

## **Vassar College Regulations 09/10**

These are the rules and regulations  
of Vassar College to which all members  
of the college community agree to abide.

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# Introduction

*Vassar College Regulations* is a guide for all members of the college community to the rules of conduct, enacted at various levels of college governance, within the community. This document also includes descriptions of the bodies charged with responding to alleged breaches of these regulations (specifically the Academic Panel, the College Regulations Panel, and the Vassar Student Association Student Judicial Board), including their composition, responsibilities, and procedures.

In addition to these regulations, additional statements of expected conduct can be found in documents addressing specific constituencies within the college community, including but not limited to:

*The Governance of Vassar College*

*The Vassar College Catalogue*

*Schedule of Classes*

*Faculty Handbook*

*Administrative Handbook*

*Department Chairs and Program Directors: A Handbook*

*The Constitution and the Bylaws of the Vassar Student Association*

*Originality and Attribution: A Guide for Student Writers at Vassar College*

Service Employees International Union (SEIU) contract

Communication Workers of America (CWA) contract

# Part A. Student Rights, Privileges, and Responsibilities

Student rights, privileges, and responsibilities are derived from several sources, outlined below.

## I. From the Governance of Vassar College

Principles Underlying Relations of Trustees, Faculty, and Students

### Article II. Authority of the Students

#### Section 1. GENERAL

The students shall have control over the undergraduate student government pursuant to a charter or constitution authorized by the president and faculty. The president shall reserve a power of veto over legislation which involves substantial change in the character of the residential or academic community or in the financial commitments of the college. Proposals substantially affecting student government shall be the subject of conferences between the parties involved.

#### Section 2. AMENDMENT

The provisions of this Article II may be amended or repealed by vote of the trustees after conference with the students and faculty as provided above, by a two-thirds majority vote of the faculty after conference with the students and subject to approval by the trustees, or by a majority vote of the undergraduate students in residence subject to a majority vote of the faculty and approval by the trustees.

### Article III. Relations of Trustees and Students

#### Section 1. STUDENT RIGHTS AND EXPECTATIONS

Vassar college regulations protect the rights, interests, and safety of the college community. Within the framework established in these regulations, the individual is as free as possible to conduct his or her own academic and nonacademic life. However, the privilege of making independent decisions involves the acceptance of responsibility should such choices violate the regulations. Therefore, the College expects students, faculty, administrators, staff, and other employees to uphold its standards of personal and social conduct at all times when they are associated with Vassar, and assumes that individual decisions will be accompanied by careful consideration of the standards maintained by the community.

#### **The following rights and expectations apply to all Vassar students:**

*You have the right to freedom of inquiry, and you are expected to know and adhere to the standards of academic integrity.*

*You have the right to freedom of expression, and you are expected to exercise regard for the rights and sensitivities of others.*

*You have the right to freedom of discussion, and you are expected to respect diverse opinions.*

*You have the right to freedom of action, and you are expected to obey all local, state, and federal laws and to accept responsibility for any actions in which you may be involved which are injurious to the welfare or property of the college or of other members of the college community.*

*You have the right to privacy of your personal life, property, and records subject to the provisions of law and to the duties of faculty members and academic and administrative officers of the college as defined by college policies.*

*You have the right* to participate in the establishment of college policies directly affecting your interests through student government and representation on College Committees, *and you are expected* to exercise informed opinion and sound critical judgment *and* to bear in mind that your actions have a broad effect on the interests of the college.

For further information regarding your rights when found in violation of College Regulations, please refer to Part J., Section II, Sub-section L of the Vassar College Regulations.

## Section 2. STUDENT RESPONSIBILITIES

A. Students in attending the college for the purpose of qualifying for academic credit shall pursue that purpose with sincerity, honesty, and commitment. They shall bear in mind that, as undergraduates, their actions have a broad effect on the interests of the college, including its interests in attracting future students and members of the faculty; and accordingly that they have responsibility as members of an academic community.

B. Freedom of publication places on students a special responsibility under the canons of responsible journalism and applicable governmental regulations. Utterances and discussions in classrooms or in faculty or trustee committees may be published when authorized by the teacher concerned or by the committee chair, respectively.

C. Students are responsible for any actions in which they may be involved which are injurious to the welfare or property of the college or of other members of the college community. When a student is charged with violation of federal, state, or local law in a situation in which the college is not involved, the college has no obligation to assist, but may afford to the student such assistance as appropriate and practicable.

D. Students may not use the name of the college in such a way as to state or imply college approval for any policy or position, unless authorized by the president, or any person designated by her/him, in writing.

E. The responsibilities set forth herein, and the conditions pertinent thereto, are relevant to the rights and privileges of individual students in an academic community. The president, following a fair hearing, may authorize sanctions to be applied to individual students who disregard these responsibilities or conditions or who, in her/his determination, have provided justifiable cause, whether on or off the campus, therefore.

## II. From the By-Laws of the Board of Trustees

### Article IV. Officers of the Board

#### Section 3. THE PRESIDENT

D. (1) The president shall be the official medium of communication between the board and the faculty, and between them and any person or group of persons [including students] in any relationship to the college.

## III. Notification of Rights under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students and former students (referred to collectively as “students” below) certain rights with respect to their education records. Education Records are defined as those records directly related to a student and maintained by the institution or by a party acting for the institution. The act does exclude certain records and a listing of those exclusions may be obtained by contacting the office of the registrar.

The rights afforded by FERPA include:

(1) The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.

A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask the College to amend a record should write the College official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing re-garding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to provide written consent before the College discloses personally identifiable information (excluding Directory Information-see below) from the student's education records, except to the extent that FERPA authorizes disclosure without con-sent.

The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law en-forcement unit personnel and health staff); a person or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance com-mittee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an educa-tion record in order to fulfill his or her professional responsibilities for the College.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

#### Directory Information

At its discretion the College may provide Directory Information without the written consent of the student in accordance with the provisions of FERPA. Directory Information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Designated Directory

Information at Vassar College includes the following: student name, student id number, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of student including correlate sequence, dates of attendance, class level, enrollment status, participation in officially recognized activities or sports, weight and height of members of athletic teams, degree received and honors awarded, and the most recent educational institution attended.

Students may block the public disclosure of Directory Information by notifying the office of the registrar in writing. Requests for non-disclosure will be honored by the College until removed in writing by the student. Students may also control the types of Directory Information displayed in the on-line Student Directory by going to the Student Directory page of the Vassar web site and logging into the “set student display preferences.”

#### **IV. Student Right-To-Know Act**

Under this act, educational institutions are required to disclose to current and prospective students their completion or graduation rate. This rate is defined as the percentage of students who complete their degree program within 150% of the normal completion time for that degree. For Vassar College, this means the percentage of entering students who complete their degree within six years. The most recent Vassar class graduation rate is 92 percent. Additional graduation and retention rate information is available from the Office of the Registrar.

## Part B. Resources Available to Members of the College Community

**I.** The dean of students, director of residential life, assistant director of residential life, associate dean of the college for campus life, house advisors, house interns, student fellows, and house fellows are trained to provide support and counseling for students.

**II.** The **Counseling Service** is available during the week for confidential individual or group counseling. Call ext. 5700 or visit the office at Metcalf House to make an appointment. A **Counselor-on-Call** is available when the Counseling Center is closed and may be contacted through the Campus Response Center, ext. 5221.

**III.** The **Office of Equal Opportunity and Affirmative Action** is responsible for the development, coordination, and implementation of the college's equal opportunity and affirmative action policies and programs including the college's nondiscrimination and harassment policies. The work of the office is carried out by the director of equal opportunity and by the faculty director of affirmative action. For issues involving students, administrators, or staff, please contact the director of equal opportunity, box 645, ext. 7584. For issues involving faculty, please contact the faculty director of affirmative action, box 645, ext. 5652.

**IV.** **CARES** is a student-run, nonjudgmental, confidential listening service offered to anyone affected by abuse. CARES counselors have specific training to assist students in dealing with issues of sexual assault, rape, stalking, and relationship abuse. Call ext. 7333 and ask to speak to a CARES counselor 24 hours a day, 7 days a week.

**V.** The **Office of Security** (ext. 5221) promotes safety and security on campus, including round-the-clock protection by the uniformed, unarmed security force, additional evening and weekend support by the Campus Patrol (student foot patrols), escort and shuttle services during evening hours, and crime prevention programs. For campus emergencies, contact ext. 7333.

**VI.** The **Campus Response Center (CRC)**, (ext. 5221), operated by the Office of Security, is located in Main lobby and can be reached 24 hours a day, 7 days a week.

**VII.** The **Emergency Medical Services (VCEMS)**, (ext. 5221) provides quality, confidential, volunteer emergency medical care for the Vassar College community during the academic year. VCEMS operates mainly during the Vassar Health Service's "off-hours," throughout the academic year. "Off-hours" refers to those times when the Health Service has reduced staff services.

**VIII.** The **Health Service** (ext. 5800) is open from 8:00am to 10:00pm, 7 days a week during the academic year, and is staffed by physicians, physician's assistants, nurse practitioners, and nurses. The Health Service provides routine primary medical care to Vassar students. Travel health advisement is available and immunizations can be given, as well as allergy injections. Routine laboratory testing is available as is referral to outside agencies, as needed. Routine women's health services are provided (ext. 5818); men's health counseling is also given in the medical clinic. When the Health Service is not open, Vassar EMS and /or ambulance can be reached by calling ext. 7333.

**IX. SART (Sexual Assault Response Team)**, a group of trained faculty and administrators, provides support and information concerning on- and off-campus resources available to any member of the college community who is a victim of relationship abuse, stalking, sexual assault, or rape. Through advocacy, education, and outreach, SART also serves the campus community to increase awareness of the issues related to sexual assault or relationship abuse. SART members can be reached through the Sexual Assault and Violence Prevention Program (SAVP), ext. 7769.

**X. The dean of studies, dean of freshmen, class advisors, major advisors, and pre-major advisors** are available to provide support and academic advice for students.

# Part C. Emergency Resources and Information

**IN ANY EMERGENCY, call ext. 7333 from any campus telephone. Emergency blue phones are also located throughout the campus.**

The College prepares for a variety of emergency situations under the leadership of the Crisis Response Planning Group. The group meets regularly throughout the year, organizes teams to study resources and procedures, conducts table top exercises with public safety agencies, and develops the College's Emergency Response Plan.

## I. Campus Wide Emergency Systems

Vassar has an emergency siren to provide an urgent all-campus notification of an imminent, campus-wide, life-threatening situation (for example, a shooter on campus). Devices are mounted on the top of Thompson Library and the Athletics and Fitness Center and can be heard within a half-mile radius outdoors. The siren is operated from the Campus Response Center (CRC) in Main Building, as well as remotely with portable two-way radios. When the siren is activated, it means "Shelter in place and await further instructions." 'Shelter in Place' means to stay indoors in a secure location, preferably in a locked room and away from windows, and if outdoors, get indoors immediately. As further information becomes known, text, email, and phone messages as appropriate will be sent to the campus community. In a situation where the siren is activated, the CRC will contact appropriate authorities for assistance, and also initiate the college's response protocol involving Senior Officers and other members of the Crisis Response Planning Group.

The CRC has the capacity to send email, text and cell phone messages immediately via the Crisis Communications System. This system will also be used to provide updates and the "all clear" signal once the crisis has been controlled.

**Please take all emergency signals seriously and follow procedures immediately.**

## II. Fire Safety and Evacuation Instructions

**A. Evacuation Procedure:** When the fire alarm rings in a building, the following procedures should be followed (*Vassar College Regulations*, Part E, Section 12.09):

1. Shut the windows and doors, if you are in your room. Do not, however, attempt to return to your room from another part of the building.
2. GET OUT of the building at once, using stairs. Elevators are NOT to be used during a fire or fire drill. Do not use fire escapes unless stairways are blocked or otherwise cut off.
3. Walk rapidly to the nearest exit, DO NOT RUN. Avoid panic; get out in a calm, orderly fashion.
4. Once out of the building, stay outside until the fire chief gives permission to return to the building or until instructions are given by a fire officer.
5. During a fire, the telephones in a building may not be used for incoming or outgoing calls except by authorized fire personnel. If you need to make a call, use a cell phone.
6. During a fire, automobiles may not be driven on campus roads, except by fire personnel.

**B. Evacuation of Persons with Disabilities:** The safe evacuation of all members of the Vassar College community in the event of a fire or emergency is of the utmost importance. We strongly recommend that all students and employees who have disabilities or impairments that might interfere with their safe emergency evacuation from campus buildings contact the Office of Disability and Support Services, ext. 7584. A list of persons needing evacuation assistance will be distributed to Campus Security as well as the Arlington Fire Department, in the event of an emergency.

### III. Resources for Students on Evenings and Weekends

The following campus resources are available for students during evenings and weekends:

**A. Security**, ext. 7333

**B. Administrator-on-Call**, ext. 5221 (House advisors serve on a rotating basis; the dean of students, director or assistant director of residential life, or director of health education serve as back-up administrator-on-call on a rotating basis. House advisors and house fellows also provide valuable support for and assistance to students.)

**C. Medical staff**, ext. 7333 (campus EMTs and members of health service staff)

**D. Counselor-on-Call**, ext. 5221 (member of counseling center staff)

**E. Sexual assault victim resources**, ext. 5221

1. Coordinator of SAVP (Sexual Assault and Violence Prevention)
2. SART (Sexual Assault Response Team)
3. CARES (student resource for victims of sexual assault)

### IV. Dean of the College Division Campus Life Response Team (CLRT)

The dean of the college division has a number of response mechanisms in place to respond to student crisis situations, or to incidents or behaviors that threaten the quality of campus life for students. This can be an event that is accidental, occurs without warning, or which is intentional and meant to cause harm to our students or the campus community. The CLRT may be convened to ensure that affected student(s) have access to appropriate resources, to assist the division in its response, and to facilitate a coordinated campus response to crisis incidents, threats, or potential threats to the wellbeing of our students or to the campus community as a whole.

Coordinated responses may include, but are not limited to, identification of and referral to appropriate support services and resources on or off campus, disciplinary action for violations of college regulations, informal resolution measures such as mediation, facilitated dialogue between parties, discussions in residence halls or at other campus locations, recommendations for campus notices for fact sharing, and efforts towards wider educational awareness, prevention, and outreach. The CLRT does not play a role in the investigation of alleged incidents or render any decision concerning guilt or innocence in the parties involved.

#### A. Responsibilities of the CLRT:

1. Supporting affected persons through referrals on and off campus
2. Determining a plan of action in response to the incident, in consultation with the affected person(s) and necessary college officials and/or departments

3. Assessing community impact of the incident by paying attention to principle parties involved as well as those connected to the principle parties
4. Disseminating accurate information to the affected person(s) and the larger campus community, as appropriate
5. Identifying other campus resources beyond CLRT for addressing an incident
6. Recommending channels for educational outreach and prevention

**B. Standing Members of the CLRT:** The associate dean of the college for campus life, who serves as the coordinator; a member of the teaching faculty (house fellow); the dean of students; the director of equal opportunity and/or the faculty director of affirmative action; one representative each from Security, Residential Life, and the Counseling Service; other members of the Vassar community as appropriate.

**C. Role of the CLRT Coordinator:** The associate dean of the college for campus life, through the CLRT team, will coordinate the dean of the college division's efforts to respond to incidents recognized as a threat or potential threat to the wellbeing of students. The associate dean will convene the CLRT team within 24 hours to determine initial steps, and to identify additional offices or members from the campus community who can assist with the college's response to the incident or situation being addressed. If the associate dean of the college for any reason of conflict of interest, illness, or prolonged absence is unable to carry out his or her responsibilities, a designee from the Campus Life Office or the CLRT team shall be appointed by the dean of the college.

The CLRT coordinator will inform the dean of the college and other senior administrative officers of CLRT's response and recommendations for institutional response measures including disseminating information to the broader campus community. In consultation with appropriate college personnel, the CLRT coordinator will work to ensure appropriate follow-through on commitments made during the response period and after the crisis or situation has subsided. In addition to addressing particular incidents, the CLRT team will meet on a monthly basis to review campus incidents and/or identify priorities for educational programming and intervention. The Campus Life Office will maintain a historical record of documented incidents to evaluate the college's response, and improve upon procedures and effectiveness of response systems.

**D. Privacy:** All incidents addressed by the CLRT shall be handled with privacy and discretion. In the handling of all reports, efforts will be made to protect identity and to maintain the level of privacy requested by individuals involved. Information about the incident may be disclosed in the form of safety announcements, summary report updates, or as required by law.

## **V. Involuntary Student Leave of Absence for Reasons of Personal or Community Safety**

Vassar is committed to protecting its community members from the risk of harm, and preserving the integrity of its learning, residential, and working environments. In extraordinary circumstances, a student may be required to leave the college if there is sufficient evidence that the student is engaging in, or is likely to engage in, behavior that poses a danger of harm to self or others, or disrupts the learning or residential living environments of others. The following policy establishes the protocol under which an involuntary leave of absence may occur, and the process for reentry.

A leave of absence from the college may be required by the dean of students if, in his or her judgment, one of the following criteria is met:

1. The student's behavior indicates a significant risk to the health and safety

of self or others, or

2. The student exhibits behavior that interferes with his or her ability to function in an academic or residential setting and/or seriously interferes with the educational pursuits or living environment of others.

