### Hearing Determinations

Following conclusion of the hearing, the Hearing Panel will deliberate and render a determination by majority vote as to whether the Respondent is responsible or not responsible for the alleged violation(s). The Hearing Panel will use "preponderance of the evidence" as the standard of proof to determine whether each alleged violation of the policy occurred. "Preponderance of the evidence" means that the Hearing Panel must determine whether, based on the evidence presented, it is more likely than not that the respondent engaged in the conduct charged.

In any case where a student is a respondent or complainant, each party may submit a written personal impact statement to the Title IX Coordinator for consideration by the Hearing Panel in determining an appropriate sanction if there is a finding of responsibility on one or more of the charges. The parties must submit their statements to the Title IX Coordinator within 24 hours after the conclusion of the hearing. The Title IX

Coordinator will provide each of the parties an opportunity to review any statement submitted by the other party.

In addition to the impact statement(s), if applicable and if any, factors considered when determining sanctions may include:

- the nature and severity of, and circumstances surrounding, the violation(s);
- the respondent's state of mind at the time of the violation(s) (intentional, knowing, bias-motivated, reckless, negligent, etc.);
- the respondent's previous disciplinary history;
- the need for sanctions to bring an end to the conduct; and/or to prevent the future recurrence of similar conduct;
- the need to remedy the effects of the conduct on the complainant and/or the community;
- the impact of potential sanctions on the respondent;
- sanctions imposed by the College in other matters involving comparable conduct; and
- any other lawful factors deemed relevant by the Hearing Panel.

The Hearing Panel will issue a written determination including the following information: a description of the charges that were adjudicated; a description of the procedural steps taken from the submission of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; findings of fact supporting the determination; conclusions regarding the application of the policy to the facts; a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the College's educational programs or activities will be provided to the complainant; and the procedures and permissible bases for the complainant and respondent to appeal. The Hearing Panel will provide the written determination to the parties simultaneously.

#### p. Appeals

A respondent or complainant may appeal: (1) a determination resulting from a formal hearing, and (2) the College's dismissal of a formal complaint or any allegations therein, (except that a vendor, visitor, or non-community member does not have a right of appeal.). If a party wishes to appeal a determination of the Hearing Panel or the dismissal of a formal complaint, the party must submit written notice to the Title IX Coordinator of the party's intent to appeal within five (5) business days of receiving the written notification of the appealable decision. In any case where the respondent is a college employee the appeal shall be submitted to the Vice President of Finance and Administration, and the Appeal Officer's decision shall be final. Where the accused is a faculty member, the appeal should be sent to the Provost. Where the accused is a student, the appeal will be considered by an appellate panel consisting of the Vice President of Campus Life and two other College officials appointed by the Title IX Coordinator.

Any party may appeal on the basis of one or more of the following grounds:

- Procedural irregularity that affected the determination regarding responsibility or dismissal of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the determination regarding responsibility or dismissal of the matter; and
- The Title IX Coordinator, investigator(s), or Hearing Panel member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the determination regarding responsibility or dismissal of the matter. The professional experience of an individual need not disqualify the

person from the ability to serve impartially. Furthermore, bias is not demonstrated by working in complainants' or respondents' rights organization.

- Any sanction imposed is disproportionate to the nature or severity of the violation(s) or otherwise inappropriate.

All grounds for appeal must be set forth in the written appeal statement. When a party submits a written notice of its intent to appeal to the Title IX Coordinator within 5 business days of the appealable decision, the College will notify the other party in writing and implement appeal procedures equally for both parties. If no written notice of either party's intent to appeal is sent, then the written determination becomes final after the time period to file an appeal (5 days) has expired.

Each party will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Each party will have at least 3 days to submit its written statement. If a party needs additional time, it can request such additional time from the decision-maker for the appeal. Such requests will be granted on a case-by-case basis. If the decision-maker for the appeal grants a request for additional time to submit a written statement, all parties will be granted the additional time. The decision-maker for the appeal will not be the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator. The appeal process does not rehear complaints but ensures that rights are protected, appropriate procedures are followed, and sanctions are reasonable. 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, as part of this appeal process, speak directly with the investigatory team, the initial decision-maker(s), or otherwise directly seek additional information from the parties or witnesses, if considered necessary.

The decision-maker for the appeal will issue a written decision describing the result of the appeal and the rationale for the result. This decision will be provided to both parties simultaneously and in writing. Once the appeal decision has been sent to the parties, the appeal decision is final.

**q. Application to Faculty and Staff**

One or more of the College's personnel policies or faculty and staff handbook policies may overlap with this policy in a particular situation. This policy applies to any situation where a student is the complainant or respondent. In all other situations, the College reserves the right to apply this policy or another applicable College policy or process. The College will apply this policy to any situation where the College determines that Title IX requires the application of this policy.

**r. 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 Campus Security 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.

**s. Public Awareness/Advocacy Events**

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If an individual 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, Elmira College is not obligated to begin an investigation. Elmira may, however, use the information to inform the need for additional education and prevention efforts.

**t. 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 in its discretion which status is primary; in such a situation, sanctions imposed may include both sanctions related to each status.

**u. 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 Assistant Dean of Students, Human Resources, and/or the Registrar (for records concerning disciplinary outcomes), and only those with a right and need to know are permitted access. 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.

**v. 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.

**w. 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.

**x. 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.

**y. 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.

**z. 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.

**aa. Policy Compliance**

Any person with a concern about the College's handling of a particular matter should contact the College's Title IX Coordinator, Larry Parker (607) 735-1930.

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.

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, 1-(800) 421-3481.