In cases where a leave may be required, the dean will consult with, as applicable, the director of the counseling service, the director of the health service, the director of disability and support services, the director of residential life, or an appropriate representative from the Office of the Dean of Studies. If possible, the dean will speak in person with the student before making a final decision, and may also consult with the student's parents or family. The decision to require a leave will be communicated, when possible, directly to the student by the dean. When a student is required by the dean of students to take a leave of absence, clearance by the dean will be required before the student may return to Vassar. In accordance with college policy, students on leave for more than two terms may be required to withdraw.

## VI. Bias Incident and Hate Crime Protocol

Vassar College strives to provide educational, working, and living environments free from discrimination, harassment, intolerance, and hate. Such behavior will not be tolerated. The purpose of Bias Incident and Hate Crime Protocol is to provide information about responding to bias incidents or hate crimes that occur on campus, and to outline the procedures and resources available to members of the Vassar College community. It is not the purpose or the intent of this protocol to define whether or not an act may violate Vassar College regulations or state or federal law.

**A. New York State Hate Crimes Act of 2000 (Article 485):** Federal and state statutes on hate crime vary in terms of the acts and categories of bias that are covered. Under New York State Law, a hate crime is committed when a person commits a specified offense and either (1) intentionally selects the person against whom the offense is committed or intended to be committed, or (2) intentionally commits the act or acts because of a belief or perception of the person's or group's race, color, national origin, ancestry, sex, religion, religious practice, age, disability, or sexual orientation, regardless of whether the belief or perception is correct. When a person is convicted of a hate crime pursuant to Article 485, the law provides for the level of a hate crime to be deemed one category higher than the specified offense, when that specified offense is a misdemeanor or a class C, D, or E felony. When the specified offense is a class B or A-1 felony, the term of sentence is enhanced.

**B. Reporting a Bias Incident or Hate Crime:** Vassar strongly encourages the reporting of all hate crimes and bias incidents that occur on campus or at college-sponsored events or activities occurring off campus. A bias incident is characterized as a behavior or act—verbal, written, or physical—which is personally directed against or targets an individual or group based on perceived or actual characteristics such as race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status, or age. Behavior reflecting bias may constitute a violation of Vassar College regulations. The kinds of incidents that may constitute a bias incident include, but are not limited to, threatening telephone calls or mail (including electronic mail), graffiti, physical assault, sexual assault or abuse, stalking, vandalism, destruction of personal property, harassment, or coercion.

1. Safety: **CALL CAMPUS SECURITY AT EXT. 7333 IF YOU ARE DEALING WITH AN EMERGENCY SITUATION OR TO REPORT A CRIME IN PROGRESS.** Vassar College considers personal safety and wellbeing

to be of the utmost importance in the handling of all bias incidents and hate crime reports. Incidents that threaten, result in, or potentially could result in physical harm or violence should be reported immediately to the Vassar Security Department, ext. 7333.

2. Privacy: Every effort will be made to protect the identity of individuals involved, and to maintain the level of privacy requested by the reporting party. Persons reporting an incident may self-identify or remain anonymous. Anonymous reporting, however, may impact the college's ability to respond, or pursue appropriate action against the alleged perpetrators. Information about an incident may be disclosed (i.e., nature of the incident, location of incident, etc.) in the form of safety announcements, summary report updates, or as required by law.

3. Documenting the Incident: Target person(s) or witnesses should immediately document what happened and report the incident as soon as possible. When documenting the incident:

- a. Provide a detailed account of the incident including date, time, and location.
- b. Do not remove or tamper with physical evidence. Contact Vassar Security to document and collect physical evidence.
- c. If the incident involves a verbal act, write down exactly what was said to the best of your recollection.
- d. Identify the perpetrator(s) if known or provide a detailed description of the individual(s) involved.
- e. List all witnesses including their names and contact information.
- f. Include other pertinent information that may assist Vassar in responding to the incident.

4. Documenting Graffiti, Vandalism, Telephone, Email, or Public Postings: Take the following actions, depending on the form of the incident:

- a. Graffiti, vandalism, or public postings: Security will document it for evidence and take responsibility for ensuring its prompt removal.
- b. Email: Keep the email in your inbox. Do not delete, alter, or forward the message. Contact Security, ext. 7333, to inform them of the email. Security will contact appropriate campus officials to investigate the source.
- c. Telephone call: Do not engage in or encourage conversation. Report all harassing calls to Security, ext. 7333. Record the time and date of the call, and keep a record of the telephone number if you have caller ID. Security will work with telecommunications to trace the call. Do not leave identifying information, such as your name and phone number, on your answering machine or cell voice message. If you have received repeated calls, record a message similar to: "I'm sorry we cannot come to the phone right now. We are receiving harassing calls and the phone company has a tap on this line." For calls on your Vassar line, depress the hook switch and dial \*(2). This will help to trace the call.

5. Filing a Report: You may file a written report with Security, the Office of Equal Opportunity and Affirmative Action, or the Campus Life Office. Students may also report an incident to a house advisor through the 24-hour administrator-on-call system. These offices and officers of the college are required to report all bias complaints that come to their attention. Individuals may still request that their complaint be anonymous. For more information about bias crimes or on- or off-campus resources, please contact the Office of Equal Opportunity and Affirmative Action at ext. 7584.

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## Part D. Student Governance

Vassar has a long tradition of student self-governance, affording students a significant role in the decision-making processes of the college. Working within the framework of the policies and procedures set forth in the Governance, the Vassar Student Association (VSA), through the VSA Council, represents the voice of students to the administration, faculty, staff, alumnae/i, and trustees. It also oversees student organizations, and, through elected representatives on college committees, participates in the committee system, making decisions that affect the quality of life, both academic and social, on campus. All matriculated Vassar students are members of the VSA and enjoy the rights and responsibilities embodied in its constitution and bylaws. The VSA Council is the legislative body of the VSA, while day-to-day operations of the student government are handled by the six-member VSA Executive Board, led by the VSA president. Specific rights, privileges, and regulations can be found elsewhere in this document (*Vassar College Regulations*), the *Constitution of the Vassar Student Association* and the *Bylaws of the Vassar Student Association*.

### I. VSA Constitution

The VSA governs through the *VSA Constitution* and the *VSA Bylaws*, which give students great powers of representation. The current constitution was ratified by a majority of the student body and approved by the faculty and the president of Vassar College in 2007, in accordance with the Governance. As stated in the constitution (Article II), the purpose of the VSA is to “serve, represent, and promote the interests and welfare of the students of Vassar College. It shall encourage student representation and involvement in college decision-making and shall strive to enhance the quality of life and education for the students of Vassar College. It shall represent the opinions of the student body, serving as a communications conduit to the faculty, administration, trustees, alumnae/i, the local community, and beyond. The VSA shall also sponsor, support, and be responsible for student organizations.”

### II. Legislative Branch

The operation of the VSA is overseen by the VSA Council, consisting of the presidents of the nine residence halls, Ferry House, the Town Houses, the Terrace Apartments, South Commons, and the town students; the four class presidents; the VSA president; and the five VSA vice presidents for academics, activities, finance, operations, and student life. These individuals, elected by the student body in accordance with the Elections Article of the *VSA Bylaws*, serve as the legislative branch of the VSA.

The VSA Council oversees the spending of the student activity fee (as explained below). It also acts as the voice of the student body on issues facing the college. The VSA Council also oversees student organizations, and passes legislation and policies relating to student organizations and other matters.

### III. Student Activity Fee

The VSA is budgeted through the student activity fee (SAF). The VSA Council disburses the SAF in conjunction with moneys from the VSA Restricted Endowment Fund to certified VSA organizations in accordance with the Budgeting Article of the *VSA Bylaws* to improve the social wellbeing of the Vassar community.

#### **IV. Joint Committees**

The VSA leadership works with the administration, faculty, and staff to forward the educational, social, and residential objectives of Vassar College. To this end, students are elected to joint committees such as the Committee on College Life, the Committee on Curricular Policies, and the Committee on Admission and Financial Aid. Student involvement is at the core of the development of Vassar College as an institution, and the intent of student participation in these committees is to forward those goals to the fullest extent possible.

#### **V. Judicial Board**

Students elected to serve on the VSA Judicial Board uphold the VSA *Constitution* and the VSA *Bylaws*. The members of the Judicial Board hear cases of violation of the VSA *Constitution* and VSA *Bylaws* and also serve on the College Regulations Panel and the Academic Panel.

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## Part E. College Regulations

### I. The Purpose and Nature of the Regulations

Vassar College regulations protect the rights, interests, and safety of the college community. They cover all areas deemed essential to maintaining an environment conducive to carrying out the educational goals of the college. Within the framework established in these regulations, the individual is as free as possible to conduct his or her own academic and nonacademic life. However, the privilege of making independent decisions involves the acceptance of responsibility should such choices violate the regulations. Therefore, the college expects students, faculty, administrators, staff, and other employees to uphold its standards of personal and social conduct at all times when they are associated with Vassar, and assumes that individual decisions will be accompanied by careful consideration of the standards maintained by the community.

The following statement, adopted by the faculty at its meeting of February 25, 1987, articulates the fundamental principle of civil discourse that underpins these regulations:

#### **Academic Freedom and Responsibility**

Vassar College is dedicated to freedom of inquiry in the pursuit of truth, and is vigilant in defending the right of individuals to free speech. The college, however, is also a community dedicated to the cultivation of an atmosphere in which all of its members may live and work free from intolerance, disrespect, or harassment. The college, therefore, defends free speech and also embraces the principle of civil discourse. In this regard, members of the college community accept constraints, similar to those of parliamentary debate against personal attacks or courts of law against the use of inflammatory language. Under the rule of civility, individuals within the community are expected to behave reasonably, use speech responsibly, and respect the rights of others. Genuine freedom of mind is not possible in the absence of civility.

As a private institution, Vassar is a voluntary association of persons invited to membership on the understanding that they will respect the principles by which it is governed. Because Vassar is a residential college, and because it seeks diversity in its membership, individuals have a particular obligation beyond that of society at large to exercise self-restraint, tolerance for difference, and regard for the rights and sensitivities of others. When individuals violate their obligation to the community, such as through the denigration of groups within the college, it is not simply a matter for those particular groups, but it offends the sensibilities of the entire community. The strength and health of the college rests on the affirmation by all of its members of these principles of freedom with responsibility and respect for others.

### II. Public Law

Vassar College cannot and will not give members of its community protection from the consequences of violations of federal, state, and local laws. The college has certain legal obligations when a student or employee violates local, state, or federal law, and for this reason reserves the right to impose sanctions on any member of the college community (student, administrator, staff, or faculty) who is in violation of the law. These sanctions may be carried out prior to, simultaneously with, or following legal proceedings off campus at the discretion of the college, and can include but are not limited to expulsion from school or termination of employment and referral to the authorities for prosecution. The college reserves

the right to contact law enforcement. Vassar College Security will confiscate, and not return, any item that is used as part of any violation of these regulations.

### III. Policy on Use of Drugs and Alcohol (in Compliance with Drug-Free Schools and Communities Act Amendments of 1989)

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

Furthermore, members of the community should understand that Vassar College observes all laws and regulations governing the sale, purchase, and serving of alcoholic beverages by all members of its community and expects that these laws, regulations, and procedures will be adhered to at all events associated with the college. This includes activities on Vassar campus, in any work area, and at off-campus functions sponsored and supported by Vassar College. The college will continue to work cooperatively with local police agencies to maintain an environment conducive to the learning and social development of our members. The college cannot and will not protect any member of the Vassar community who has broken federal, state, and/or local law.

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

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

2. Academics: Difficulty meeting academic responsibilities is one of the most common consequences of alcohol and illicit drug use. Academic problems may include earning lower grades, doing poorly on exams or papers, missing classes, and falling behind on assignments.

3. Accidents: The use of alcohol and drugs can alter a person's judgment, normal reaction, and perception; impair motor skills; lower inhibitions; and intensify emotions. All of these increase the chances of accidents either to the user or to others.

4. Illness and Health Problems: The use of alcohol and drugs can impact a person's health by putting them at greatly increased risk for health and psychiatric problems, as well as increased morbidity and mortality.

a. Alcohol and illicit drugs can interact negatively with over-the-counter and prescription drugs. Every individual reacts differently to alcohol and drugs, at different times.

b. Short-term alcohol and drug abuse can lower a person's immune system, making them more susceptible to colds, illnesses, and injuries.

c. Long-term alcohol and drug abuse can lead to serious health risks such as addiction, liver disease, heart disease, and certain kinds of cancers.

**B: Alcohol and Drug Education Program:** Vassar would like to emphasize that its primary goal is to educate students on the dangers of alcohol and drug abuse. In this effort the college takes several steps. The college provides an alcohol and drug education program for all new students, as well as ongoing programming

about alcohol and drug use and abuse for students throughout the academic year. Additionally the college provides educational workshops for students in violation of campus policy on the use of drugs and alcohol.

Vassar College has a deep-rooted respect for its students and employees, and for this reason seeks to share the responsibility of promoting a healthy, safe environment free of drug and alcohol abuse with all members of the Vassar community.

**C. Individual Responsibility:** Vassar College emphasizes the responsibility of each community member to be law-abiding, knowledgeable, and thoughtful about any decisions regarding alcohol consumption.

1. The college provides information about alcohol use and abuse through a number of resources, such as the Office of Health Education, and urges all community members to be informed about the potentially harmful or negative effects of alcohol. The Drug and Alcohol Education Committee (DAEC), composed of students, faculty, and administrators, helps to formulate college policy and programs relating to alcohol and drug use and abuse. Questions or concerns related to the use of alcohol and drugs on our campus should be referred to the DAEC.

2. Individuals with concerns about their own use or another person's use of alcohol and/or other drugs are encouraged to seek confidential and private assistance. The college will make every effort to arrange for treatment for those who abuse drugs and/or alcohol. Confidential counseling services and medical services are available. The college also welcomes any information that will help restrict the sale and distribution of illicit drugs on our campus.

3. The college believes that it is the personal responsibility of each student to call for medical assistance (ext. 7333) for themselves or for any other member of the Vassar community in the event of an alcohol- or drug-related overdose or in any instance in which medical attention is needed.

4. The college encourages anyone who is seriously intoxicated to seek medical attention. The safety and health of students is the overriding concern of the college. In order to encourage those who may be in danger from alcohol poisoning or alcohol-related injury to get proper assistance, no student seeking medical treatment for his or her alcohol or other drug-related overdose, or assisting another student in obtaining such medical treatment, will be subject to college discipline for the sole violation of using alcohol or drugs or of providing alcohol or drugs to the student they have assisted in obtaining treatment, provided that if a student whose conduct with regard to the provision of drugs or alcohol would constitute a crime, such student will not be immune from disciplinary action by the college.

5. In accordance with state and federal laws, the college will respect and protect the privacy of students, faculty, and staff who voluntarily seek assistance.

#### **IV. Specific College Regulations**

Section 1: Alcohol

Section 2: Assault

Section 3: Automobile Regulations

Section 4: Bicycles

Section 5: Confidentiality

Section 6: Discrimination and Harassment

Section 7: Disruptive Conduct

Section 8: Drugs

Section 9: Employment

Section 10: Endangerment

Section 11: Failure to Comply

Section 12: Fire Safety

- Section 13: Hazing
- Section 14: Identification/Keys
- Section 15: Motorcycles
- Section 16: Pet Regulations
- Section 17: Public Areas and Facilities
- Section 18: Public Order
- Section 19: Publicity
- Section 20: Residential Facilities
- Section 21: Sexual Offenses
- Section 22: Skateboards, Rollerskates, Rollerblades, Scooters, and Longboards
- Section 23: Smoking
- Section 24: Stalking
- Section 25: Theft
- Section 26: Unauthorized Entry/Exit/Occupancy
- Section 27: Vandalism
- Section 28: Visitation/Guests
- Section 29: Weapons

### **SECTION 1: Alcohol**

1.01 The distribution of alcoholic beverages to anyone under the age of twenty-one years is prohibited.

1.02 The sale, purchase, possession, and consumption of alcoholic beverages by anyone under the age of twenty-one is prohibited.

1.03 The consumption and the possession of opened containers of alcoholic beverages in public areas of campus is prohibited unless specific permission is granted.

1.04 Permission for an organized public or private gathering (15 or more people) at which alcoholic beverages will be consumed must be approved and registered. Please refer to the "Party Permission Form" available from the Office of Residential Life for further information.

a. The Office of Residential Life must approve any gatherings in the residence halls, Ferry House, Town Houses, Terrace Apartments, and South Commons.

b. The director of campus activities must approve the use of public spaces on campus.

1.05 Neither full nor empty kegs or common containers of alcoholic beverages are permitted without prior consent from the Office of Campus Activities or the Office of Residential Life. Unauthorized kegs or common containers will be confiscated by security. The security deposit for kegs/taps will be forfeited by the student, and the deposit will be donated by Security to a charitable cause.

1.07 It is a violation of Vassar College regulations to bring alcoholic beverages into any facility where alcohol is being sold, or to bring alcoholic beverages to public or private events.

*Note: The college reserves the right to notify the parents/guardian of any student who requires hospitalization.*

### **SECTION 2: Assault**

No member of the college community may assault another person.

2.01 An intentional or reckless act which threatens physical injury or violence to another person is prohibited.

2.02 An intentional or reckless act which inflicts physical injury or violence on another person by any means is prohibited.

### **SECTION 3: Automobile Regulations**

Members of the college community are permitted to have automobiles on the campus subject to the following regulations, which apply to all students, faculty, staff, and administrators.

The Vassar campus has very limited facilities for automobiles. Illegal parking is a serious safety hazard as it obstructs the movement of emergency vehicles, and endangers pedestrians by overcrowding narrow roads. The following parking regulations apply to all parts of campus (including Alumnae House), except the south parking lot. Parking is provided in the south lot for all students and guests displaying a current Vassar decal. Illegally parked cars of students, faculty, staff, administrators, and their guests are subject to fines and towing at the expense of the person reclaiming the car. All automobile regulations apply to any rental car brought on the campus.

3.01 Reckless or dangerous driving on campus is prohibited.

3.02 All motor vehicles must display a properly issued Vassar decal for the current academic year at all times. Decals are available at the Office of Security for students and from Buildings and Grounds for employees.

3.03 Motorists must comply with all posted traffic regulations.

3.04 Changes (e.g., license plates, make of car, or use of a different car) must be immediately reported to the Office of Security.

3.05 The campus speed limit is 15 mph.

3.06 Cars belonging to students or their guests are not permitted on the campus Monday through Friday between 7:00am and 6:00pm. The spaces on Raymond Avenue along the college wall between Main Gate and the Chapel entrance are part of the campus and are subject to the above restrictions. They also apply to Kendrick lot. The following exceptions are allowed:

a. Any vehicle displaying a valid disability permit may be parked in any valid campus parking space, including a designated disability space. Valid permits include state issued license plates and placards, and permits issued by the Town of Poughkeepsie. Members of the college community with a documented temporary condition that impairs their mobility may request a temporary disability parking permit from the Health Service or Disability and Support Services.

b. Students living in the Terrace Apartments or their guests may enter at the Collegeview Avenue gate and drive directly to Terrace Apartment parking. Special Terrace Apartment stickers are available from Security. The college designates one numbered parking space per Terrace Apartment; only residents of that Terrace Apartment may park in the designated space. Other residents and their guests may park at the south side of Walker Field House. Long-term parking in the Town House parking lots is restricted to those cars with "TH" parking decals.

c. Students or guests with something to load or unload may obtain a 20-minute pass from Security at Main Gate. They may park only in the spaces near each residence hall designated as loading zones, not in other parking areas. It is the responsibility of students to inform their guests of this regulation.

*Note: A disabled car is not a valid excuse to avoid fines or towing.*

3.07 The driver of any motor vehicle on campus must be duly licensed to operate a motor vehicle upon a public highway, and must conform to traffic control, including stop signs and barricades.

3.08 Students must register their automobiles at the Security Office, where they will receive the appropriate parking decal. From the first day of classes through the last day of exams, first-year students are permitted to park only at the New Hackensack lot in front of the Security Office. Their cars are not allowed on central campus without an unloading pass during those hours (after 6pm weekdays and on weekends) when sophomores, juniors, and seniors may park on campus. The central campus includes the Terrace Apartments and Town House areas.

*Note: There is a \$50 per semester parking fee for all student parking stickers.*

To register a motor vehicle, a student must present:

a. The ownership of registration card issued by the state of residence

- b. The student's personal driver's license
- c. Proof of liability insurance, including the name of the carrier, the policy number, and the effective dates
- d. A Vassar College identification card

3.09 Students and their guests may park Monday through Friday between 7:00am and 6:00pm at the lower south lot in the vicinity of Skinner. Part of the upper lot closest to Raymond Avenue is reserved for town students.

3.10 The cars of students and their guests are permitted on the campus at night, between 6:00pm and 7:00am, and during the day on Saturdays and Sundays. During these hours, parking is limited to legal spaces marked with white lines only. *No parking is permitted where there is a yellow line on the curb.*

3.11 Parking is never permitted on sidewalks, within ten feet of fire hydrants, across walks or building entrances, around Main circle, or in any area marked "No Parking." The Arlington Fire District has designated all areas outside of legal parking spaces as fire lanes. Employees and students are not permitted in those areas designated "visitor parking" and "admission parking."

3.12 Members of the college community are responsible for parking violations incurred by their guests.

3.13 A student who allows his or her ID card to be used to bring a car through Main Gate is responsible for all fines incurred by the car.

3.14 Students may not leave cars on campus during vacation periods. Any car left on campus will be subject to towing and storage charges at the owner's expense.

3.15 Any car which has accumulated three or more tickets will incur a \$50 fine. Additionally, the vehicle will be placed on the tow list and will be subject to towing should it be found on campus. The south lot is still available for those vehicles on the banned or tow lists.

3.16 Fines will be imposed for violations of automobile regulations as indicated below. Severe or repeat violations may be referred to the College Regulations Panel for further disciplinary action.

- a. \$50 fine for:
  - 1) Driving on walks or grass
  - 2) Parking on grass or in disability spaces without a proper permit
- b. \$35 fine for:
  - 1) Failure to register a car
  - 2) Use of a motorcycle or moped
- c. \$25 fine for:
  - 1) Parking in a zone marked "Tow Away" (in addition to towing costs)
  - 2) Parking within 10 feet of a fire hydrant or in a fire lane
  - 3) Parking across walks or building entrances
  - 4) Exceeding the campus speed limit
  - 5) Failure to observe a stop sign
  - 6) Other illegal parking
  - 7) Failure to display the current Vassar decal
  - 8) Failure to report a change of license plates
  - 9) Parking in a house fellow parking space
- d. \$15 fine for:
  - 1) Illegally parked car

Appeals of parking tickets may be brought to the Security Office.

#### **SECTION 4: Bicycles**

4.01 All bicycles must display the current college decal. Unlicensed bicycles will be confiscated. The license can be obtained at the Office of Security.

4.02 No bicycle may be ridden at night without a light and a reflector.

4.03 No bicycle may be parked near an exit or across a walk.

4.04 No bicycles may be parked in such a way as to obstruct a handrail. Bicycles so parked will be impounded and not returned until a \$50 fine is paid.

4.05 Bicycles may be placed in student rooms during winter and spring vacations. A fine will be imposed for any bicycle left elsewhere on campus during these vacations.

4.06 Bicycles may not be brought into any college building other than residences. They may not be brought or left in a part of these residences where they would create a safety hazard or would violate fire regulations.

### SECTION 5: Confidentiality

All participants in hearings of the Academic Panel and the College Regulations Panel are bound to confidentiality on all aspects of the hearings. Violation of this confidentiality is a violation of college regulations. The chair of the panel may discuss panel hearings in confidence with appropriate members of the college community.

### SECTION 6: Discrimination and Harassment

(Footnotes for section 6 appear at the end of the section.)

#### *Nondiscrimination and Nonharassment Policy*

It is the policy of Vassar College to provide a working and learning environment free from discrimination or harassment. In accordance with state and federal law, discrimination or harassment by members of the college community against members of the college community based on race, color, religious belief, sex, marital status, disability, sexual orientation, gender identity or expression, national or ethnic origin, veteran status, or age is not permissible.<sup>1</sup> Additionally, should state or federal law be enacted during the period this policy is extant which prohibits discrimination or harassment based upon a group's protected status not listed in the above categories, this policy will be deemed amended to afford protection to such groups. The community is further advised that recourse can be sought through the Equal Employment Opportunity Commission (EEOC), the Office of Civil Rights (OCR), the State Division of Human Rights, or the courts. Vassar College's nondiscrimination and nonharassment policy does not limit the rights of any individual to seek remedies available under state or federal law.<sup>2</sup>

#### *Definitions*

6.01 **Discrimination** is defined, for the purpose of this policy, as any decision, act, or failure to act which interferes with or limits a person's or group's ability to participate in or benefit from the services, privileges, or activities of the college, when such decision, act, or failure to act is based on race, color, religious belief, religion, sex, marital status, disability, sexual orientation, gender identity or expression, national or ethnic origin, veteran status, or age.<sup>3</sup>

6.02 **Harassment** is defined, for the purpose of this policy, as unwelcome and unauthorized incidents and/or patterns of conduct and/or speech that is severe, persistent, or pervasive, when such conduct is based on a person or persons' race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national or ethnic origin, disability, veteran status, or age, and which:

- a. the harasser either knows, or should know, will have the effect of making the college environment hostile, intimidating, or demeaning for the victim, and
- b. in fact renders the college environment (including the work or study environment) hostile, intimidating, or demeaning for the victim.

6.03 **Sexual Harassment** is defined, for the purposes of this policy, as unwelcome sexual advances, requests, and other unwelcome conduct of a sexual nature where:

- a. submission to such conduct is made, either expressly or implicitly, a term or condition of an individual's employment or education;
- b. submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
- c. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or of creating an intimidating, hostile, or demeaning employment or educational environment.

#### *Office of Equal Opportunity and Affirmative Action (EO/AA)*

The Office of Equal Opportunity and Affirmative Action handles inquiries about discrimination and harassment complaints, and provides counsel on the college's nondiscrimination and nonharassment policy and procedures. The work of the office is carried out by the EO/AA officer and the faculty director of affirmative action, in consultation and collaboration with the Advisory Committee on Equal Opportunity and Affirmative Action, senior officers, Human Resources, and with other members of the campus community as appropriate.

The faculty director of affirmative action provides counsel and assistance to faculty concerning nondiscrimination and nonharassment policies and procedures, and shall oversee the proper conduct of all grievances and informal resolution measures involving faculty under these policies. The EO/AA officer provides counsel and assistance to students, administrators, and staff concerning nondiscrimination and nonharassment policies and procedures, and shall oversee the proper conduct of grievances and informal resolution measures involving only students, administrators, and staff. The EO/AA officer and the faculty director of affirmative action regularly consult with each other to ensure that the policies of the college are consistently applied. Neither officer makes a final determination of guilt or innocence of anyone involved in a complaint. When necessary in the performance of their duties, the EO/AA officer and the faculty director of affirmative action may consult legal counsel. If the EO/AA officer or the faculty director of affirmative action for any reason of conflict of interest, illness, or prolonged absence is unable to carry out his or her responsibilities, a designee shall be appointed by the president.

Vassar College has designed its grievance process as an internal method for resolving complaints of discrimination or harassment which may arise within the college community. The grievance procedures are designed to bring about prompt and equitable resolutions for alleged discrimination or harassment. Appropriate resolutions may include, but are not limited to, efforts toward education, mediation, intervention, and/or discipline.

#### *Confidentiality*

Vassar College will endeavor to maintain confidentiality in all informal and formal proceedings, except as otherwise specified in these statements of procedure. All documents relating to the alleged incident of discrimination or harassment will be maintained as confidential. Participants are authorized to discuss the case only with those persons who have a genuine need to know.

#### *Protection against Reprisal*

6.04 Retaliation or retribution of any kind taken against an individual as a result of that person filing a complaint in good faith, cooperating in an investigation, or otherwise participating in these procedures is strictly prohibited. Any attempt to retaliate against an individual for bringing a sincere complaint may in itself be treated as a form of harassment. Similarly, a complaint that is malicious and groundless may be treated as an attempt to harass the respondent.

#### *Preliminary Consultations*

- a. Any member of the community who approaches any office or individual

with a concern about treatment by or involving a faculty member that seems to violate the college's nondiscrimination and nonharassment policy should be referred to the faculty director of affirmative action for discussion of the issues. In all cases the faculty director of affirmative action provides counsel and assists the complainant in determining whether the complaint is appropriate for grievance, and provides counsel on the college's nondiscrimination and nonharassment policy and informal and formal grievance procedures. Discussing a complaint with the faculty director of affirmative action does not commit one to making a formal charge. The faculty director of affirmative action consults regularly with the EO/AA officer about cases involving faculty and other members of the college community.

b. Any member of the community who approaches any office or individual with a concern about treatment by or involving a student or member of the staff or administration (not involving faculty) that seems to violate the college's nondiscrimination and nonharassment policy should be referred to the EO/AA officer for discussion of the issues. In all cases the EO/AA officer provides counsel and assists the complainant in determining whether the complaint is appropriate for grievance, and provides counsel on the college's nondiscrimination and nonharassment policy and informal and formal grievance procedures. Discussing a complaint with the EO/AA officer does not commit one to making a formal charge.

c. In all informal and formal proceedings described below, the complainant and the respondent are each free to designate one other member of the college community who may accompany them to provide advice and moral support. Although complainants and respondents have the right to seek legal advice, neither party may be represented by legal counsel in the internal proceedings.

d. Faculty, administrators, and staff who have supervisory responsibilities and who become aware of harassment or discrimination must prevent its continuation through informal resolution or, when appropriate, by making referrals to either the faculty director of affirmative action or the EO/AA officer.

e. If the faculty director of affirmative action or the EO/AA officer judges that the complaint warrants continuation with grievance procedures, the faculty director of affirmative action or the EO/AA officer in most cases shall recommend mediation with the aim of achieving an informal resolution. The complainant, however, may file a formal grievance with the Office of Equal Opportunity and Affirmative Action in lieu of using the mediation process. The faculty director of affirmative action or the EO/AA officer may judge that there is not sufficient evidence of a violation of the college's nondiscrimination and nonharassment policy. If the complainant disagrees with the finding, he or she may request the grievance complaint be forwarded to the Grievance Hearing Panel or the College Regulations Panel, as appropriate.

#### *Seeking Mediation<sup>4</sup>*

a. With consent of both the complainant and the respondent, the Office of Equal Opportunity and Affirmative Action will contact a mediator whose training is appropriate to the conflict to be resolved. Mediation is intended to provide the complainant and the respondent an opportunity to define issues about the alleged incident(s) of discrimination or harassment, clarify each party's needs and positions, maintain an equitable balance of power between the parties, and facilitate mutually agreed upon resolutions in a confidential setting.

b. The mediation process ends when a resolution has been reached or when the complainant or the respondent has terminated the process. At any time during the mediation process, the complainant and the respondent are free to withdraw consent. A mediation resolution results in a binding agreement between the parties. The mediation process, if unsuccessful, will not prejudice the rights of either party in the dispute and, therefore, neither the reason for the failure of the

mediation nor any material or statements made during the process will be used in any subsequent proceedings or forums.

c. The mediator shall notify the faculty director of affirmative action or the EO/AA officer of the result of the mediation process. If the dispute is not resolved through mediation, the faculty director of affirmative action or the EO/AA officer shall immediately inform all affected parties and discuss with the complainant other alternatives for achieving resolution. The complainant may file a formal grievance with the Office of Equal Opportunity and Affirmative Action or withdraw the informal complaint.

d. No written records of the mediation process, other than the final resolution, shall be retained by the faculty director of affirmative action or the EO/AA officer. Original documents shall be returned to their original source or to another site as agreed in the resolution by the complainant and the respondent.

### *Formal Grievance Procedure: Filing Complaints, Preliminary Investigation, and Finding*

The complainant may choose to initiate a formal grievance by requesting that the complaint be forwarded to the Grievance Hearing Panel or to the College Regulations Panel, as appropriate. Formal grievance procedures are initiated by filing a written and signed complaint with either the faculty director of affirmative action or the EO/AA officer, as appropriate, as outlined below.

a. When to File a Complaint:

1) A grievant should file a written complaint within 60 days of the last date of the alleged incident(s) of discrimination or harassment, or within 30 days of the end date of the mediation process described above. Individuals should note that the state and federal statute of limitations for discrimination and harassment is typically 180 days.

2) Whenever the application of any time deadline or procedure set forth in the grievance procedure creates a problem owing to the nature of the complaint or the urgency of the matter, the faculty director of affirmative action or the EO/AA officer will determine whether an expedited grievance process can be fashioned. Time periods may also be extended by the faculty director of affirmative action or the EO/AA officer.

b. What to File: A complaint must be in writing and include the following:

1) The grievant's name, address, phone number, and employment or academic class status

2) A complete and detailed description of the alleged incident(s) of discrimination or harassment

3) The grievant's signature with date of signing

c. Where to File: The complaint must be hand delivered or sent by certified mail to the Office of Equal Opportunity and Affirmative Action, directed to the attention of the faculty director of affirmative action or the EO/AA officer, as appropriate. Office of Equal Opportunity and Affirmative Action, Vassar College, Box 645, 124 Raymond Avenue, Poughkeepsie, NY 12604.

d. Preliminary Review of Complaint and Notice of Receipt

1) Upon receipt, the complaint will be reviewed for appropriateness and timeliness. The grievant will receive written notice of receipt of the complaint within five (5) working days, and will be advised of the college's grievance procedures and forms of relief.

2) Formal grievance complaints require that the respondent be advised of the allegations and the source of the complaint by the faculty director of affirmative action or the EO/AA officer. The faculty director of affirmative action or the EO/AA officer will provide the respondent with a copy of the formal grievance complaint within five (5) working days of receipt of the complaint, and will advise the respondent of the college's grievance policy

and procedures.

3) The faculty director of affirmative action or the EO/AA officer shall discuss with the grievant whether or not the alleged incidents of discrimination or harassment constitute a violation of the college's nondiscrimination and nonharassment policy, and whether or not it is appropriate to convene a Grievance Hearing Panel or the College Regulations Panel. The decision to request a Grievance Hearing Panel or a College Regulations Panel rests with the grievant.

4) If the respondent is a member of the faculty, staff, or administration, and the grievant requests a Grievance Hearing Panel, the grievance shall be transmitted to the respondent's senior administrative officer (the senior administrative officers of the college include the president, the dean of the faculty, the dean of the college, the dean of planning and academic affairs, the vice president for college relations, the vice president for computing and information services, the vice president for development, and the vice president for finance and administration, who shall convene a Grievance Hearing Panel.

5) If the grievant and the respondent are both students, and the grievant requests a Grievance Hearing Panel, the complaint shall be transmitted to the College Regulations Panel, which shall provide fair and expeditious hearing to both grievant and respondent. The rules and procedures of the hearing shall be those normally in effect for the College Regulations Panel. Detailed rules and procedures of the College Regulations Panel are available from the Office of the Dean of Students upon request.