**bb. Amendments**

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

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

All students have the right to:

- Make a report to local law enforcement and/or state police;
- Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and or criminal justice process free from pressure by Elmira College;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the College courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few College representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- 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;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of Elmira College.

**Rights in Cases Involving Sexual Assault, Domestic/Dating Violence and Stalking**

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

- Notify Campus Safety, Local Law Enforcement or the New York State Police.
- Emergency access to a Title IX Coordinator or other appropriate official trained in interviewing victims of sexual assault who shall be available upon the first instance of disclosure by a reporting individual and who can provide information, including options.
- Information, where applicable, of the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible;
- Know that the criminal justice process utilizes different standards of proof and evidence than the College's procedures and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney;
- If they are a student, to contact the College's Health and Counseling Center, where they may be offered confidential resources pursuant to applicable laws/College policies and can be assisted in obtaining services for reporting individuals; or to contact off-campus confidential resources;
- Disclose confidentially the incident and obtain services from the state or local government;
- Disclose the incident to the College's Responsible Administrators who can offer privacy or, in appropriate cases determined by the Title IX Coordinator, confidentiality, subject the College's Policy against Sexual Harassment and Other Sexual Misconduct;
- Make a report of sexual assault, domestic violence, dating violence, and/or stalking and consult the Title IX Coordinator and other appropriate College personnel for information and assistance. Reports shall be investigated in accordance with College policy. A reporting individual's identity shall remain private if that is what the reporting individual wishes, however privacy is not the same as confidentiality. Private information can be shared to implement and fulfill the College's obligations under the law and its policies and procedures;
- Disclose, if the accused is a College employee of the institution, the incident to Human Resources or to request that a private employee assist in reporting to Human Resources;
- Receive assistance from appropriate College representatives if interested in initiating legal proceedings in family court or civil court, such assistance to consist of facilitation in contacting appropriate local agencies who can provide direct assistance with court proceedings; and
- Withdraw a complaint or involvement from the College processes at any time.

**XII. Obtaining Access to Information Regarding Registered Sex Offenders in the Campus Community****a. 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.nsopw.gov/> to search for sex offenders, find answers to frequently asked questions and learn about education and prevention methods.

**XIII. Policy regarding emergency response and evacuation procedures****a. 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 Vice President of Campus Life and Dean of Students, President of the College, the Office of Campus Life 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.

- b. Annually, the Emergency Response and Evacuation plan will be tested through the use of a large scale drill run by the Elmira College Crisis Management 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.

### c. **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.

## **XIV. 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 Campus Life, 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:

- If a student has designated a contact person, notify that contact person once notified that the student is missing
- 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
- 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.

## XV. Definitions Related to Clery Reporting

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

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

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

**Criminal Homicide – Manslaughter by Negligence:** The killing of another person through gross negligence.

**Criminal Homicide – Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

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

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

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sex Offenses: Definitions**

- **Sexual Assault** – An offense that meets the definitions of rape, fondling, incest or statutory rape as used in the FBI UCR program.
- **Sex Offenses** – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Rape** – The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the victim.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

XVI. Statistics for Crime Classification

Figure 1. Crime Classification (2021-2023)

Crime Classification		Campus		Non-Campus Property	Public Property	Total
		On Campus Student Housing	On Campus Total			
Murder/ Non-Negligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2023	0	0	0	0	0
	2022	1	1	0	0	1
	2021	0	0	0	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	1	1
	2022	0	0	0	0	0
	2021	0	0	0	1	1
Aggravated Assault	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	1	1
Burglary	2023	0	0	0	2	2
	2022	2	5	0	0	5
	2021	0	1	0	0	1
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	1	0	0	1
	2021	0	1	0	0	1
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	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	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Rape	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Fondling	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Incest	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Robbery	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Burglary	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0

(Continued)

		Race	Gender	Religion	Sexuality	Ethnicity	Disability	Total
Arson	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Any Other Crime Involving Bodily Injury	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Simple Assault	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Intimidation	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Larceny-Theft	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (except Arson)	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0
Number of Unfounded Incidents	2023	0	0	0	0	0	0	0
	2022	0	0	0	0	0	0	0
	2021	0	0	0	0	0	0	0



Figure 4. Crime Classification (2021-2023)

Crime Classification		Campus		Non-Campus Property	Public Property	Total
		On Campus Student Housing	On Campus Total			
Drug Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	1	0	2	3
Drug Law Violation Disciplinary Referrals	2023	10	10	0	0	10
	2022	2	2	0	0	2
	2021	9	9	0	0	9
Liquor Law Arrests	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Liquor Law Violation Disciplinary Referrals	2023	21	21	0	0	21
	2022	12	12	0	0	12
	2021	211	211	0	0	211
Illegal Weapons Possession	2023	0	0	0	0	0
	2022	0	0	0	1	1
	2021	0	0	0	0	0

Figure 5. VAWA Classification (2021-2023)

VAWA Classification		Campus		Non-Campus Property	Public Property	Total
		On Campus Student Housing	On Campus Total			
Domestic Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Stalking	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

**XVII. 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 Campus 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 the campus community with a link to this report or how to receive a paper copy, if preferred. Information regarding the availability of this report is provided to students and families at Fall and Summer Orientations. This also includes the Notice of Availability of 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](mailto: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 Community Coordinators (CCs). 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 professional staff, 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		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
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		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
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	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
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 electric 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. Effective August 1, 2023, Elmira College is a smoke-free campus.
  2. Tobacco use, marijuana use, and the use of vaping products is prohibited everywhere within the perimeter of Elmira College property, both indoors and outdoors, as well as in College owned vehicles and in any vehicle on Elmira College property.
  3. The use of smoking products or devices is prohibited at all College sponsored, off campus events.
- 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 Community 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.