*Grievance Hearing Panel* (involving faculty, staff, or administration)

a. Hearing by the Grievance Hearing Panel

1) The Grievance Hearing Panel, appointed and chaired by the respondent's senior administrative officer, will then conduct a hearing, including an examination of those witnesses and receipt of such documentary evidence as the panel may deem appropriate.

2) Both parties will have the opportunity to review all other contents of the case file after the hearing. Contents of the file can only be seen in the office of the senior administrative officer in the presence of an observer.

b. Final Disposition by the Grievance Hearing Panel

1) The Grievance Hearing Panel shall deliberate in private session and shall by open vote decide on whether a violation of the college's nondiscrimination and nonharassment policy has occurred. A decision that a violation has occurred requires unanimity among the members eligible to vote. In the case of the finding of a violation, the senior administrative officer, in consultation with the members of the panel, shall determine the appropriate remedy or sanction. A written summary prepared by the chair of the Grievance Hearing Panel on the basis of this judgment shall be conveyed to both the grievant and the respondent within three (3) working days after the deliberations have been completed.

2) If the respondent is a member of the faculty, staff, or administration and has been found to be in violation of the college's nondiscrimination and nonharassment policy, a written record of the grievance and the opinion by the Grievance Hearing Panel shall be retained in the files of the respondent's senior administrative officer. If the respondent is a student, a written record shall be kept in the files of the College Regulations Panel. When the complaint has been resolved through informal mediation or judged not to be well founded through formal hearing procedures, a written record shall be retained only at the request of the respondent.

### *Appeal Process*

- a. For grievances heard by the College Regulations Panel, the final disposition may be appealed by the grievant or the respondent through the College Regulations Appeals Committee. Detailed rules and procedures of the College Regulations Appeals Committee are available through the Office of the Dean of the College.
- b. For faculty, administrators, and staff, the final disposition may be appealed to the president by the grievant or the respondent within 30 days of the final ruling. The appeal process for faculty and staff is initiated by filing a written request for review with the faculty director of affirmative action or the EO/AA officer, as appropriate. The written request must specify one or more of the following criteria:
  - 1) evidence of alleged procedural errors which impaired the ability of either party to adequately present herself or himself, or
  - 2) the imposition of excessive penalty.<sup>5</sup>

Appeals may not be based on general dissatisfaction with the proposed disposition. The faculty director of affirmative action or the EO/AA officer will forward the appeal to the president. The president shall have the authority to affirm the finding or remand the finding to the senior administrative officer for reconsideration. A copy of the president's written decision may be expected within 30 days of the filing of the appeal and shall be sent to all parties, and the senior administrative officer whose authority will be needed to carry out the disposition. The deadline may be extended by the president for good cause. The decision of the president on the appeal is final.

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<sup>1</sup>Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, and national origin. The Department of Education's Office of Civil Rights (OCR) enforces several statutes that protect the rights of beneficiaries in programs or activities that receive federal financial assistance. These laws prohibit discrimination on the basis of race, color, or national origin (Title VI of the Civil Rights Act of 1964), sex (Title IX of the Education Amendments of 1972), disability (Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Amendments Act of 2009), and age (Age Discrimination Act of 1975).

<sup>2</sup>In defining groups protected by this policy, the Vassar community is advised that the intent of this policy is to provide protection to the groups recognized as protected under state and/or federal non-discrimination laws applicable to the college. The following is provided to offer further explanation regarding legal definition of some of the groups enumerated:

1. The policy mentions a prohibition against discrimination and harassment on the basis of "sex" and does not also mention "gender" as a protected category. This is because federal nondiscrimination law (i.e., Title VII), currently recognizes that a prohibition against discrimination or harassment on the basis of sex encompasses sex and gender.

2. Vassar's policy includes "gender identity or expression" as a specific category. Under current State discrimination law applicable to Vassar College, "sexual orientation" is defined to include "...heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived." The law also protects transgender persons, based on their actual or perceived sexual orientation.

3. Federal case law has defined religious beliefs (for the purpose of nondiscrimination) as embracing sincere and meaningful beliefs that are held with the strength of more traditional religious convictions or that occupy a place in the life of the individual concerned parallel to that filled by an orthodox belief in God.

<sup>3</sup>Disagreements or denials of disability-related accommodations or auxiliary aids and services, modifications to a college program or activity as related to disability needs, or inaccessibility to college facilities or programs may be appealed to the faculty director of affirmative action who has been designated to coordinate the college's compliance with the Americans with Disabilities Amendments Act of 2009 and with Section 504 of the Rehabilitation Act of 1973.

<sup>4</sup>Mediation is an informal process through which an impartial third party helps disputing parties find mutually satisfactory resolutions to their differences. Mediation proceedings are confidential and voluntary for all parties. The mediation process affords the opportunity to present information about the alleged incident(s) of discrimination or harassment, and resolve the dispute.

<sup>5</sup>Copies of the Vassar College Nondiscrimination and Nonharassment Policy and Grievance Procedures, including appendices, are available from the Office of Equal Opportunity and Affirmative Action upon request.

**SECTION 7: Disruptive Conduct**

7.01 Disruptive conduct, defined as a reckless or intentional act including but not limited to excessive noise, physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct that substantially interferes with the living, learning, or working environment, is prohibited.

7.02 The use of electronic or other device to make an audio or video record of any person while on college premises or during a Vassar College sponsored event without his or her knowledge or prior consent, when such a recording is likely to cause distress, is prohibited.

**SECTION 8: Drugs**

8.01 - 8.07 The possession (whether for personal use or distribution) (8.01) and the use (8.02) of hallucinogenic drugs, barbiturates, amphetamines, narcotics, and prescription and controlled drugs, except as expressly permitted by law, are prohibited by Vassar College regulations and New York State and federal laws. The distribution (8.03), intent to distribute (8.04), sale (8.05), manufacture (8.06), and alteration of a prescription (8.07) of these drugs are similarly prohibited.

8.08 Drug paraphernalia found in students' possession or rooms will be removed and will subject the occupants to disciplinary action.

*Note: the college reserves the right to notify the parents/guardian of any student who requires hospitalization.*

**SECTION 9: Employment**

9.01 No student may act as an agent on campus for any company or organization, including travel agencies, without permission from the director of campus activities.

9.02 Permission is needed from the director of campus activities for any individual or organization to solicit funds or sell articles on the campus.

9.03 No door-to-door, face-to-face, or electronic solicitation of students or special promotional meetings in the residence halls is permitted.

9.04 No commercial enterprise may be undertaken that does not provide a necessary service or educational benefit to the college community. Such enterprises are subject to the approval of the director of campus activities.

9.05 Vassar College maintains post office boxes for the convenience of the college community. Because the mail addresses of those using the facility necessarily imply affiliation with the college, the use of the post office boxes for any purpose except personal correspondence and college-related business is prohibited. Students and other members of the community engaged in independent businesses are advised to rent boxes at the Arlington Post Office.

9.06 The abuse of student employment assignments, including but not limited to the falsification of timesheets, is a violation of college regulations.

**SECTION 10: Endangerment**

10.01 Reckless or intentional acts that endanger the welfare of any member of the college community are prohibited.

10.02 Any action that interferes with the operation of any vital safety-providing service, including but not limited to Security, the Campus Response Center, law enforcement, or emergency medical or fire services, is prohibited.

**SECTION 11: Failure to Comply**

11.01 Anyone who fails to comply with the terms of sanctions is in violation of the college regulations and is subject to further disciplinary action.

11.02 Anyone on campus in violation of a ban, suspension, or expulsion sanction is subject to prosecution for criminal trespass.

**SECTION 12: Fire Safety**

12.01 Tampering with fire equipment, including but not limited to extinguishers, sprinkler systems, smoke detectors, decals, fire doors, exit lights, firehoses, pull stations, or the fire alarm system, is forbidden. An automatic fine of \$100 will be imposed for tampering with a fire extinguisher. The proper authorities will be notified and criminal charges may be filed by Vassar College against individuals who purposefully activate fire alarms without just cause. In addition, Vassar students will face an automatic fine of \$100 and be subject to eviction from the residence program and/or suspension from the college.

12.02 Falsely reporting fires represents a danger to the college community and is a violation of college regulations and New York State law.

12.03 No person may disregard a fire alarm signal or refuse to evacuate a building when a fire alarm is activated.

12.04 Open fires, including but not limited to tiki torches and portable fireplaces, may not be used or constructed anywhere on campus without written permission from the Vassar College fire chief.

12.05 Burning of any kind is prohibited in the buildings, including candles, incense, nonelectric lanterns, Sterno or camp stoves, etc. Possession of candles in student rooms is also prohibited and any exception must be approved in advance by the appropriate house advisor or director of residential life.

12.06 Fabric wall/ceiling hangings are not permitted. Hangings of any kind are not allowed on sprinkler pipes. Flammable items must be kept away from radiators and pipes.

12.07 Student rooms must not be littered with papers, trash, or other combustible items. If, in the opinion of the fire chief, a room constitutes a hazard, disciplinary action may result. Town House, Terrace Apartment, and South Commons storage areas will be regularly inspected.

12.08 In auditoriums or other public rooms and on stages, all decorations, flats, or scenery must be approved in advance by the college fire chief. Failure to secure approval will result in the removal of the illegal decorations or scenery before the start of the event.

12.09 When the fire alarm rings in a building, the following regulations must be followed:

- a. Shut the windows and doors, if you are in your room. Do not, however, attempt to return to your room from another part of the building.
- b. Get out of the building at once, using stairs. Elevators are NOT to be used during a fire or fire drill. Do not use fire escapes unless stairways are blocked or otherwise cut off.
- c. Walk rapidly to the nearest exit, DO NOT RUN. Avoid panic; get out in a calm, orderly fashion.
- d. Once out of the building, stay outside until the fire chief gives permission to return to the building or until instructions are given by a fire officer.
- e. During a fire, the telephone may not be used for incoming or outgoing calls except by authorized fire personnel.
- f. During a fire, automobiles may not be driven on campus roads, except by authorized fire personnel.

*Evacuation of Persons with Disabilities*

The safe evacuation of all members of the Vassar College community in the event of a fire or emergency is of the utmost importance. We strongly recommend that all students and employees who have disabilities or impairments that might interfere with their safe emergency evacuation from campus buildings contact the Office of Disability and Support Services. A list of persons needing evacuation

assistance will be distributed to Security as well as the Arlington Fire Department in the event of an emergency.

12.10 Students are prohibited from possessing/using appliances that are not permitted by the college. This includes items that do not have an automatic shutoff or UL approval. Please refer to the Residential Life website for a list of prohibited appliances.

12.11 All extension cords with the exception of those that have power strips are prohibited.

12.12 Unauthorized changes in the electrical, data, or telephone wiring (including attachment of dimmer switches) are prohibited.

12.13 Unauthorized obstruction of the free flow of pedestrian or vehicular traffic on college premises or at a college-sponsored event is prohibited.

### **SECTION 13: Hazing**

Hazing is a violation of Vassar College regulations and New York State Hazing Law (section 120.16–120.18) and will not be tolerated. Individual violators are subject to disciplinary action, and organizational violators may have their permission to operate on campus withdrawn. Violators are also subject to any applicable provision of the New York State Penal Law. The express or implied consent of the victim is not a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is a violation of the college regulations.

13.01 Hazing is prohibited, and is defined as a reckless or intentional act that has an explicit or implicit condition for initiation to, admission into, affiliation with, or continued membership in a group or organization; could be seen by a reasonable person as endangering the physical health of an individual or as causing mental distress to an individual through, for example, humiliating, intimidating, or demeaning treatment; destroying or removing public or private property; or forced consumption of substances.

### **SECTION 14: Identification/Keys**

New York State law specifies that only a valid driver's license, non-driver identification card, US military ID, or a passport can be used as legal proof of age to purchase alcoholic beverages. At all events on campus where alcoholic beverages are being served, the following identification must be presented: a valid Vassar College identification card and one of the New York State required forms of identification. Guests must have two forms of identification, one of which is a New York State required form of identification and a Vassar College guest pass.

14.01 Members of the college community are required to identify themselves and show their Vassar ID card at the request of any member of the community.

14.02 Alteration of identification or the use of altered identification, or fraudulent use of an ID, is prohibited.

14.03 Unauthorized use, possession, or duplication of a Vassar-issued ID card or key is prohibited.

### **SECTION 15: Motorcycles**

15.01 The college does not permit motorcycles, motor scooters, mopeds, or similar vehicles to be used on the campus. They may be parked only in the special spaces available by North Gate and in the area of the Town Houses; no motorcycle, moped, or other gasoline or diesel powered vehicle may be taken inside any college-owned building.

### **SECTION 16: Pet Regulations**

Students are not allowed to bring pets to the Vassar campus. This prohibition applies to students living in any college-owned housing. Students living off-campus may not bring their unleashed pets on campus. Exceptions are made for very small animals kept in cages, aquariums, or terrariums. Other than service

animals trained to provide assistance for the benefit of a student with a disability, dogs and cats are strictly prohibited. The care and supervision of a service animal is the responsibility of his or her owner. Other members of the campus community who have pets may bring them onto campus, as long as they are appropriately restrained. Animals must be kept on leashes or placed in carriers. The care and supervision of these animals is the responsibility of the owner.

16.01 Unauthorized pets are not permitted on campus or within the residential houses.

### **SECTION 17: Public Areas and Facilities**

Permission must be obtained from the Office of Campus Activities for the use of any auditorium, lecture hall, classroom, or residence hall living room, except for the use of house parlors by students living in the house. The Registrar's Office approves requests for daytime use of classrooms. To comply with local and state requirements, the name of the person in charge of the meeting (or other event), the number expected to attend, and the nature of the program must be reported. The college accepts no responsibility at any time for the personal property of students.

17.01 Improper use of public areas and facilities, or use without necessary permission, is a violation of college regulations.

17.02 Students are not allowed on any roof or balcony without the consent of the appropriate administrative officer.

17.03 Sleeping outside on campus grounds is permitted only with written authorization from the director of campus activities.

17.04 Removal of college property from public areas is not permitted without the consent of the appropriate administrative officer.

17.05 Students are responsible for any damage they cause to college property.

17.06 Consumption of food or drink in an uncovered container is not permitted in public auditoriums or the libraries.

17.07 Entering any college facility except in accordance with established regulations is prohibited.

### **SECTION 18: Public Order**

In accordance with Article 12 9a of the Education Law of the State of New York, the college has adopted the following regulation relating to the maintenance of public order: A member or several members of a group violating public order regulations may be held accountable for such infractions on an individual basis. Any group wishing to use a public or academic facility for a meeting, lecture, concert, or other occasion, other than for usual and routine purposes, should give advance notice to, and obtain approval from, the director of campus activities. The library, computer center, health services, music building, art gallery, science laboratories, museums, athletic facilities, and the observatory are not available for such uses except with the additional approval of the appropriate director or department chair. If any event is planned during which a roadway, walkway, or doorway must be temporarily blocked—as, for example, during a parade—advance notice of the event must be given to the director of campus activities, and written approval must be obtained so adequate fire and other safety precautions can be taken. Otherwise, free passage on and to the campus must be maintained. Any individual or group using or occupying college property is responsible at all times for any damage done by them to the property. In the event of damage not attributable to the user or occupant of a room or corridor, all occupants of the building shall share in the repair cost equally.

18.01 Interference with the regular conduct of college programs, college living, or college administration on the college campus and on other property of Vassar College is deemed a violation of public order.

## SECTION 19: Publicity

Occasionally students may find themselves in the position of being asked by representatives of the media to speak about their experiences as a Vassar student. While this is often an opportunity to help the college, students should not feel obliged to participate with any request if they are in any way uncomfortable. The Office of College Relations is always available to assist students who may want their help in responding to requests from the media. All college news, including news of extracurricular student events and photographs, should be given to the outside news media through the Office of College Relations. Students are also encouraged to discuss publicity and public relations ideas with the staff of College Relations. Any student contacted by a newspaper, magazine, television, or radio representative to make a statement concerning Vassar College should consult the Office of College Relations before doing so.

When pursuits of individual or organizational interests are planned, members of the community are expected to consider the impact that any posting may have on all members of our diverse community, inclusive of race, color, religious beliefs, national or ethnic origin, geographic origin, sexual orientation, sex, disability, gender identity and expression, veteran status, age, socioeconomic status, and language ability.

19.01 The use of the name of the college or of students' names, as Vassar students, for commercial promotion is prohibited.

19.02 The use of the Vassar seal and logo is reserved for official college publications only.

19.03 The use of paint, chalk, or any other marker on the grounds and buildings of the college is prohibited.

19.04 All fliers and posters must bear contact information of the individual or student organization responsible for the posting.

## SECTION 20: Residential Facilities

The Office of Residential Life, the Committee on College Life, and the Residential Life Advisory Committee together establish and review the regulations governing the residential life of students. Please review the Residential Life Guide for more information.

While the college respects a student's right to privacy, it reserves the right to enter any room when the interests of safety, repair, or maintenance urgently necessitate. During times when residence halls are officially closed, security officers are allowed to enter and inspect rooms whose doors are left open or unlocked. Following the inspection, the door will be locked. Ordinarily, when students refuse to cooperate with a security guard, in the interest of health/safety issues or when pursuing an investigation, the security guard will begin procedures to enter the student's room without permission. This procedure requires the security guard:

- a. to identify him/herself and formally state the reason why a student's cooperation is necessary, (e.g., suspicion of college regulation violation);
- b. to communicate that if the door is not opened, a master key will be obtained and the room entered; and
- c. to make efforts to have a house officer and/or the house fellow/administrator present when the room is entered. For normal repairs, the college will notify the occupants 24 hours in advance of performing scheduled maintenance.

20.01 No fixture may be removed from or attached to any wall, door, or window without written permission from the director of Residential Life. Aside from painter's tape, no tacks, nails, screws, pins, tape, glue, etc., may be used in or on walls, woodwork, or college furniture. Pictures, bulletin boards, etc., may be hung from moldings with molding hooks and picture wire. Repair of damage to college property will be charged to the student responsible.

20.02 College property may not be painted.

20.03 Waterbeds may not be used in college housing.

20.04 No college furniture may be removed from student rooms without the permission of the director of Residential Life or designee.

20.05 Misappropriated property found in students' rooms will be removed and will subject the occupants to disciplinary action.

20.06 Unauthorized room changes are prohibited.

20.07 The possession or use of unauthorized items as outlined in the *Vassar College Regulations* or Residential Life website is prohibited.

20.08 Students may not make any changes in electrical, data, or telephone wiring (including attachment of dimmer switches).

## **SECTION 21: Sexual Offenses**

Vassar College expects that sexual activity among members of the college community and its guests will involve only consenting, mutually interested individuals. Any behavior on the part of a member of the college community, its guests, or its visitors that constitutes a sexual offense is in violation of college regulations and will not be tolerated. This policy shall not be construed to conflict with or supersede the college sexual harassment policy, which can be found in *Vassar College Regulations*, Part E: Section 6.

### *Statement of Purpose*

The purpose of Vassar College's sexual offense policy is to identify resources for victims of a sexual offense; to define sexual offenses; and to outline the student conduct process for charges of sexual offenses. All students, faculty, administrators, and staff are subject to this policy.

### *Resources*

Victims are strongly urged to report incidents of sexual offenses. Reports of sexual offenses will be dealt with promptly. The Sexual Assault and Violence Prevention Program (SAVP) office offers information and advocacy services for students through the Sexual Assault Response Team (SART). SAVP uses a victim-centered approach. Through this approach, victims receive nonjudgmental support to direct their healing process and the opportunity to make all decisions whenever possible. Students may also contact SAVP (845-437-7769, <http://savp.vassar.edu>) for advocacy and help in accessing resources off campus. These resources may include the local Rape Crisis Center, SAFE (Sexual Assault Forensic Examiner) units at local hospitals, Battered Women's Services, Town of Poughkeepsie Police Department, and/or the District Attorney's Office. Students may concurrently file a complaint with outside authorities and Vassar College. Proceedings outside of the college will not impact the student conduct process.

### *Confidentiality*

The college will make every reasonable effort possible to preserve an individual's privacy and protect confidentiality, except in incidences when a weapon is involved, or when there is a threat to the greater Vassar community. The degree to which confidentiality can be protected depends upon the professional role of the person being consulted. A victim may speak confidentially with SAVP staff, professional psychological counselors, CARES counselors, medical staff, and clergy. Information shared with other individuals is not legally protected from being disclosed. For example, some members of the college may need to inform other individuals in order to protect community safety, the rights of other community members, or in response to legal requirements as referred to in the exceptions above. Additionally, in accordance with the Clery Act (*Vassar College Regulations*, Part G: Section V), all campus employees are required to report incidents of sexual offenses to campus Security. Such reports are for statistical purposes only and do not include identities. In off-campus legal proceedings, the college cannot guarantee or protect the confidentiality of the parties involved.

### *Reporting Policies*

Victims of sexual offenses are encouraged to report incidents. College personnel will not discourage anyone from reporting, or encourage them to underreport or report the incident as a lesser offense.

- a. Option 1 Confidential Disclosure: SAVP offers assistance by providing support to individuals who have been victimized. A SART advocate who is a trained faculty or administrator is available to assist students in weighing options and associated risks, discussing possible next steps, obtaining information about available resources and services on or off campus, and/or assist a student who decides to make an official report. Students are not expected or required to pursue a specific course of action. Other campus offices that offer confidential support are the Counseling Service, CARES counselors, the Health Service, and the Office of Religious and Spiritual Life.
- b. Option 2 Official Reporting: Victims can make an official report to campus Security and/or Town of Poughkeepsie Police. Official reporting may initiate a course of action, such as the student conduct process or filing criminal charges. When a student files a report with campus Security, the dean of students will be notified, and will make certain that individual and community safety is addressed. When victims report an off-campus sexual offense, college personnel will cooperate with law enforcement efforts in obtaining, securing, and maintaining evidence necessary in legal proceedings.

Complaints against nonfaculty employees will be reported to the Office of Human Resources for investigation and appropriate action. Complaints against faculty members will be reported to the faculty director of affirmative action for investigation and appropriate action.

If the complaint is against a person who is not a member of the college community, the victim can speak with SAVP and campus Security to discuss options, such as contacting law enforcement authorities or removing the individual from campus. If the person being accused is a guest of a student, faculty, or nonfaculty employee, the incident may also be addressed with the person who hosted the individual at the victim's discretion as per Part E: Section 28 of the *Vassar College Regulations*.

### *Retaliation Prohibited*

Retaliation against a person who reports or participates in an investigation of sexual assault, sexual exploitation, or stalking (*Vassar College Regulations*, Part E: Section 24) is strictly prohibited. Retaliation constitutes a violation of student conduct policy and may also violate state and federal laws.

### *Grievant/Victim Rights*

Grievants/victims of sexual offenses can be assured that all reports will be taken seriously and grievants/victims will be treated with dignity, respect, and in a nonjudgmental manner.

- a. All grievants/victims have the following rights:
  - 1) Right to be notified of available on- and off-campus victim resources, including medical assistance and mental health and counseling services.
  - 2) Right to be informed of their options to notify, and if necessary file a complaint with, proper law enforcement authorities, and the option to be assisted by campus security or other college officials in notifying such authorities, if the student so chooses. The student conduct process is not dependent on complaints filed elsewhere.
  - 3) Right to request immediate on-campus housing relocation, academic supports, or other steps to prevent unnecessary or unwanted contact or proximity to the accused person when reasonably available.

b. Grievants/victims who choose to proceed with the student conduct process as the complainant or as witness for the college also have the following rights:

- 1) Right to bring charges against the accused party, or the college can bring charges against the accused student. The college reserves the right to bring charges without the grievant/victim if community safety is of concern.
- 2) When the college brings the charges the grievant/victim has the right to serve as a witness for the college.
- 3) Right to select a support person to accompany them to the hearing and to any other relevant meetings held throughout the student conduct process.
- 4) Right to be present for the entire duration of the hearing, except for deliberations. The grievant/victim may participate in person, by telephone, or by other suitable means that would not require physical proximity to the accused student.
- 5) Right to not have prior sexual history admitted in a campus hearing.
- 6) Right to ask questions of the accused, or direct questions of the accused to the panel chair.
- 7) Right to provide a victim-impact statement during the final stages of the student conduct process. This is in addition to the description of the incident. The panel may consider both statements in the assignment of sanctions and/or during the panel hearing when such information is deemed pertinent in determining whether a violation of college regulations has occurred.
- 8) Should these rights not be afforded, a grievant/victim has the right to appeal the panel's decision in accordance with the student conduct system.

For rights of the accused please refer to *Vassar College Regulations*, Part J: Organization of Student Conduct System and Procedures, Section L: Student Conduct Rights.

#### *Definition of Terms*

The following definitions are applicable to Vassar College regulations governing sexual offenses. See Part G: Federal and State Regulations, Section IV, for a summary of New York State Penal Law Concerning Sexual Offenses.

- a. "Sexual contact" means any touching or kissing of sexual or other intimate parts. Sexual contact includes the touching of an individual by the victim, touching of the victim by an individual, or telling a victim to touch him or herself whether directly or through clothing.
- b. "Sexual intercourse" means any sexual contact between the penis and vagina, the penis and the anus, the penis and the vulva, the mouth and penis, the mouth and the vulva, or any intrusion, however slight, by any part of a person's body or any foreign object into the genital or anal opening of another.
- c. "Mentally or physically incapacitated" means that a person is rendered temporarily or permanently incapable of appraising or controlling his or her conduct due to, but not limited to, the following: persons who are intoxicated, passed out, asleep, threatened, coerced, unconscious, or physically unable to communicate unwillingness to act for any reason. A person who is rendered temporarily or permanently incapable of making decisions for any reason, or is otherwise unable to give clear consent, is considered incapacitated. This may be caused by, but is not limited to, administration or use of alcohol or other drugs.
- d. "Forcible compulsion or coercion" means to compel or force one to act based on pressure, threats, intimidation, or the use of physical force, either expressed or implied, that places a person in fear of immediate death, physical injury to himself, herself, or another person; places a person in fear that he, she, or another person will immediately be kidnapped; or places a person in

fear of personal, emotional, social, economic, or academic harm.

e. Foreign object means any instrument or article used or attempted to be used in a sexual manner or on an intimate part of the body.

f. Voyeurism is a practice in which an individual derives sexual pleasure from observing other people

g. Peeping Tommerly is the practice of observing individuals without consent, which may or may not be sexual in nature.

h. "Consent" is defined as a verbal agreement and positive physical cooperation in the course of sexual contact or sexual intercourse, so long as both parties are acting freely and voluntarily. Consent can be withdrawn by any party at any time. A previous sexual relationship, and/or a current relationship with a partner may not, in themselves, be taken to imply consent. Use of alcohol or drugs shall not diminish one's responsibility to obtain consent, and does not excuse conduct that constitutes sexual assault under this policy.

i. "Lack of Consent" exists if any of the following conditions exist:

- 1) A party either verbally or physically expresses his/her intention not to engage in sexual contact and/or intercourse

- 2) Any party is unable to provide consent due to physical or mental incapacitation as defined in this section

- 3) At any time during sexual contact or intercourse there is any confusion and ambiguity regarding consent

- 4) Sexual contact or intercourse is initiated through forcible compulsion or coercion, as defined in this section, or when any party is mentally or physically incapacitated

- 5) Any party is under the age of seventeen (17)

- 6) Any party is mentally disabled

- 7) Any party under the care of any college department is charged with the care and wellbeing of said party

- 8) Any other condition where a reasonable person should know that a party has refused or is incapable of giving consent to engage in any form of sexual contact

21.01 Sexual Misconduct. Behavior on the part of a member of the college community that constitutes sexual assault is a violation of college regulations and will not be tolerated. Sexual misconduct for the purposes of this policy is the commission of an unwanted sexual act involving intentional non-consensual sexual contact with another person or sexual intercourse without consent occurring through forcible compulsion or coercion. Sexual misconduct occurs when a person knows or should reasonably know that consent is unable to be obtained. The college recognizes that anyone can be a victim or perpetrator regardless of gender or gender identification. Sexual misconduct can occur with both opposite sex and same sex participants.

21.02 Sexual Exploitation. Behavior on the part of a member of the college community that constitutes sexual exploitation is a violation of college regulations and will not be tolerated. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own gain or benefit; or for the gain or benefit of anyone other than the one being exploited. This behavior must not otherwise constitute a violation of sexual misconduct or sexual harassment. Examples of sexual exploitation may include, but are not limited to, prostituting another person, non-consensual video or audio-taping of sexual activity, unauthorized presentation of such recordings, allowing others to observe a personal act of consensual sex, without knowledge or consent of the partner, engaging in peeping-tommerly, voyeurism, and knowingly transmitting an STD or HIV to another student.

**SECTION 22: Skateboards, Rollerskates, Rollerblades, Scooters, and Longboards**

22 .01 The use of skateboards on campus is not permitted. The use of rollerskates, rollerblades, scooters, and longboards by members of the college community is permitted. The use of rollerskates, rollerblades, scooters, and longboards is prohibited inside any college building and on all ramps, patios, stairs, and areas around building entrances.

**SECTION 23: Smoking**

23 .01 Smoking is forbidden in all buildings on campus and within fifty feet of all building entrances. Additionally, smoking is forbidden on the College Center Circle and Patio. The minimum sanction for anyone found in violation of this regulation is: first offense, a warning; second and subsequent offenses, a \$25.00 fine per incident.

**SECTION 24: Stalking**

24.01 Behavior on the part of a member of the college community that constitutes stalking is a violation of college regulations and will not be tolerated. Stalking occurs when a person engages in a course of conduct directed toward another person and knows or should reasonably know that such conduct is likely to alarm, harass, or cause reasonable fear of harm or injury in that person, or in a third party. The feared harm of injury may be to physical, emotional or mental health, personal safety, property, education, or employment. Stalking may include, but is not limited to, unwanted visual or physical proximity to a person, repeatedly conveying oral or written threats, extorting money or valuables, implicitly threatening physical conduct, or any combination of these behaviors directed at or toward a person. All incidents of stalking will be taken seriously. When the stalker is anonymous, the college will investigate as thoroughly as possible using all available resources. Students who think they are being stalked are encouraged to access the resources of SAVP and are entitled to the same victim's rights as outlined in Section 21. The following are some examples of stalking type behavior:

- a. Unwelcome communication, including, but not limited to: face-to-face, telephone, voice message, electronic mail, written letter, and/or contact; unwelcome gifts or flowers, etc.
- b. Threatening or obscene gestures
- c. Surveillance
- d. Trespassing
- e. Vandalism
- f. "Peeping-tommy" (as defined in Section 21)
- g. Voyeurism (as defined in Section 21)
- h. Unwelcome touching or physical contact
- i. Gaining unauthorized access to personal, medical, financial and/or other identifying information, including, but not limited to: access by computer network, mail, telephone or written communication

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

**SECTION 25: Theft**

25.01 Participation in the theft (attempted or actual theft) of property or services on the college campus is prohibited.

25.02 The possession and/or use of goods that are known to be illegally procured are prohibited.

#### SECTION 26: **Unauthorized Entry/Exit/Occupancy**

26.01 Unauthorized entry or use of Vassar premises is a violation of college regulations.

26.02 Unauthorized entry or presence after a building is closed is a violation of college regulations.

26.03 Failure to vacate a rooms and residence halls by the posted closing time at all vacation periods, including the end of the academic year is a violation of college regulations. Students on leave of absence and students who have withdrawn must leave campus within 48 hours of the effective date of the leave or withdrawal.

#### SECTION 27: **Vandalism**

27.01 Reckless or intentional damage to college or the personal property of others is a violation of the college regulations.

#### SECTION 28: **Visitation/Guest**

All guests, licensees, and visitors are subject to the *Vassar College Regulations*. When an individual or group invites guests not directly connected with the college, the individual or group assumes responsibility for their awareness of these regulations, and may also be held responsible for the behavior of their guests.

28.01 The host must register the guest properly to obtain a guest pass. Guest passes may be obtained at each residence hall or at the Residential Operations Center and. Hosts are responsible for providing their guests with these passes and for informing their guests of the college regulations.

28.02 Each Vassar student is limited to sponsoring no more than three (3) guests on campus at any one time.

28.03 Any student on leave of absence from the college is considered a guest during the period of the leave. Students who have completed requirements for graduation in January, and who are not registered for courses are considered to be guests when they visit on campus prior to graduation weekend.

28.04 All employees of Vassar College are to obtain a guest pass prior to entering a residential facility during off-duty hours or for non-work related reasons, except for events open to the public. Each employee must provide proper ID and must be accompanied by his or her host while in the residential facilities. Any employee of Vassar College who is in violation of this policy, or refuses to show the guest pass when requested, may be subject to disciplinary action.

28.05 All guests must carry valid guest passes at all times. A guest pass must be shown at the request of any member of the college community.

28.06 Guests are subject to all college regulations.

28.07 The college reserves the right to withdraw hospitality from any guest who violates any college regulation, abuses guest privileges, or who disturbs the Vassar College community.

28.08 A guest may not remain in a residence hall for *more than* three consecutive nights without prior authorization. Extended guest passes may be obtained through the Office of Residential Life.

28.09 No student may entertain as a guest on college-owned property anyone who has been suspended, expelled, or otherwise excluded from the campus by prior college action.

28.10 When college is in session, Matthew's Mug is open to students and their guests. A valid Vassar identification card is required for entry. The Mug will serve alcoholic beverages only to those individuals who are twenty-one years of age or older. Students may bring up to three guests to Matthew's Mug at a given time, and these guests must have proper passes.

**SECTION 29: Weapons**

In accordance with New York State Penal Law Article 265, it is a crime in New York State to knowingly possess a rifle, shotgun, air gun (including BB guns), spring gun, or other firearm when in the buildings or on the grounds of any school, college, or university, even if the owner has a valid New York State firearm permit. It is also a crime to possess nunchacku (or karate sticks), daggers, switchblades, locking butterfly knives, stun guns, and any other instrument prohibited under New York State Penal Law. This law applies to weapons carried about the person, stored on campus, or stored within any parked vehicle on college property.

29.01 Possession of weapons is prohibited. Weapons may include but are not limited to, firearms, explosives, unauthorized dangerous chemicals, ammunition, knives, fireworks, paintball guns, and air guns (including BB guns). Permission to sponsor off-campus events where prohibited items may be used must be obtained from the director of campus activities.

29.02 The use of any object as a weapon is prohibited.

29.03 Weapon props and facsimiles: New York State laws require that at no time can real firearms that are functional be used as props. Vassar students who intend to use as props a facsimile of a weapon for their project or event must get written permission to do so from their instructor or the director of campus activities, as appropriate. Students must also inform Vassar College Security in writing beforehand of the time and place these props will be used. Notification must be made at least 48 hours before the event. If using these props off campus, written permission from the instructor or the director of campus activities is required. The student must also inform the police department in the proper jurisdiction in writing of the location and time of the event.

For on- and off-campus use, students must obtain a grip stand and display a 'PROP WEAPONS IN USE' card. The grip stand and card must be positioned at the location so that any arriving persons, police or fire department personnel can clearly see it. The person responsible for the prop weapon must only give the prop weapon to the actor for the shot and take it back immediately. Under no circumstances is an actor to leave a set with a prop weapon on his or her person. Prop weapons must be stored in secured locations designated by the Drama and Film Department or the Campus Activities Office. Failure to abide by this policy is a violation of college regulations.

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## Part F. Computer Regulations

The purpose of the computing and networking facilities at Vassar is to support and enhance the program of teaching, learning, and scholarship which is the mission of the college. Computing is also an important communications medium of the college community. Therefore, using college-owned facilities establishes a contract to use them legally, ethically, in accordance with their educational purposes, and with civil regard for other members of the campus community.

In general, use of Vassar's computer systems and network facilities is subject to the same regulations and sanctions as any other campus activity. Users should be aware that laws which apply in society also apply in the computer world. College regulations regarding harassment and privacy, for example, and state or federal laws with regard to libel or copyright of the written word, computer software, graphic image, or audio sounds are applicable to the electronic community. For example, harassment via computer may be treated the same as harassment through any other medium; plagiarism of computer documents may be handled like any other instance of plagiarism, and so on.

College-owned computing facilities, including the campus network and Internet connection, whether accessed locally or remotely, as well as central services such as file storage on campus servers, electronic mail, and web accounts, may not be used for commercial purposes (e.g., selling goods and/or services, consulting, or contract programming). Users should not waste resources or mistreat equipment or systems. They should not interfere in any way with the normal storage, processing, and flow of information on the campus systems. Furthermore, all users share the responsibility to protect the Vassar facilities from unauthorized use, and to report suspected infringements by contacting the Office of Security.

### I. Privacy

Computer programs and electronic files belong to their owner. They are private, confidential, and protected by copyright; only the owner can explicitly give permission for another user to access them. Individual usernames and passwords belong solely to the owner of the account. To protect college resources for all users, usernames and passwords must not be shared with anybody for any reason; passwords must be changed when requested by the Office of Computing and Information Systems (CIS) for security purposes. College regulations concerning the privacy of files and programs apply when Vassar computer users access campus resources from public or personal computers on campus, when they access campus resources from a remote site, and when they access other systems at remote sites or on other campuses.

Vassar College values the privacy of individual users and will respect that privacy whenever possible. By its very nature, electronically stored and transmitted information is vulnerable to interception, so users should always take precautions to protect sensitive files. While the college reserves the right to access files and transmissions on college-owned equipment, it will not normally invoke this right without the consent of the user. If access without the consent of the user is necessary, it will take place only with the approval of the appropriate senior officer and with notification to the president, except when the college is legally required or constrained to act otherwise.

### II. Disclaimer

Vassar is an educational community committed to academic excellence and civil regard for others. The website and network services including, but not limited

to, electronic mail and file servers are intended to promote exploration and creativity. Vassar College is not responsible for material found, posted, sent, or published from personal computer accounts, personal file servers, or on personal web pages. Authors of personal home pages are solely responsible for content, and are expected to abide by college regulations. Any comments and concerns should be directed to the author. Vassar College reserves the right when warranted, however, to access files and documents stored on college-owned equipment.

### **III. Responsible Use of Information Technology**

The purpose of the information technology resources at Vassar is to support and enhance the college's program of teaching, learning, and scholarship. Such resources include, but are not limited to, computers, telecommunications equipment, data and voice networks (whether accessed locally or remotely), audiovisual equipment, and technology support staff. These information technology resources and facilities also provide important support for communication and administration. Computing and Information Services strives to support the mission of the college by providing resources and facilities that are as extensive, effective, reliable, and as secure as possible. This goal can be met only if members of the campus community use these shared resources in a manner that is legal, ethical, and respectful of others.

Use of Vassar's information technology resources is subject to the same regulations as any other campus resources, facilities, or activities. Users should be aware that laws that apply to the larger society, such as those governing intellectual property and harassment, also apply in the electronic community. Information technology resources may not be used for purposes that are inconsistent with the educational mission of the college. Users must not knowingly engage in activities that interfere with the normal operation of the information technology resources.

# Part G. Federal and State Regulations

## I. Political Activity and College Facilities

From time to time students and faculty, either individually or in organized groups, engage in political activities which might be interpreted as being for the purpose of influencing legislation or as participating in political campaigns on behalf of candidates for public office. It is vitally important that Vassar College as an institution, as distinguished from its students, faculty, and staff, not be involved in any of these activities. It is especially important from the standpoint of protecting its tax-exempt status that the college not provide financial support to political activities either through money, services, facilities (including computing facilities such as electronic mail servers and the college's Internet connection), or otherwise.

The procedures described below do not apply to the normal activities of either individuals or organized groups (such as various student clubs) which either are part of the normal educational process or are a traditional part of extracurricular nonpolitical activities.

Under federal law, a tax-exempt educational institution such as Vassar College is subject to strict restrictions against providing services or facilities to activities carried on for the purpose of influencing legislation. The limitations are especially severe when the activities are on behalf of any candidate for public office. These limitations are contained in Section 501(c)(3) of the Internal Revenue Code, 18 USCA Sec. 610, and the Federal Election Campaign Act of 1971, Public Law No. 92-22 5.

At present, it seems clear that if an individual or organization is engaged in influencing legislation or participating in a political campaign on behalf of a candidate for public office and pays for whatever use they make of Vassar's services or facilities, no violation of the federal statutes will be involved. In general, it is preferable to avoid use of college facilities and services for political activities. However, it is recognized that in the case of telephones and duplicating services, it may be more convenient to work something out with the college for use of such facilities than to make other arrangements. This has been done and may continue to be done so long as the college is reimbursed for the cost of such use.

The comptroller will assign an account number to each individual or organization using college facilities and services, to which account charges will be made. This account number will be assigned in the case of any organized group as soon as it provides satisfactory evidence of its financial responsibility and the names of the individuals who are authorized to approve charges to the account for payment if the organization fails to meet its financial obligations to the college. Except in unusual circumstances, no more than two such individuals should be authorized to approve for any organized group. In the case of an individual who is an employee of the college, an account number may be assigned simply on receipt of assurance from the individual that he or she will be personally responsible for payment of the charges.

**A. Supplies, Duplicating Services:** Supplies, duplicating services, special set-ups, etc., ordered from the college, may be charged to an individual or to an organization's account number with the approval of a duly authorized representative of that organization.

**B. Postal Service:** Each politically active organization may use the U.S. postal facilities in the contract substation on the campus for outgoing mail. Use of intracampus, unstamped mail, however, is not permitted, nor is the use of Vassar College departmental post office boxes.

There is no requirement that any individual organization use college services

or facilities. Anyone is wholly free to arrange with local suppliers for services and in fact is encouraged to do so, because extraordinary or prolonged use of facilities, particularly by nonmembers of the college community, even with reimbursement, might jeopardize the college.

## II. Federal and New York State Laws Regarding Drug and Alcohol Violations

(in compliance with the Federal Drug-Free Workplace Act of 1988 [the “Drug-Free Workplace Act”] and the Drug-Free Schools and Communities Act Amendments of 1989 [the “Drug-Free Schools Act”])

Both federal and New York State law make it a criminal offense to manufacture, distribute, dispense, or possess with intent to manufacture, distribute, dispense, or simply possess a controlled substance, including marijuana. **21 U.S.C. § 801, et. seq.; New York State Penal Law, §§§ 330.**

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

### Types of Drugs

*Schedule I:* Heroin, LSD, Mescaline, Psilocybin, other Hallucinogens, PCP, Quaaludes, marijuana, china white, mushrooms, ecstasy, GHB, and MDA.

*Schedule II:* Morphine, Methadone, Oxycontin, Demerol, Codeine, precedent, Fentanyl, Dilaudid, Seconal, Nembutal, Cocaine, Crack, Amphetamines, and other opium and opium extracts and narcotics.

*Schedule III:* Certain barbiturates, such as amobarbital, and codeine containing medicines, such as Fiorinal #3, Doriden, and codeine-based cough suppressants, and all anabolic steroids

*Schedule IV:* Barbiturates, narcotics, and other stimulants including Valium, Talwin, Librium, Euqanil, Darvon, Darvocet, Placidyl, Tranzene, Serax, Ionamin (yellow jackets)

*Schedule V:* Compounds that contain very limited amounts of codeine, dihydrocodeine, ethylmorphine, opium, and atromine (Robitussin AC)

*Schedule VI:* Marijuana, THC, Hashish, Hash Oil, Tetrahydrocannabinol

## Violations and Penalties

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

**New York State Vehicle Traffic Law § 1192** - Driving While Ability Impaired (BAC .05-.07): up to a \$300 - \$500 fine for 1st offense, up to 15 days in prison, 90-day license suspension; 2nd offense: \$500 - \$750 fine, up to 30 days in prison, minimum 6 month license revocation; 3rd offense (misdemeanor) \$750 - \$1,500 fine, up to 180 days in prison, minimum 6 month license revocation. Driving While Intoxicated (BAC .08 or more): up to a \$500 - \$1,000 fine for first offense, up to 1 year in prison, minimum 6 month license revocation. Felony Driving While Intoxicated (Second DWI conviction within 10 years): up to a \$1,000 - \$5,000 fine for second offense, up to 4 years in prison, minimum 1 year license revocation; 3rd offense: \$2,000 - \$10,000 fine, Class D Felony, up to 7 years in prison, minimum 1 year license revocation.

**New York State Penal Law §260.20(2)** - Furnishing Alcohol to persons under age 21; any visibly intoxicated person; or to any habitually intoxicated person known as such to the person authorized to dispense any alcoholic beverages: up to a \$500 fine, up to 6 months in prison.

**New York State Penal Law, §260.21(3)** - Selling tobacco products to any person under the age of eighteen is a class B misdemeanor and punishable by imprisonment of up to three months.

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

## III. Copyright and Fair Use

**A. Fair Use:** It is the policy of the college to comply with the Copyright Law of the United States of America, as found in Title 17 of the United States Code, guiding itself by the Fair Use provisions, sometimes referred to as the Four Factors. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered shall include:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes
2. The nature of the copyrighted work
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole
4. The effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

The college is also committed to assisting members of the Vassar community in interpreting legal requirements in order to assure the widest possible legal access to knowledge in keeping with Vassar's mission: the advancement of learning through instruction in the liberal arts, free intellectual inquiry, and independent research.

**B. Digital Millennium Copyright Act (DMCA):** The 1998 Digital Millennium Copyright Act (DMCA) seeks to reform United States Copyright Laws in order to deal appropriately with issues created by the emergence of digital media. This law, along with other federal laws and Vassar College policy, prohibit the distribution of copyrighted materials without the permission of the owner. The sharing of copyrighted materials through electronic means (i.e., file-sharing programs such as KaZaA) is considered a violation of these regulations.

The DMCA requires that the college designate a copyright compliance officer to investigate alleged violations of copyright by members of the Vassar community. The copyright compliance officer at Vassar is the dean of the faculty, who will be notified by any party accusing a member of the Vassar College community of copyright infringement. Should the copyright compliance officer be notified of possible violation by a bona fide copyright holder, or their authorized representative, the following procedure will be executed: The copyright compliance officer (1) will determine whether the accused individual is in violation of copyright; (2) will order that the individual cease and desist in distributing the copyrighted material; and (3) will order that the copyrighted files be removed from the computer.

Vassar College is rigorous in its compliance with the DMCA, and suggests that members of the Vassar College community familiarize themselves with the law. Those who violate the law do so at their own risk, and face whatever civil or criminal action may be taken against them, as well as sanctions by the appropriate college body.

#### **IV. Summary of New York State Penal Law Concerning Sexual Offenses**

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

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

**B. Forcible Touching** (NYS § 130.52) occurs when a person intentionally, and for no legitimate purpose, forcibly touches the sexual or other intimate parts of another person for the purpose of degrading or abusing such person; or for the purpose of gratifying the actor's sexual desire. For the purposes of this policy, forcible touching includes squeezing, grabbing, or pinching. (NYS Class A Misdemeanor)

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

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

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

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

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

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

## V. Clery Act

The Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542) requires colleges to publish statistics on certain types of crimes that occur on college grounds and are reported to the Security Department or designated campus administration. Crimes confidentially reported to other college offices may not necessarily be reflected in these statistics. Further, the statistics for certain types of crimes, such as sexual offenses, may not be a true reflection of their occurrence due to underreporting. For campus crime statistics, consult the U.S. Department of Education's website (<http://ope.ed.gov/security/Search.asp>), the Vassar Security website (<http://security.vassar.edu/statistics.html>), or call the director of security at (845) 437-5201.

## Part H. Academic and Library Regulations for Students

Academic and library regulations are established by the faculty. Students who wish to discuss academic legislation should consult the appropriate dean. Violations of these regulations may be, according to their nature, addressed by an individual member of the faculty, the deans, the librarians, or the Academic Panel, composed of three members of the faculty and three students, and chaired by the dean of studies. Violations of the regulations concerning the integrity of academic work are handled by the Academic Panel. Violations of all other academic and library regulations are handled individually by members of the faculty, librarians, and deans.

### I. The Matriculation Pledge

Each student, in signing the matriculation pledge and in renewing that pledge each year with the registration card, voluntarily enters into a liberal agreement based on freedom and recognition of responsibility to this community. Under the *Governance of Vassar College*, the Vassar student is accorded freedom of inquiry, freedom of expression, and freedom of action. In return, each student accepts the responsibilities of consideration for others, regard for the reputation of the college, and knowledge of and adherence to the following academic and library regulations. In addition, each student must supplement this knowledge with familiarity with the *Vassar College Catalogue* and each semester's *Schedule of Classes*.

### II. Regulations Governing General Academic Conduct

#### A. Residency Requirements

1. Beginning of the Term: All students are required to be in residence by the times designated before convocation at the beginning of the academic year and again at the opening of the second semester. At the beginning of a semester, students who have failed to attend the first two scheduled meetings of a class without a reasonable excuse may be dropped from the class by the instructor upon notification to the registrar.

2. Attendance in Class and Meeting Deadlines: The educational plan of Vassar College depends upon the effective cooperation of students and teachers. The student bears full responsibility for class attendance, for completing work on schedule, and for making up work missed because of absence. Students who miss tests or other scheduled exercises during the semester may, at the discretion of the instructor, be permitted to make up such work at a later time. In cases of severe lack of attendance, the instructor, with the approval of the dean of studies, may refuse the student the opportunity to make up work or to take the final examination, or may exclude the student from the course.

Generally, in introductory and intermediate level courses, some form of written work shall be assigned and returned to students, and students will receive some indication of academic progress by the midpoint of the semester.

3. Study Periods: Students are expected, although not required, to be in residence during the study periods in December and May. In general, all papers, except for papers in lieu of examinations, are due no later than the last day of study period.

**B. Absence from College during Term Time**

Students are expected to be present in scheduled classes and otherwise to meet their academic appointments promptly. When a student misses academic appointments and work without an acceptable excuse, he or she does so on his/her own responsibility. Students who expect to be away from the college for an extended period of time are advised to notify the dean of studies, who will inform appropriate members of the faculty and administration of the student's absence. A student who must be absent for more than three weeks during the term may be obliged to withdraw from work that term. Arrangements in such cases must be made with the dean of studies, who will, in most cases, grant a personal leave of absence.

**C. Absence from Commencement Exercises**

Seniors are expected to attend commencement exercises. However, if attendance is not possible, a senior may apply, in writing, to the dean of studies for permission to be absent.

**D. Examinations**

By faculty legislation, the instructor in each class will announce within the first week of the semester what the requirements of the course will be and whether there will be a written final examination. In general, all courses at Vassar must be "examined" by some sort of written work. This "examination" must consist of the written work during the term or a final exercise. There are four types of final exercise:

1. Regularly Scheduled Examination: Departments request that certain courses be included in the schedule prepared by the registrar. The examinations are assigned to one of 14 periods during the examination period. Once a course has been assigned to a period, it may not be changed without the express permission of the registrar or dean of studies. Grades are due in the registrar's office no later than 48 hours after the examination.

2. Self-scheduled Examination: May be taken by the student during any examination period (9:00am-11:00am or 1:00pm-3:00pm) during the study period and the first three days of examination. Specific classrooms are designated by the registrar for this purpose. As in a regular examination, the self-scheduled examination must be completed in one sitting; a student fails the examination if this is not done. Grades are due no later than 48 hours after the fourth day of the examination period.

3. Take-home Examination: May be assigned any time after the last day of classes. It should be recognized as a final examination, not a term paper. It should be due during the examination period at some time prior to the end of the third day and should not be a research paper.

4. Paper in Lieu of Examination: This exercise should not be confused with the final of a series of papers in a course. It is, rather, a paper assigned during the last week of classes and due prior to the end of the third day of a five-day examination period which actually replaces a final examination. Thus, the assignment should require approximately the same time in preparation and execution as an examination.

Students may not be given final examinations apart from the regularly scheduled and self-scheduled examination system, except by permission of the dean of studies. A student having three or more regularly scheduled final examinations occurring in three consecutive examination periods may request that the Dean of Studies Office arrange to reschedule one of them.

Only the Dean of Studies Office can certify and excuse a student's absence from a final examination. If a student is ill, he or she must report to the Health Service. A student who is absent from a final examination for urgent reasons must

submit an explanation to the dean of studies or the dean of freshmen as soon as possible after the examination unless the student has already been reported as ill. A student whose absence is not excused receives an F in the examination. The grade for the course as a whole is determined by the instructor. A student who comes late to an examination while it is still in session may be allowed, at the discretion of the instructor, to take the examination.

If a student's absence from an examination is excused, the student may take the examination at any time suitable to the instructor and the student or as stipulated by the Dean of Studies Office. A student taking either a self-scheduled or a scheduled examination after the regular examination period will be given a new examination. Seniors who fail a course examination at the end of the second semester may be permitted by the department to take a reexamination before commencement, if they fail only one course. If they fail two examinations, they must wait until September to take the reexaminations except in unusual circumstances with the approval of the department concerned and the dean of studies.

Any student with specific questions regarding examinations should consult the dean of studies.

#### **E. Deadlines for Delivery of Papers**

It is expected that written work will be handed in at class time or personally delivered to the instructor unless the instructor has permitted alternative arrangements. Academic work should not be sent through the unstamped mail. It is the student's responsibility to complete this delivery. It is strongly suggested that students retain copies of their papers.

#### **F. Incompletes and Extensions**

Students are expected to meet their academic obligations in accordance with the schedule specified by the instructor and by the college. When students are unable to complete their academic work for reasons of health or serious emergency, grades of *Incomplete* may be granted. Grades of *Incomplete* are granted only by the Office of the Dean of Studies. (Refer to the *Vassar College Catalogue* for further information.)

If a student requires a slight adjustment in due dates for written work at the end of the term because of an unusually demanding schedule of obligations and if this will delay the reporting of the student's grade, the Office of the Dean of Studies may, with the agreement of the instructor, grant the instructor a short-term extension to allow the student's work and the instructor's course grade to be submitted after the scheduled date.

#### **G. Special Academic Permission**

Requests for special academic permission are submitted to the Committee on Leaves and Privileges, which consists of the dean of studies and four members of the faculty. As the year progresses, specific deadlines for exchanges, leaves, Junior Year Abroad permissions, and other special considerations will be announced and posted. When a student is in doubt about academic regulations, he or she should ask the Dean of Studies Office for accurate information.

### **III. Definitions of Academic Standards**

#### **A. Academic Standing**

Standing in college and the requirements for graduation are determined by a dual standard of quantity and quality. The quality of the work is measured by the quality points and the grade average; the quantity, by the units completed. The semester and cumulative grade averages are based on the ratio of the number of quality points received to the number of units of letter-graded work elected. Each

unit with a mark of A counts 4 quality points; A-, 3.7; B +, 3.3; B, 3.0; B-, 2.7; C +, 2.3; C, 2.0; C-, 1.7; D +, 1.3; D, 1.0; F, 0.

### **B. Grades**

The evaluation and grading of a student's work is solely the responsibility of the instructor. "Evaluation of work" is explained in detail in the *Vassar College Catalogue*. According to faculty legislation, instructors may not report course grades to students in advance of the official report from the registrar. No mark may be changed after it has been reported in the Registrar's Office unless authorized by the dean of studies. The dean will authorize changes only in cases of errors in computation or transcription.

### **C. Deficiencies and Continuance in College**

The status of students whose academic records are unsatisfactory is reviewed periodically during the year by the Committee on Student Records with the advice of each instructor, the Health Service, and others who may give pertinent information. Students may be placed on probation, required to change their majors, advised to withdraw, advised to take a leave, required to take a leave, or required to withdraw from the college.

### **D. Academic Probation**

Students who fail to maintain the required academic standards are placed on academic probation by the Committee on Student Records. Students on probation may expect academic reports to be made to the Dean of Studies Office during the semester of their probation. A student is placed on probation at the end of any semester if the grade average is deficient (below 2.0), if the student has received an F or two Ds or two D+'s, or if the grade average in the major is deficient. The student will remain on probation until he or she reaches standard grade.

### **E. Recommended Leave or Withdrawal**

Students who are advised in May or January to withdraw, but who choose to return are permitted to do so but warned that they are placed on January or May review. They may be required to withdraw or take a leave at the end of the next semester after reconsideration by the Committee on Student Records.

### **F. Required Leave**

When the Committee on Student Records believes that a student is unable to continue work in the subsequent semester but does not wish to require him or her to withdraw, the committee may impose upon the student a required leave of absence. In this case, the student is permitted to return to the college at a stipulated time.

### **G. Required Withdrawal**

The withdrawal of any student for academic deficiencies is required after the most careful consideration of reports from instructors and other factors that bear on the quality of the student's work. The decision of the committee to terminate the college's relationship with the student is final except in cases where important new evidence is offered after the decision has been reached. In such cases, a student may ask the committee for reconsideration. The *Governance*, finally, provides for appeals to be made to the faculty members of the Academic Panel, with the senior member of the panel acting as chair and reporting recommendations on appeals to the dean of studies and the president for final decision.

### **H. The Academic Record**

A student's academic file is recognized in general as his or her own property. While students are encouraged to discuss their academic progress with parents or guardians and to share with them their record, the dean of studies, the dean's staff,

and the registrar do not disclose the contents of a student's file or of a student's academic record without the student's permission.

#### **IV. Integrity of Academic Work**

The Vassar degree should represent not only a high quality of intellectual achievement but also the performance of all work in the pursuit of that achievement in accordance with the highest standards of academic honesty and integrity. The basic principles inherent in such honesty and integrity are as follows:

1. Each student's work shall be the product of the student's own effort.
2. Each student shall give due and appropriate acknowledgment of the work of others when that work is incorporated into the writing of papers.
3. No student shall infringe upon the rights of others to have fair and equal access to library or other academic resources.
4. No student shall submit the same work to more than one instructor without prior approval of the instructors involved.

In accordance with these principles the following regulations have been set up concerning:

##### **A. Examinations and Hour Writtens**

In presenting themselves for examinations and hour writtens, students are expected to take into the examination room only pen and pencil, unless the instructor specifically prescribes additional material. No examination books are to be taken from the room. The back pages of the examination book are to be used for scratch work or trial answers. Pages should not be torn out or inserted. No student shall give or receive any assistance whatsoever in an examination of any kind or in a written quiz or hold any communication with another student. Students are expected to occupy alternate seats unless otherwise specified.

##### **B. Plagiarism**

Any form of plagiarism violates the integrity of the student's work. Students should consult *Originality and Attribution: A Guide for Student Writers*, which discusses these matters. In cases of doubt, students should ask instructors, and instructors are requested to be definite and explicit in explaining the proper procedure for the work involved. The following are, however, general rules which apply in all cases:

1. Quotations must be clearly marked and sources of information or of an idea or opinion not the student's own must be indicated clearly on all written work, including examinations. This applies to paraphrased ideas as well as direct quotations.
2. Unless otherwise directed, every student working in a laboratory is expected to make all necessary measurements, drawings, etc., independently, from his or her own observations of the material provided. All records, including numerical data for working out results, are to be used by the student independently and as initially recorded. Unless otherwise indicated, all laboratory materials are to be kept in the laboratory.
3. Collaboration in preparation of written work may take place only to the extent approved by the instructor. This applies to prepared examinations as well.

##### **C. Library Offenses**

The unauthorized removal, destruction, defacement of, or tampering with library material of any kind is an infringement of the rights of others and, for that reason, a violation of academic integrity. Failure to respond to overdue notices for recalled material and failure to return overdue reserve material are considered infringements on the rights of others. Abuses of this kind may be reviewed by the Academic Panel and subject to penalty, accordingly. (See Library Regulations.)

## **D. Forgeries**

The unauthorized use of the signature of another person is a significant violation of Vassar's community spirit and, in particular, of the trust that faculty and students have in one another. Forgeries, whenever they occur, reflect a breakdown of the academic process at Vassar College. Therefore, they are legitimately viewed as serious academic offenses which involve one innocent person in the illegal actions of another.

## **V. Academic Panel**

A student charged with a violation of the preceding regulations will be required to be examined by the Academic Panel.

### **A. Procedures**

1. The dean of studies, as chair of the Academic Panel, shall receive all reports of conduct subject to action by the Academic Panel. The faculty member making the complaint shall prepare a written statement of the charge and shall give the dean all relevant material.

2. The dean shall confer with the student and inform him or her of the charge, of the time and place of the panel meeting, and of the procedures followed by the panel. The student may request to be accompanied by a member of the college community of his or her choosing.

3. The members of the panel shall be notified in advance concerning the identity of the student involved, and any panel member who feels incapable of giving the case unprejudiced consideration shall excuse himself/herself.

4. At the beginning of the hearing, the chair shall read the written charge to the defendant and the panel. The defendant shall plead guilty or not guilty and shall have the opportunity to make a statement and to explain any mitigating circumstances.

5. The Academic Panel shall have an opportunity to question both the defendant and the faculty member who made the allegation, after which the panel shall determine by majority vote whether it considers the defendant guilty, and if so, what penalty to impose. The chair shall not vote on the matter of innocence or guilt. The chair shall not vote on penalties except in the case of a tie.

### **B. Penalties**

When a student is found guilty of cheating, plagiarizing, or any other breach of academic integrity, a notation is placed on the student's internal record (for dean's use only). In addition, the Academic Panel may impose any of the following penalties that it considers appropriate:

1. Invalidation of the piece of work. The panel may, at its discretion, recommend that the instructor permit the invalidated piece of work to be redone.

2. Loss of all credit for the course (no record to appear on transcript).

3. A grade of F for the course, with the approval of the instructor.

4. A recommendation to the president that the student be suspended from Vassar College for a specified period of time (current instructors to be notified of the suspension and asked not to permit the student to attend class).

5. A recommendation to the president of expulsion from Vassar College.

6. Also, when appropriate, the panel may require that the student work with the Learning and Teaching Center or other relevant resources of the college.

### **C. Further Recommendations**

When the Academic Panel determines that the circumstances warrant it (e.g., when the student is guilty through ignorance), it may recommend to the president that, if no further violations have occurred by the time of graduation, the internal record of the violation be expunged.

## VI. Library Regulations

General library privileges are fully described on the Vassar College library home page (<http://library.vassar.edu>). Following is a summary of regulations and penalties for infringement of these regulations.

### A. The following are not permitted in the library:

1. Food (except in Matthew's Bean)
2. Beverages not in covered, nonspill containers
3. The use of sports equipment of any kind

### B. Fines for Overdue Library Materials

1. Circulating books, browsing books, scores, floppy disks, government documents and Main Library audio cassettes and CDs: Failure to return these materials four weeks after the original due date results in suspension of a student's library borrowing privileges, except for the borrowing of reserve materials. In addition, the student is sent a bill, which includes replacement costs and processing and billing fees for each overdue item. Borrowing privileges are restored upon return of the material or payment of the bill or upon the transfer of the charges to the student's college bill. Replacement and processing fees, but not the billing fee, are dropped upon return of the overdue item if it has not been reordered.

2. Music Library circulating sound recordings: Failure to return these materials by the due date results in fines of \$.20 a day per item. No fines will be charged by the Music Library if the materials are returned within three (3) days after the due date. After this three day grace period, fines will be computed from the due date. If a circulating sound recording is not returned within four weeks, the student is sent a bill as for other overdue items. Replacement and processing fees, but not the billing fee, are dropped upon return of the item if it has not been reordered.

3. Music Library Reference CDs and video recordings: Failure to return these materials by the due date results in fines of \$1.00 a day per item. If these materials are not returned within 10 days, the student is sent a bill as for other overdue items. Replacement and processing fees, but not the billing fee, are dropped upon return of the overdue item if it has not been reordered.

4. Main Library Reserve: The majority of items on reserve circulate for three hours; however the student may check his/her record from the online library catalog to verify the exact time any item is due. The fine for three-hour material is \$.50 for the first hour and \$1.00 per hour thereafter until the material is returned. There are a very small number of items that circulate for three-day or two-week seminar loans. Fines for three-day and seminar loans are \$5.00 per day. Three-day and seminar material must be returned and checked in at the Reserve Desk before midnight or closing (whichever is earlier) on the date due.

5. Main Library videos (DVD, laserdisc, and VHS): Laserdiscs, DVDs and VHS films are shelved in the Reserve Room and circulate from the Reserve Desk. Video material not on reserve for any course circulates for only one day. This material must be checked in at the Reserve Desk before closing or midnight (whichever is earlier) on the date due. The fine for overdue nonreserve video materials is \$5.00 per day. Students will be billed for replacement if the material is damaged or not returned within fifteen days. The replacement bill will include replacement costs, processing, billing, and late fees. Replacement and processing fees, but not the billing fee, are dropped upon return of the item if it has not been reordered.

6. Art Library and Music Library Reserves: Art Library Reserve fines are \$1.00 per hour per item, except during exam week, when the fine is \$5.00 per hour per item. Music Library Reserve fines are \$1.00 per hour per item.

7. Recalls: If materials, including those on Senior Loan, are recalled and are not returned by the new due date, the borrower is fined \$1.00 per day per item.

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**C. Blocking and Billing for Outstanding Fines**

1. Blocking: The automated system will block a reader from taking out library materials if 50 or more fines are outstanding. A student must come in to speak with the circulation supervisor during daytime business hours to pay the fines before the patron record will be cleared.

2. Billing: After two weeks, any unpaid fines are transferred to a student's college bill and a \$1.50 billing fee is added to the bill. Unpaid replacement fees are also transferred to a student's college bill.

**D. Fines for Lost or Damaged Library Materials**

1. Lost material: If library material is lost, the student under whose name it is checked out is responsible for paying the cost of the item plus a processing fee. The processing fee varies by material type from \$10-25.

2. Damaged materials: All library materials are assumed to be in good condition when borrowed unless poor condition is reported at that time. Borrowers will be held responsible for any damage to library materials while these materials are in their possession, and may be subject to charges for replacement computed on the basis used for lost library materials.

**E. Interlibrary Loan Fines**

Late fees, charges for damages, or replacement costs for materials borrowed through the Interlibrary Loan service are at the discretion of the lending library. Replacement charges for materials borrowed through Connect NY are set at \$100 per item.

**F. Fair and Equal Access to Library Resources**

Depriving other students of fair and equal access to library resources by abusing library privileges may be considered academic dishonesty. Included are such actions as unauthorized removal of library materials; destruction of, tampering with, or defacement of library materials; abuse of student faculty assistant library privileges; failure to return a reserve item when it is due; or failure to return an item that has been recalled. Abuses of this kind may be reviewed by the Academic Panel and subject to penalty, accordingly.

# Part J. Organization of Student Conduct System and Procedures

Vassar endeavors to address cases of alleged student misconduct in a fair, educational, reflective, and timely manner, and is committed to treating all students with equal care, concern, fairness, and dignity. The interpretation and enforcement of the regulations of the college are responsibilities shared among several administrative offices and constituent committees in the college. The offices, committees, and processes discussed in this section (with the exception of the nondiscrimination and nonharassment regulations involving members of the faculty, administration, or staff) are those responsible for regulations governing student conduct.

## I. Definition of Terms

For the purpose of the *Vassar College Regulations* the following definitions shall apply:

1. The term “college” means Vassar College.
2. The term “student” includes all persons taking courses at the college. Each student shall be responsible for his or her conduct from time of enrollment through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. College regulations shall apply to a student’s conduct even if the student withdraws from the college while a disciplinary matter is pending.
3. The term “faculty member” means any person hired by the college to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of its faculty.
4. The term “administrator” means any person hired by the college to conduct official college business or activities, or who is otherwise considered by the college to be a member of its administration.
5. The term “staff” means any person hired by the college who is a member of a unit party to a collective bargaining agreement with the college, or who is otherwise considered by the college to be a member of its staff.
6. The term “member of the college community” includes any person who is a current student, faculty member, administrator, or staff member of Vassar College. The appropriate senior officer shall determine a person’s status in a particular situation.
7. The term “business day” ordinarily refers to a weekday (Monday through Friday) during those weeks in which the college is in session and/or doing normal business.
8. The term “Vassar College premises” includes all land, buildings, facilities, and other property in the possession of, owned, used, or controlled by Vassar College.
9. The term “complainant” or “grievant” means any person who submits a charge alleging that a student violated the college regulations.
10. The term “respondent” means any student accused of violating the college regulations.
11. The term “grievant” means any person who submits a complaint under Vassar’s nondiscrimination and nonharassment policy.
12. The term “victim” means any person who is harmed, killed, or suffers as a result of an accidental or intentional act or situation. The victim may experience

varied degrees of suffering, loss, and/or deprivation to individual wellbeing and/or rights he/she is rightfully entitled to, e.g., physical, psychological, emotional, financial, social, educational, medical, and others. There are three categories of victims:

a. Primary (those directly involved in the critical event, e.g., the injured, assaulted, etc.)

b. Secondary (those who are in some way observers of the immediate traumatic effects on primary victims, e.g., eyewitnesses, responders, etc.)

c. Tertiary (those removed from the critical event but who are impacted through encountering a primary or secondary victim, e.g., community members, former victims, etc.)

*Please Note: For the purposes of this policy, rights and any pursuit of student conduct charges are only afforded to "primary victims."*

13. The term "student conduct administrator" means a college official authorized by the dean of students to determine whether a student has violated the rules and regulations of the college, and to identify and impose sanctions upon a student found to have violated the college regulations.

14. The term "College Regulations Panel" means the group of individuals authorized by the college to determine whether a student has violated the rules and regulations of the college and to recommend sanctions.

15. The term "Grievance Hearing Panel" means the group of individuals authorized by the college to determine whether a faculty member, administrator, or staff member has violated Vassar's nondiscrimination and nonharassment policy, and to recommend sanctions that may be imposed when a violation has been committed.

16. The term "College Regulations Appeal Committee" means persons authorized by the dean of the college to consider an appeal from the College Regulations Panel.

17. The term "shall" is used in the imperative sense.

18. The term "may" is used in the permissive sense.

19. The term "policy" means the written regulations of the college as found in, but not limited to, the *Governance of Vassar College*, the *Faculty Handbook*, the *Administrative Handbook*, the *Vassar College Regulations*, the *Student Handbook*, or as published on the Vassar College website (<http://www.vassar.edu>).

## II. The Student Conduct System

### A. The Dean of the College

The dean of the college is the senior officer presiding over the student conduct system. The dean of the college, or his or her designee, has the following responsibilities:

1. Oversee the policies and procedural rules for the administration of the student conduct system, the College Regulations Panel, and the College Regulations Appeal Committee.

2. Hear alleged student violations of college regulations that occur when the College Regulations Panel is not in session, and alleged violations that create emergency situations. In such cases, the ruling of the dean of the college or designee establishes whether the student is responsible for violating the regulations, and determines the appropriate sanction or intervention.

3. Take summary action when a student poses an ongoing threat to, disruption of, or interference with the normal operations of the college, or to ensure a student's own physical or emotional safety and wellbeing, or the safety and wellbeing of members of the college community. Such actions may include, but are not restricted to, removing a student from the residence system, moving a student from one residence to another residence, removing a student from an academic class, or banning a student from campus. Such actions do not

replace the regular student conduct process.

4. Receive appeals of decisions of the College Regulations Panel, and convene the College Regulations Appeal Committee.

### **B. The Committee on College Life**

The Committee on College Life is a student/faculty/administrative committee established by the president which has as one of its responsibilities the review of college regulations and recommendation of changes in them. The Committee on College Life is also empowered to establish emergency regulations for the college community to comply with local, state, and federal laws.

### **C. The Office of the Dean of Students**

The Office of the Dean of Students, reporting to the dean of the college, is responsible for the administration of the student conduct system. Within the student conduct system, there are a variety of individuals and offices that have responsibility for addressing alleged violations of the college regulations. The dean of students or his or her designee is responsible for:

1. Receiving formal complaints and incident reports for alleged student violations of college regulations
2. Depending on the violation, assigning an administrator to carry out a student conduct meeting with the accused student, or referring the matter to the College Regulations Panel
3. Implementing sanctions and monitoring completion of all sanction requirements
4. Maintaining the student disciplinary record database, and forwarding all permanent disciplinary files to the Dean of Studies Office

### **D. Student Conduct Meetings**

For violations that do not warrant hearing by the College Regulations Panel, a student will have a student conduct meeting with an administrator designated by the dean of students. In most cases, a student accused of violating college regulations will meet with a house advisor or with the assistant director of residential life. Upon receipt of an incident report or written complaint, the student conduct administrator will review the report and initiate the following procedures:

1. The student will be contacted by the designated student conduct administrator to discuss the alleged violation.
2. The student will be given an opportunity to respond.
3. The administrator will then determine if the complaint has merit or will be dismissed, whether the student is responsible or not responsible for violating the college regulations, whether sanctions and/or educational interventions will be imposed, and if so, which interventions or sanctions are appropriate.
4. The administrator will communicate all findings and decisions in writing to the student and to the dean of students.

### **E. Appeals of Student Conduct Meeting Decisions**

Students may request an appeal to the outcome of their student conduct meeting. Appeal request forms are available from the Office of Residential Life, and must be submitted within three (3) business days of receipt of the student conduct administrator's written decision. Appeals will be heard by the assistant director of residential life, the director of residential life, or by a chair of the College Regulations Panel, as assigned by the dean of students.

1. Grounds for Appeal: Appeals may be requested on the following grounds:
  - a. Alleged procedural error, which impaired the ability of the student to adequately present his or her case
  - b. Existence of new information or other relevant facts not brought out in

the original student conduct meeting, because such information or facts were not known

- c. Excessive penalty imposed by the student conduct administrator
  - d. Outcome of the case was not supported by the preponderance of the evidence
2. Possible Rulings: The individual hearing the appeal will make one of the following rulings in all cases:
- a. Uphold the administrator's finding, and also uphold the sanction imposed
  - b. Uphold the administrator's finding, but revise the sanction imposed
  - c. Overturn the administrator's finding, and dismiss the complaint
  - d. Remand the case to an alternate administrator for a new student conduct meeting. Decisions made by the administrator on appeal are final.

## **F. College Regulations Panel**

The College Regulations Panel is a student/faculty/administrative committee established by the president and composed of four elected students, two appointed faculty members, and one administrator who is appointed by the president and serves as chair. The College Regulations Panel is in session from the first day of classes each academic term until the last day of classes each academic term. Charges to be heard by the College Regulations Panel must be filed by the end of the next term in which both the complainant and the respondent are in residence or within 16 months from the alleged violation, whichever is the shorter period of time.

### 1. Responsibilities of the College Regulations Panel:

- a. Hear complaints of alleged violations of the college regulations. However, in cases of alleged minor infractions, alleged violations creating emergency situations, or alleged violations occurring when the College Regulations Panel is not in session, administrative action may be taken by the dean of the college, or his or her designee (See section II. A: The Dean of the College; Section II. C: Dean of Students).
- b. Hear appeals of administrative actions taken by the dean of the college. (The appropriate senior officer hears other administrative appeals.) Decisions made by the College Regulations Panel on appeal are final.

### 2. Procedures of the College Regulations Panel (detailed rules and procedures of the College Regulations Panel are available from the Office of the Dean of Students upon request):

- a. The chair oversees the College Regulations Panel hearing process and does not vote.
- b. At the discretion of the chair, the College Regulations Panel may accept pertinent records, exhibits, witness statements, and written statements as information for consideration. All procedural questions are subject to the final decision of the chair.
- c. The College Regulations Panel will determine by a two-thirds majority vote whether the student violated Vassar College regulations. Determination of responsibility will be based on misconduct evidence.
- d. If the student is found responsible for violating Vassar College regulations, the panel will recommend a sanction and/or educational intervention.

## **G. College Regulations Appeals Committee**

A decision reached or sanction imposed by the College Regulations Panel may be appealed to the College Regulations Appeals Committee within five (5) business days of the decision. Such appeals shall be in writing and shall be delivered to the Office of the Dean of the College, or sent by certified mail to the Dean of the College, Vassar College, Box 3, 124 Raymond Avenue, Poughkeepsie, NY

12604-0003.

The College Regulations Appeals Committee is a student/faculty/administrative committee established by the president and composed of two elected students, two appointed faculty members, and an administrator who serves as chair as a nonvoting member. Members of the College Regulations Appeal Committee are drawn from the College Regulations Panel pool. Appeal committee members cannot have served on the panel hearing the original charge.

1. Grounds for Appeal: The dean of the college, or his or her designee, will review the appeal for appropriateness, and will assemble the College Regulations Appeal Committee and assign a chair. An appeal to a College Regulations Panel must address why the petitioner believes his or her case merits review and must claim one or more of the allowable grounds for appeal. The allowable grounds for appeal are:

a. Both the grievant/victim and the respondent may appeal on the basis of alleged procedural errors, which impaired the ability of the student to present his or her case. A procedural error may include, but is not limited to, being denied rights afforded to the respondent or the grievant/victim under the student conduct system.

b. The respondent may appeal on the basis of new information, which may exonerate the accused, not available at the time of the original College Regulations Panel.

c. The respondent may appeal on the basis of excessive penalty imposed by the College Regulations Panel.

2. Procedures: Within seven (7) business days of receiving the petition for review, the College Regulations Appeal Committee will meet in closed session and consider the appeal. The committee will review the complete records of the College Regulations Panel including tapes made during the College Regulations Panel hearing. The committee may also seek testimony from those involved in the case including but not limited to the petitioner and the chair of the College Regulations Panel.

3. Possible Rulings: The College Regulations Appeal Committee will make one of the following decisions:

a. Uphold the panel's decision, and also uphold the sanction imposed

b. Uphold the panel's decision, but revise the sanction imposed

c. Overturn the panel's decision, and dismiss the complaint

d. Remand the case to an alternate College Regulations Panel for a new hearing.

4. Notification of the Decision: The College Regulations Appeal Committee will notify the petitioner of its decision in writing within three (3) business days of reaching a decision. The complainant will also be notified of the committee's decision. The decision of the College Regulations Appeal Committee shall be final.

## **H. Office of Equal Opportunity and Affirmative Action**

For policies and procedures related to charges of discrimination and/or harassment, including sexual harassment, refer to *Vassar College Regulations*, Part E, IV, Section 6: Discrimination and Harassment.

## **I. Academic Panel**

The responsibilities of the students and members of the faculty elected to the Academic Panel are described in *Vassar College Regulations*, Part H, Academic and Library Regulations for Students, particularly Section V.

## **J. VSA Judicial Board**

The VSA Judicial Board considers alleged violations of the constitution and bylaws of the VSA. The VSA adjudicates disputes arising from the enforcement

of the VSA constitution and bylaws. A copy of that document is available from the VSA. These bodies protect the rights and privileges of the members of the VSA, and any student may bring alleged violations to their attention. A list of the specific rights, privileges, and regulations can be found in the *Vassar College Regulations*, the *Constitution of the Vassar Student Association*, and the *Bylaws of the Vassar Student Association*.

## **K. Sanctions**

After determining that a violation has occurred, the College Regulations Panel or the student conduct administrator hearing the case shall recommend a sanction in accordance with factors such as the nature and seriousness of the offense, the motivation underlying the offense, the impact upon the campus community, precedent in similar cases, and/or the student's disciplinary record. In all cases in which a student is found guilty of violating a college regulation, the sanction(s) assessed for the offense will ordinarily go into immediate effect. Sanctions for violations of college regulations include but are not limited to:

1. **Educational Interventions:** These include, but are not limited to, a letter of apology, assignment of a reflective paper, attendance at an on- or off-campus course, or participation in a college-sponsored drug and alcohol workshop for violations of the college's drug and alcohol policy.

2. **Formal Warning/Censure:** A written or oral warning or censure is an official statement from the student conduct administrator or College Regulations Panel. This sanction officially advises the student of a violation of a college regulation and warns that further violations may result in more severe disciplinary action.

3. **Mandated Service:** A student found in violation of a college policy or college regulation may be required to perform a specific number of hours of mandated service to the campus community.

4. **Restitution:** Monetary restitution is applied to cover the cost of damage or loss of property or services.

5. **Loss of Privileges:** The withdrawal of one or more campus privileges, including but not limited to use of services, participation in a program, event, or activity for a specified period of time, or removal from an appointed position of authority.

6. **Ban:** A student who is banned will be prohibited from entering certain campus locations or other college-owned, operated, or leased facilities; initiating contact with certain individuals; or participating in a program, event or activity for a specified period of time.

7. **Probation:** A trial period during which the student must demonstrate conduct that conforms to college regulations and standards of community behavior. Probationary status will be automatically revoked and any pending penalties implemented, effective immediately, if the student is found guilty of violating a college regulation while on probation, unless the student conduct administrator or College Regulations Panel deems the subsequent violation as trivial or irrelevant to the offense for which the probation was granted. In severe cases or when the student has been involved in previous disciplinary action, the period of probation assigned may extend through graduation.

8. **Removal from Campus Housing:** Removal from campus housing may be permanent or temporary. A student barred from the residences may not enter any college student housing without written authorization from the dean of students or his/her designee.

9. **Deferred Suspension from the College:** Deferred suspension from the college is an official notice that continued enrollment at the college is conditioned upon adherence to college regulations and requirements established by the College Regulations Panel. The duration of the probationary period, and conditions imposed, shall be in proportion to the seriousness of the misconduct. During the probationary period, violations of college regulations or of the conditions of the deferred suspension will result in further action. This action may include, but

is not limited to, extension of the probationary period, the addition of other restrictions or conditions to the deferred suspension agreement, or suspension or expulsion from the college.

10. Suspension from the College: Suspension from the college is a temporary dismissal from the college for a specified period of time. All rights and privileges of student status are suspended during this time, including but not limited to the right to attend classes; use of library facilities or other facilities of the college; obtain credit for academic work; engage in any college programs or activities; hold any position on any college committee or student organization, whether appointive or elective; or be on college property without written authorization from the dean of students or his or her designee. Financial reimbursement is made according to the tuition refund schedule listed in the college catalogue.

11. Expulsion from the College: Expulsion is permanent dismissal from the college with termination of all rights and privileges. Expelled students are restricted from entering any part of campus or other college-owned, operated, or leased facilities. Financial reimbursement is made according to the tuition refund schedule listed in the college catalogue.

### **L. Student Conduct Rights**

These rights are guaranteed equally under the college's systems of student conduct:

1. To be presumed innocent until found responsible for having violated a college regulation.

2. To have a College Regulations Panel hearing or student conduct meeting conducted in private. The college will endeavor to keep all details of the hearing confidential including names of the accused student, the complainant, and witnesses.

3. To have hearing or other student conduct procedures followed unless both parties agree to depart from them, or unless the college deems it necessary to accommodate concerns of personal safety or wellbeing of the parties involved.

4. To be accompanied by a support person from the Vassar College community offering moral support during hearings before the College Regulations Panel.

5. To object to the inclusion of any member of the College Regulations Panel.

6. To be informed of charges filed in a timely manner, typically within three (3) business days, before meeting with a student conduct administrator or before a hearing by the College Regulations Panel.

7. To be granted access to all relevant documents and written statements to be presented as evidence at least 24 hours in advance of a College Regulations Panel hearing.

8. To be informed of a panel or administrative decision in writing in a timely manner, typically within three (3) business days.

9. To appeal a finding by the College Regulations Panel to the College Regulations Appeal Committee, or appeal a student conduct administrator decision to the Office of the Dean of Students for the reasons outlined in Section II:E and Section II:G.

10. To seek redress in other, non-college adjudication venues.

Retaliation or retribution of any kind taken against an individual as a result of that person filing charges in good faith, cooperating in student conduct hearing proceedings, or participating in a College Regulations Panel is strictly prohibited. Any attempt to retaliate against an individual for bringing a charge under Vassar College regulations may in itself be a violation of college regulations. A charge filed that is malicious and groundless may be treated as a violation of college regulations.

**NOTE: A STUDENT MAY NOT BE REPRESENTED BY LEGAL COUNSEL**

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## DURING ANY INTERNAL STUDENT CONDUCT PROCEEDING.

### **M. Grievant/Victim Rights**

Grievant/victim's rights apply to the following types of cases: assault, sexual offenses, stalking, endangerment, harassment, bias incidents/hate crimes, disruptive conduct, and hazing.

1. All victims have the right to:
  - a. Be notified of available on- and off-campus victim resources, including medical assistance and mental health and counseling services.
  - b. Be informed of their options to notify and file a complaint with proper law enforcement authorities, and the option to be assisted by campus security or other college officials in notifying such authorities, if the student so chooses. The student conduct process is not dependent on complaints filed elsewhere.
  - c. Request immediate on-campus housing relocation, academic supports, or other steps to prevent unnecessary or unwanted contact or proximity to an accused student when reasonably available.
  
2. Grievants/victims who choose to proceed with college student conduct processes as the complainant or as the witness for the college also have the following rights:
  - a. Right to bring charges against the accused party or the college can bring charges against the accused student. The college reserves the right to bring charges without the victim if community safety is of concern.
  - b. When the college brings the charges, the grievant/victim has the right to serve as a witness for the college.
  - c. Right to select a support person to accompany them to the hearing, and to any other relevant meetings held throughout the student conduct process.
  - d. Right to be present for the entire duration of the hearing, or portions thereof, except for deliberations. The grievant/victim may participate in person, by telephone, or by other suitable means that would not require physical proximity to the student accused.
  - e. Right to not have prior sexual history admitted in a campus hearing.
  - f. Right to ask questions of the accused, or direct questions of the accused to the panel chair.
  - g. Right to provide a victim-impact statement during the final stages of the student conduct process. This is in addition to the description of the incident. The panel may consider both statements in the assignment of sanctions, and/or during the panel hearing when such information is deemed pertinent in determining whether a violation of Vassar College regulations has occurred.
  - h. The victim has the right to be notified of the outcome of the College Regulations Panel hearing and/or appeal.
  - i. Should these rights not be afforded, the grievant/victim has the right to appeal the panel's decision in accordance with the student conduct system.

### **N. Retention and Reporting of Disciplinary Records**

When a student is found guilty of a breach of academic integrity by the Academic Panel, or receives a penalty equal to or exceeding deferred suspension from the College Regulations Panel, the college will maintain a permanent, internal, and confidential record of the offense committed and the penalties subsequently imposed by the adjudicating panel. When presented with a signed release by the disciplined person, the dean of studies will write a narrative disclosing this information to third parties designated by the person. Nothing contained in

this paragraph shall restrict the college from disclosure of educational records pertaining to disciplinary incidents where such disclosure is otherwise permissible under the Family Educational Rights and Privacy Act.

**O. Interpretation and Revision**

1. Any question of interpretation or application of the *Vassar College Regulations* shall be referred to the dean of the college or his or her designee for final determination.

2. The *Vassar College Regulations* shall be reviewed at least every three (3) years under the direction of the dean of the college.